

# INTERNATIONAL LABOUR CONFERENCE

ONE HUNDRED AND SEVENTH SESSION  
GENEVA, 2018

## RECORD OF PROCEEDINGS

INTERNATIONAL LABOUR OFFICE  
GENEVA

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**Proposed suspension of provisions of the Standing Orders of the International Labour Conference and other proposed decisions regarding formalities to be taken at the opening sitting**

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## Introduction

1. At each of its sessions for many years, the Conference has had to suspend certain provisions of its Standing Orders to be able to implement the format of discussions and other arrangements proposed by the Governing Body to improve the functioning of the Conference. At the last three sessions of the Conference, the proposed suspensions were set out in a *Provisional Record* published before the opening of the Conference. This document contains the suspensions proposed for the 107th Session of the Conference.
2. Moreover, at its 332nd Session (March 2018), the Governing Body discussed proposals to concentrate the approval of all formalities necessary to set the Conference in motion during the opening sitting of the Conference, including some of the formalities carried out by the Selection Committee, such as the setting of the closing date for the registration of speakers in plenary, suggestions to facilitate the work of the Conference and its committees, or invitations to international non-governmental organizations to participate in committees. In view of the support received for those proposals, this document sets out the decisions that the Conference is invited to take in this regard at its opening sitting.<sup>1</sup>

## Proposed suspension of various provisions of the Standing Orders of the International Labour Conference

### Report of the Director-General

3. In order for the Director-General to continue presenting a thematic Report to each session of the Conference, including in non-budgetary years when the Director-General is required to report on programme implementation, it is necessary to suspend article 12(2) of the Standing Orders to the extent necessary to permit the thematic Report to be submitted along with the Programme implementation report, under article 12.

### World of Work Summit

4. For the ILO World of Work Summit, to the extent necessary to enable statements of Heads of State and Government, Prime Ministers and Vice-Presidents, and interactive panel-style sessions, it is proposed to suspend:
  - (a) the limitation concerning the number of statements by each member State in plenary and, to that extent, article 12, paragraph 3;
  - (b) the provisions regarding time limits of speeches and, to that extent, article 14, paragraph 6;
  - (c) the sequence in which the speakers are given the floor, in order to facilitate an exchange of views and, to that extent, the provisions of article 14, paragraph 2; and
  - (d) the rules on moving the closure of the discussion provided in article 16.

<sup>1</sup> GB. 332/INS/PV, para. 295; [GB.332/INS/12](#), paras 12–16; [GB.332/WP/GBC/2](#).

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## Records of the Conference

5. As regards the records of the Conference, it is proposed to continue suspending several provisions of article 23, namely:
  - (a) paragraph 1, to the extent necessary, to permit the publication of the *Provisional Records* containing the speeches made during the plenary discussion of the reports of the Chairperson of the Governing Body and of the Director-General only after the Conference; and
  - (b) paragraph 3, with respect to the deadline for receiving proposed corrections to the *Provisional Records*, to permit that all records – those published during the session as well as those published afterwards – be reviewed together within the same time period following the Conference.

## Resolutions Committee

6. Following agreement at the 319th Session of the Governing Body (October 2013) not to reactivate the Resolutions Committee, the provisions of the Standing Orders concerning the referral to the Resolutions Committee of resolutions relating to matters not included in an item placed on the agenda would have to be suspended, as has been done since 2006 in non-budgetary years when such resolutions were receivable. It is accordingly proposed to suspend the provisions of paragraphs 3, 4 and 10 of article 17 of the Standing Orders.

## Time limits for filing objections and complaints with the Credentials Committee

7. To enable the Committee to examine all objections and complaints in time, it is proposed to reduce the time limit for lodging objections from 72 to 48 hours from the opening of the Conference (and from 48 to 24 hours from the publication of a *Revised list of delegations*) (with the possibility for the Committee to make exceptions) and to reduce the time limit for complaints from seven to five days. In addition to suspending article 26bis(1)(a) and article 26ter(3)(a) to the extent that they provide for the current, longer time limits, this also requires adopting amended provisions to replace them, which provide for the new, shorter, time limits. For the duration of the 107th Session of the Conference only, the relevant provisions would thus read as follows (proposed changes appear in bold):

### ARTICLE 26BIS

#### *Objections*

1. An objection in pursuance of article 5, paragraph 2(a), shall not be receivable in the following cases:

- (a) if the objection is not lodged with the Secretary-General within **48** hours from 10 a.m. of the first day of the Conference, the date of publication in the *Provisional Record* of the official list of delegations, on the basis of the presence of a person's name or functions on this list, or its absence. If the objection is based on a revised list, the time limit shall be reduced to **24** hours;

...

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## ARTICLE 26TER

### *Complaints*

...

3. A complaint shall be receivable if:

- (a) it is lodged with the Secretary-General of the Conference before 10 a.m. on the **fifth** day following the opening of the Conference or, thereafter, in the case of a complaint referred to in paragraph 2, it is lodged within 48 hours of the alleged act or omission preventing attendance of the delegate or adviser concerned, and if the Committee considers that there is sufficient time to deal with it properly; and

...

### **Appointment of Government representatives in committees**

8. It is proposed to test at this session of the Conference a simplified system of government representation in all committees to which section H of the Standing Orders applies, whereby governments would no longer have to communicate to the secretariat of the Conference the name of their representatives in the committee, but only the name of the country registered as regular or deputy Government member of the committee. Once registered as a member of a committee, a government would be validly represented by any of its delegates or advisers accredited to the Conference. It is therefore proposed that the Conference suspend article 56(2) of the Standing Orders.<sup>2</sup>

### **Adoption of committee reports**

9. Since 2014, technical committees have delegated to their officers the authority to approve their reports to avoid the holding of an additional committee sitting to adopt the reports before their submission to the plenary. This does not in itself require the suspension of any Standing Orders. However, with respect to standard-setting committees, whose reports contain a proposed instrument or proposed conclusions, it would be necessary to suspend article 67 – which concerns the possibility for a standard-setting committee to consider amendments to the text of a proposed instrument submitted by its drafting committee – to avoid that the committee has to hold an additional sitting for the adoption of the report containing the proposed instrument. It is therefore proposed to suspend article 67.

### **Decisions concerning the programme of the Conference**

10. As mentioned in paragraph 2, it is proposed that the plenary adopt certain decisions regarding formalities, which include the adoption of the tentative plan of work of the Conference and its committees and the setting of the closing date for the registration of speakers in plenary, as set out in the second part of this *Provisional Record*. Under article 4, paragraph 2, of the Standing Orders, it is the duty of the Selection Committee to arrange the programme of the Conference and to fix the time and agenda for the plenary sittings. It is therefore proposed

<sup>2</sup> Information on registration in committees is available at: [http://www.ilo.org/ilc/ILCSessions/107/WCMS\\_625853/lang--en/index.htm](http://www.ilo.org/ilc/ILCSessions/107/WCMS_625853/lang--en/index.htm).

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to suspend article 4, paragraph 2, to the extent necessary to allow for such decisions to be taken directly in plenary at the opening sitting as proposed.

## **Other decisions and procedural formalities**

### **Discussion of the Reports of the Chairperson of the Governing Body and of the Director-General: Opening date for the discussion and closing date for the list of speakers**

11. It is proposed that the discussion of the Reports of the Chairperson of the Governing Body and of the Director-General will begin on Thursday, 31 May, at 10 a.m., and that the list of speakers will be closed on the same day at 6 p.m., under the usual conditions.

### **Tentative plan of work**

12. Appendix I sets the tentative plan of work for the 107th Session of the Conference, including the proposed timing of the record votes concerning the abrogation of six Conventions and the withdrawal of Recommendations as well as the amendments to the Code of the Maritime Labour Convention, 2006, as amended (MLC, 2006). It is proposed to schedule the votes on Tuesday, 5 June, in the morning after the examination of the report of the Selection Committee scheduled to take place on Monday, 4 June, in the morning. At the end of the discussion of the report of the Selection Committee, the President of the Conference will make the announcement of the holding of the votes in advance, including the fixed period during which the votes will be scheduled.
13. A draft plan of work for committees, which is not binding but would enable them, in organizing their work, to take maximum possible account of the overall needs and possibilities of the Conference, is also included in Appendix I and submitted for the Conference's consideration and endorsement, to allow committee chairpersons to fix the date and time of the sittings in accordance with article 60 of the Standing Orders.

### **Abrogation of Conventions Nos 21, 50, 64, 65, 86 and 104 and withdrawal of Recommendations Nos 7, 61 and 62**

14. The abrogation of Conventions Nos 21, 50, 64, 65, 86 and 104 and the withdrawal of Recommendations Nos 7, 61 and 62 is the seventh item on the agenda of this session of the Conference. In line with article 45bis(3) of the Standing Orders and past practice, it is proposed that the Conference refer this agenda item to the Selection Committee for discussion on the basis of Report VII(2). It is proposed to schedule the final record vote for Tuesday, 5 June, in the morning.

### **Approval of the amendments to the Code of the Maritime Labour Convention, 2006, as amended**

15. The approval of amendments to the Code of the Maritime Labour Convention, 2006, as amended (MLC, 2006), as adopted by the Special Tripartite Committee established under Article XIII of the Convention is the eighth item on the agenda of the Conference. The text of the amendments together with a commentary appear in *Provisional Record 1C*. In line

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with the practice followed at the 103rd Session (2014) and 105th Session (2016), where previous amendments to the MLC, 2006, were approved by the Conference, it is proposed that the amendments be noted by the Selection Committee before they are referred to the plenary and submitted for the record vote, which it is proposed to schedule on Tuesday, 5 June, at the same time as the record vote on the proposed abrogation or withdrawal of nine international labour standards.

### **Confirmation of the *Rules for Regional Meetings***

16. At its 332nd Session (March 2018), the Governing Body, based on the recommendations of the Working Party on the Functioning of the Governing Body and the International Labour Conference, approved a number of amendments to the *Rules for Regional Meetings*<sup>3</sup> and decided to submit the revised *Rules for Regional Meetings* to the Conference for confirmation at this Session of the Conference, in accordance with article 38, paragraph 2, of the Constitution. These Rules, as amended, appear in *Provisional Record* 1B. The Governing Body has proposed that the Conference, rather than constituting a Standing Orders Committee, refer the revised Rules to the Selection Committee for its consideration with a view to their confirmation by the Conference.<sup>4</sup>

### **Suggestions to facilitate the work of the Conference**

17. It is proposed that the Conference confirm the following principles established in previous years by the Selection Committee:

#### **(a) Quorum**

- (i) The quorum will be fixed provisionally, on the basis of the credentials received, in the brief report of the Chairperson of the Governing Body on the day before the opening of the Conference; the said report is published as a *Provisional Record*. This provisional quorum will remain unchanged until the Credentials Committee determines the quorum on the basis of registrations, it being understood that, if an important vote were to take place in the initial stages of the Conference (once the Credentials Committee has been appointed), the Conference might request the Credentials Committee to determine the quorum in an urgent report.
- (ii) Thereafter, the quorum will be adjusted, under the authority of the Credentials Committee, so as to take into account new registrations and notices of departure from delegates leaving the Conference.
- (iii) Delegates should register personally, immediately on arrival, as the quorum is calculated on the basis of the number of delegates registered.
- (iv) Acceptance of appointment as a delegate implies an obligation to be available in Geneva personally, or through an adviser authorized to act as a substitute for the work of the Conference until its end, as important votes often take place on the last day.
- (v) Delegates who are nevertheless obliged to leave the Conference before it finishes should give notice of their forthcoming departure to the secretariat of the Conference.

<sup>3</sup> [GB.332/WP/GBC/4](#); [GB.332/INS/12](#).

<sup>4</sup> [GB.332/WP/GBC/2](#), para. 20; [GB.332/INS/12](#).

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The form utilized <sup>5</sup> to indicate their date of departure also enables them to authorize an adviser to act and to vote in their place. At group meetings held during the second half of the Conference, the attention of members of the groups will be drawn to the importance of completing and handing in this form.

- (vi) In addition, one Government delegate of a country may report the departure of the other Government delegate, and the secretaries of the Employers' and Workers' groups may also give notice of the final departure of members of their groups, who have not authorized advisers to act in their place.
- (vii) When the record votes are taken, in principle on 5 June 2018, while committees are sitting, delegates are both entitled and expected to leave committees to vote unless they are replaced by a substitute in plenary. Announcements are made in the committees to ensure that all delegates are aware that record votes are taking place. Appropriate arrangements will be made for delegates attending committee meetings in the ILO building.

### **(b) Punctuality**

Committee chairpersons are strongly encouraged to start proceedings punctually, irrespective of the number of persons present, but on condition that votes will not be taken unless a quorum is clearly present. This is particularly important in view of the two-week format of the Conference.

### **(c) Negotiations**

In order to facilitate more continuous negotiation in committees among delegates, representatives of each group should meet with the chairperson and reporter of the committee and with the representative of the Secretary-General, whenever this is desirable, to ensure that the leaders of each group know fully the minds of the delegates in the other groups. The function of these informal meetings is to afford opportunities for a fuller understanding of differences of view before definite positions have crystallized.

## **Participation in Conference committees by Members having lost the right to vote**

18. At its 239th Session (February–March 1988), the Governing Body considered the implications of the appointment, as regular members of Conference committees, of representatives of a member State which had lost the right to vote under article 13, paragraph 4, of the Constitution of the ILO. It noted that, while the appointment of Employer and Worker representatives from such a State had no practical implications, because the Employers' and Workers' groups operated an effective system under article 56, paragraph 5(b), of the Conference Standing Orders for ensuring that deputy members of a committee voted in the place of regular members deprived of the right to vote, the same was not true of the Government group. As a result, if a government that has lost the right to vote is appointed as a regular member of a committee, the distribution of votes between the three groups is distorted because the weighting of votes is based on the full regular membership and in practice the Government regular members of committees who are unable to vote do

<sup>5</sup> Available at: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meeting\\_document/wcms\\_371633.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meeting_document/wcms_371633.pdf).

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not make use of the possibility afforded by article 56, paragraph 5(a), of appointing a deputy member to vote in their place.

19. The Governing Body accordingly recommended that, in order to avoid such distortions, members of the Government group should not apply for regular membership of committees if they were not at the time in question entitled to vote. Should this practice, which has been maintained at all sessions of the Conference since 1987, for any reason not be fully respected, the weighting coefficients in committees should be calculated on the basis of the number of Government members entitled to vote.
20. The Conference is invited to confirm that the calculation of weighting coefficients for votes in committees should be based on the number of regular Government members entitled to vote.

### **Requests for representation in Conference committees submitted by non-governmental international organizations**

21. In accordance with article 2, paragraph 3(j), of the Standing Orders of the Conference, the Governing Body has invited certain international non-governmental organizations to be represented at the present session of the Conference, it being understood that it would be for the Conference to consider their requests to be present at the committees dealing with items on the agenda in which they have expressed a particular interest.
22. In accordance with article 56, paragraph 9, of the Standing Orders, the Conference may wish to invite the organizations listed in Appendix II to be represented in the committees stated.

### **Electronic voting system**

23. A description of the electronic voting system, to be used in principle for all votes in plenary sittings in accordance with article 19, paragraph 15, of the Standing Orders, is attached in Appendix III.

# Appendix I

## Tentative plan of work – 107th Session of the International Labour Conference and 333rd Session of the Governing Body of the ILO

	Mon 28		Tue 29		Wed 30		Thu 31		Fri 1		Sat 2		Mon 4		Tue 5		Wed 6		Thu 7		Fri 8		Sat 9			
	am	pm	am	pm	am	pm	am	pm	am	pm	am	pm	am	pm	am	pm	am	pm	am	pm	am	pm	am	pm		
<b>Plenary sittings of the Conference</b>																										
<b>Opening sitting</b>	X																									
<b>Speeches on the DG and GB Chair reports</b>							X	X	X	X			X	X	X	X	X	X								
<i>Information Session Global Commission</i>					X																					
<i>Special sitting: High-level visit</i>									X																	
<i>World Day against Child Labour</i>												X														
<b>World of Work Summit</b> (panel and high-level visits)																				X	X					
<b>Adoption of Reports</b>																										
<i>Selection Committee</i>													X													
<i>Finance Committee</i>															X											
<i>Credentials Committee</i>																						X				
<i>Application of Standards</i>																							X			
<i>Standard setting Committee</i>																						X				
<i>Recurrent discussion</i>																					X					
<i>General discussion</i>																						X				
<b>Votes</b>																										
<i>Abrogation/withdrawal of instruments</i>																X										
<i>Amendment Maritime Labour Convention</i>															X											
<b>Closing ceremony</b>																								X		
<b>Committees of the Conference</b>																										
<b>Selection Committee</b>		✓																								
<b>Finance Committee</b>									✓																	
<b>Credentials Committee</b>																										
<b>Application of Standards</b>	✓	✓	✓																						FS	
<b>Standard setting Committee *</b>	✓	✓	SA	DA	SA/DA	DA	SA/DA	DA	SA/DA	DA	SA/DA	DA	DA	DA	FS											
<b>Recurrent discussion Committee</b>	✓	✓	✓	✓	✓	✓	✓	✓					SA	DA	DA	DA	FS									
<b>General discussion Committee</b>	✓	✓	✓	✓	✓	✓	✓	✓					SA	DA	DA	DA	FS									
<b>Governing Body - 332bis and 333rd Sessions</b>																										
<b>PFA Section</b>		X																								
<b>INS Section</b>																									X	X

\* Ongoing drafting committee meets as required

General discussion

SA Submission of amendments

DA Discussion of amendments

FS Final sitting

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## Appendix II

### Requests for representation in Conference committees submitted by non-governmental international organizations

#### *Committee on the Application of Standards*

African Organization of Mines, Metal, Energy, Chemical and Allied Trade Unions

Anti-Slavery International

Asociación Latinoamericana de Abogados Laboralistas

Building and Wood Workers' International

Caritas Internationalis

Clean Clothes Campaign

Confederación de Trabajadores y Trabajadoras de las Universidades de las Américas

Confederación Latinoamericana y del Caribe de Trabajadores Estatales

Education International

European Centre for Workers' Questions

European Confederation of Independent Trade Unions

European Trade Union Confederation

General Confederation of Trade Unions

IndustriALL Global Union

International Association of Mutual Benefit Societies

International Catholic Migration Commission

International Centre for Trade Union Rights

International Christian Union of Business Executives

International Energy and Mines Organization

International Secretariat for Catholic Engineers, Agronomists and Industry Officials

International Transport Workers' Federation

International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations

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Southern Africa Trade Union Coordination Council  
Trade Union Advisory Committee to the OECD  
Unión Latinoamericana de Trabajadores de Organismos de Control  
Union of International Associations  
World Alliance of Young Men's Christian Associations  
World Assembly of Youth  
World Federation of Teachers' Unions  
World Medical Association  
World Movement of Christian Workers  
World Organization of Workers  
Zonta International

***General Discussion Committee:  
Effective ILO development cooperation***

African Commission of Health and Human Rights Promoters  
African Organization of Mines, Metal, Energy, Chemical and Allied Trade Unions  
Anti-Slavery International  
Asociación Latinoamericana de Abogados Laboralistas  
Association of Volunteers for International Service  
Building and Wood Workers' International  
Caritas Internationalis  
Clean Clothes Campaign  
Confederación de Trabajadores y Trabajadoras de las Universidades de las Américas  
Confederación Latinoamericana y del Caribe de Trabajadores Estatales  
Education International  
European Centre for Workers' Questions  
European Trade Union Confederation  
Fairtrade International  
General Confederation of Trade Unions  
Human Rights Watch

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IndustriALL Global Union

International Association for Educational and Vocational Guidance

International Association of Free Thought

International Association of Labour inspection

International Association of Mutual Benefit Societies

International Catholic Migration Commission

International Christian Union of Business Executives

International Confederation of Arab Trade Unions

International Confederation of Executive Staff

International Coordination of Young Christian Workers

International Council of Nurses

International Federation Terre des Hommes

International Movement of Catholic Agricultural and Rural Youth

International Secretariat for Catholic Engineers, Agronomists and Industry Officials

International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations

International Young Christian Workers

Latin American Union of Municipal Workers

Migrant Forum in Asia

Organización de Entidades Mutuales de las Américas

Public Services International

SOLIDAR

Soroptimist International

Southern Africa Trade Union Coordination Council

Trade Union Advisory Committee to the OECD

UNI Global Union

Union africaine de la mutualité

Unión Internacional de Sindicatos de Pensionistas y Jubilados

Union Latinoamericana de Trabajadores de Organismos de Control

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Union of International Associations  
Women in Informal Employment: Globalizing and Organizing  
World Alliance of Young Men's Christian Associations  
World Assembly of Youth  
World Employment Confederation  
World Federation of Teachers' Unions  
World Medical Association  
World Movement of Christian Workers  
World Organization of Workers  
World Union of Professions  
Zonta International

***Standard-setting Committee: Violence  
and harassment in the world of work***

African Commission of Health and Human Rights Promoters  
African Organization of Mines, Metal, Energy, Chemical and Allied Trade Unions  
Asociacion Latinoamericana de Abogados Laboralistas  
Building and Wood Workers' International  
CARE International  
Caritas Internationalis  
Clean Clothes Campaign  
Confederación de Trabajadores y Trabajadoras de las Universidades de las Américas  
Confederación Latinoamericana y del Caribe de Trabajadores Estatales  
Education International  
European Centre for Workers' Questions  
European Trade Union Confederation  
Exchange and Cooperation Centre for Latin America  
Fairtrade International  
Global Alliance Against Traffic in Women  
Human Rights Watch

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IndustriALL Global Union

International Association of Free Thought

International Association of Labour inspection

International Catholic Migration Commission

International Christian Union of Business Executives

International Commission on Occupational Health

International Confederation of Arab Trade Unions

International Confederation of Executive Staff

International Coordination of Young Christian Workers

International Council of Nurses

International Domestic Workers Federation

International Energy and Mines Organization

International Federation of Business and Professional Women

International Federation of Journalists

International Federation of Women in Legal Careers

International Federation Terre des Hommes

International Movement of Catholic Agricultural and Rural Youth

International Secretariat for Catholic Engineers, Agronomists and Industry Officials

International Transport Workers' Federation

International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations

International Young Christian Workers

Latin American Union of Municipal Workers

Make Mothers Matter

Organización de Entidades Mutuales de las Américas

Plan International

Public Services International

SOLIDAR

Soroptimist International

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Southern Africa Trade Union Coordination Council  
StreetNet International  
Trade Union Advisory Committee to the OECD  
Trade Union Confederation of Arab Maghreb Workers  
UNI Global Union  
Unión Internacional de Sindicatos de Pensionistas y Jubilados  
Unión Latinoamericana de Trabajadores de Organismos de Control  
Union of International Associations  
Women in Informal Employment: Globalizing and Organizing  
World Alliance of Young Men's Christian Associations  
World Assembly of Youth  
World Federation of Teachers' Unions  
World Medical Association  
World Movement of Christian Workers  
World Organization of Workers  
Zonta International

***Recurrent Discussion Committee: Social dialogue  
and tripartism***

African Commission of Health and Human Rights Promoters  
African Organization of Mines, Metal, Energy, Chemical and Allied Trade Unions  
Anti-Slavery International  
Asociación Latinoamericana de Abogados Laboralistas  
Building and Wood Workers' International  
Caritas Internationalis  
Clean Clothes Campaign  
Confederación de Trabajadores y Trabajadoras de las Universidades de las Américas  
Confederación Latinoamericana y del Caribe de Trabajadores Estatales  
Education International  
European Centre for Workers' Questions

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European Trade Union Confederation

Fairtrade International

General Confederation of Trade Unions

Global Alliance Against Traffic in Women

IndustriALL Global Union

International Association for Educational and Vocational Guidance

International Association of Free Thought

International Association of Labour inspection

International Association of Mutual Benefit Societies

International Catholic Migration Commission

International Christian Union of Business Executives

International Confederation of Executive Staff

International Coordination of Young Christian Workers

International Council of Nurses

International Federation of Business and Professional Women

International Federation Terre des Hommes

International Movement of Catholic Agricultural and Rural Youth

International Secretariat for Catholic Engineers, Agronomists and Industry Officials

International Transport Workers' Federation

International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations

International Young Christian Workers

Latin American Union of Municipal Workers

Migrant Forum in Asia

Organización de Entidades Mutuales de las Américas

Public Services International

SOLIDAR

Southern Africa Trade Union Coordination Council

Trade Union Advisory Committee to the OECD

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Trade Union Confederation of Arab Maghreb Workers

Trade Unions International of Workers of the Building, Wood and Building Materials Industries

UNI Global Union

Union africaine de la mutualité

Unión Internacional de Sindicatos de Pensionistas y Jubilados

Unión Latinoamericana de Trabajadores de Organismos de Control

Union of International Associations

Women in Informal Employment: Globalizing and Organizing

World Alliance of Young Men's Christian Associations

World Assembly of Youth

World Employment Confederation

World Federation of Teachers' Unions

World Movement of Christian Workers

World Organization of Workers

World Union of Professions

Zonta International

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## Appendix III

### The electronic voting system

The electronic system provides for votes (in most cases: yes, no, abstention) to be expressed by means of a “voting station” that will be made available to all delegates or persons empowered to vote on their behalf.

Where the electronic system is used outside the Assembly Hall, the President will announce the time at which the vote will be opened and closed. The results of such vote will be announced by the President and presented in the Assembly Hall at a time announced in advance.

Where the electronic system is used in the Assembly Hall, the subject and question to be voted on will be displayed and the President will announce the beginning of the vote. After the President has made sure that all delegates have been given sufficient opportunity to record their vote in one of the voting stations available to them, the President will announce the closure of the vote.

Where the method of vote is by show of hands, once all votes have been registered the final voting figures will be immediately displayed and subsequently published with the following indications: total number of votes in favour, total number of votes against, total number of abstentions and the quorum as well as the majority required.

Where a record vote is taken, once all votes have been registered the final voting figures will be immediately displayed with the following indications: total number of votes in favour, total number of votes against, total number of abstentions and the quorum as well as the majority required. These indications will subsequently be published together with a list of the delegates who have voted, showing how each has voted.

In the case of a secret ballot, once all votes have been registered, the final voting figures will be immediately displayed and subsequently published with the following indications: total number of votes in favour, total number of votes against, total number of abstentions and the quorum as well as the majority required. There will be absolutely no access possible to individual votes nor will there be any record of how each delegate has voted.

It is important that each delegate should already have decided whether he or she or another member of their delegation will exercise the right to vote in a given case. Where more than one vote is nevertheless cast on behalf of a delegate at two different moments, or from two different places, only the first vote will be recognized, whether made by a delegate, by a substitute delegate or by an adviser who has received a specific written authorization to that end. Such specific authorizations must reach the secretariat sufficiently before the opening of voting is announced, so as to be duly recorded.

# ***Record of Proceedings*** ***Compte rendu des travaux*** ***Actas***

# **2**



107th Session, Geneva, 2018

107<sup>e</sup> session, Genève, 2018

107.<sup>a</sup> reunión, Ginebra, 2018

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## **Composition of committees**

The lists of the composition of the committees of the Conference are appended.

Geneva, 29 May 2018

## **Composition des commissions**

Les listes complètes de la composition des commissions figurent en annexe.

Genève, 29 mai 2018

## **Composición de las comisiones**

Las listas completas de la composición de las comisiones figuran en anexo.

Ginebra, 29 de mayo de 2018

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Le présent document a été tiré à un nombre restreint d'exemplaires, afin de réduire autant que possible l'impact environnemental des activités de l'OIT et de contribuer à la neutralité climatique. Nous serions reconnaissants aux délégués et aux observateurs de bien vouloir se rendre aux réunions munis de leurs propres exemplaires afin de ne pas avoir à en demander d'autres. Nous rappelons que tous les documents de la CIT sont consultables sur Internet à l'adresse <http://www.ilo.org>.

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**Composition des commissions**  
**Composition of committees**  
**Composición de las comisiones**

(Note: Names of countries are given in French; los nombres de los países figuran en frances.)

**COMMISSION DE L'APPLICATION DES NORMES**  
**COMMITTEE ON THE APPLICATION OF STANDARDS**  
**COMISIÓN DE APLICACIÓN DE NORMAS**

*Membres gouvernementaux - Government members - Miembros gubernamentales*

AFRIQUE DU SUD	ALLEMAGNE	ARABIE SAOUDITE
ARGENTINE	AUSTRALIE	AUTRICHE
BAHREIN	BELARUS	BELGIQUE
BOLIVIE, ÉTAT PLURINATIONAL DE	BOTSWANA	BRÉSIL
BULGARIE	BURKINA FASO	CAMBODGE
CAMEROUN	CANADA	RÉPUBLIQUE CENTRAFRICAINE
CHILI	CHINE	CHYPRE
COLOMBIE	CONGO	RÉPUBLIQUE DE CORÉE
COSTA RICA	COTE D'IVOIRE	CROATIE
RÉPUBLIQUE DOMINICAINE	EGYPTE	EMIRATS ARABES UNIS
ESPAGNE	ESTONIE	ETATS-UNIS
FINLANDE	FRANCE	GABON
GEORGIE	GRECE	GUATEMALA
GUINEE	HONDURAS	HONGRIE
INDONESIE	REPUBLIQUE ISLAMIQUE D'IRAN	IRLANDE
ISLANDE	ISRAEL	ITALIE
JAMAÏQUE	JAPON	JORDANIE
KAZAKHSTAN	KENYA	KIRIBATI
KOWEIT	LAO PEOPLE'S DEMOCRATIC REPUBLIC	LESOTHO
LETTONIE	LIBAN	LIBERIA
LITUANIE	LUXEMBOURG	MALAISIE
MALAWI	MALI	MAURITANIE
MEXIQUE	RÉPUBLIQUE DE MOLDOVA	MOZAMBIQUE
MYANMAR	NAMIBIE	NEPAL
NORVEGE	OMAN	PAKISTAN
PAPOUASIE-NOUVELLE-GUINÉE	PARAGUAY	PAYS-BAS
PHILIPPINES	POLOGNE	PORTUGAL
QATAR	RÉPUBLIQUE DEMOCRATIQUE DU CONGO	ROYAUME-UNI
FÉDÉRATION DE RUSSIE	SÉNÉGAL	SERBIE
SINGAPOUR	SLOVAQUIE	SLOVENIE
SRI LANKA	SUEDE	SUISSE
SURINAME	REPUBLIQUE-UNIE DE TANZANIE	REPUBLIQUE TCHEQUE
TOGO	TRINITE-ET-TOBAGO	TUNISIE
TURKMENISTAN	TURQUIE	URUGUAY
VENEZUELA, REP. BOLIVARIENNE DU	ZIMBABWE	

*Membres gouv. adjoints - Govt. deputy members - Miembros gub.adjuntos*

ALGÉRIE  
ETHIOPIE  
PÉROU

BAHAMAS  
INDE  
SEYCHELLES

EQUATEUR  
NICARAGUA  
THAÏLANDE

*Membres employeurs - Employers' members - Miembros empleadores*

**Sr. ACEVEDO (Argentine)**

§: Sr. ETALA  
§: Sr. HULTON  
§: Sr. ALDAO ZAPIOLA  
§: Sr. WEIS

**M. ALI ABBAS (Tchad)**

§: M. MOSSEDE

**Mr ALMOHAMMADI (Arabie saoudite)**

§: Mr ALQAHTANI

**Mr AL-YOUSSEF (Oman)**

§: Mr AL SADI

**M. AYANGMA AMANG (Cameroun)**

§: M. FONDJO

**M. CAMARA (Guinée)**

§: M. SIDIBE

**Ms DRBALOVÁ (République tchèque)**

§: Ms ZBRANKOVÁ

**Mme KERAULT MBOUMBA (Gabon)**

§: M. TCHOUA

**Sr. LACASA ASO (Espagne)**

§: Sr. SCHWEINFURTH ENCISO

**Sr. MAILHOS (Uruguay)**

**Mr MDWABA (Afrique du Sud)**

§: Mr MOYANE

**Mr MEH (Slovénie)**

**Mr MUNTHALI (Malawi)**

**Mr OTAREDIAN (République islamique d'Iran)**

§: Ms TASDIGHI  
§: Mr RAJABI

**Mr ALHOSSAYAN (Koweït)**

**Mr AL-MEER (Qatar)**

§: Mr AL GHAFRANI

**Sr. ALVEAR (Chili)**

§: Sr. BOBIC  
§: Sr. HUMERES  
§: Sr. ARTHUR

**Mr ARUMUGAM (Malaisie)**

**Sr. BRAGA DE ANDRADE (Brésil)**

§: Sr. FURLAN  
§: Sra. TEIXEIRA DE SOUSA

**Sr. CARVAJAL BUSTAMANTE (Mexique)**

§: Sr. YLLANES MARTÍNEZ

**Ms HERZOG (Etats-Unis)**

§: Mr GERSON  
§: Mr MACKALL

**Mr KHARLAP (Bélarus)**

§: Mr TSIMAFEYEU

**M. LADOUYOU (Côte d'Ivoire)**

§: M. N'DRI  
§: M. DIALLO

**Mr MATTAR (Emirats arabes unis)**

§: Mr ALNUAIMI

**M. MEGATELI (Algérie)**

§: Mme HADDAD

**Mr MOLOBE (Botswana)**

**Mrs NTANDO (Swaziland)**

§: Mr LE ROUX

**Sr. PARRA ROJAS (Cuba)**

§: Sr. MESA GARCÍA

**Mr SOHN (République de Corée)**

§: Ms CHOI  
§: Mr SON

**Mr TAN (Philippines)**

**Mme VAUCHEZ (France)**

§: M. ROCH

**Sr. SOUZA (Panama)**

§: Sr. LEDEZMA

**Sr. URTECHO LOPEZ (Honduras)**

§: Sra. MEJIA GALO  
§: Sr. SOLORZANO DIAZ

*Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos*

**M. ALIOU (Niger)**

§: M. MAMAN

**Mr AL-SAADY (Iraq)**

**Mr AUBAUER (Autriche)**

§: Ms KAIBLINGER

§: Ms BUDAS

**Sr. BARRENECHEA CALDERÓN (Pérou)**

§: Sra. AMORÓS KOHN

**Mrs BOROSNÉ (Hongrie)**

§: Mr BUGÁR

§: Mr CSUPPORT

**Mr CHOUBEY (Inde)**

§: Mr CHAWLA

§: Mr PANT

**Mr DREESEN (Danemark)**

§: Ms RABY

§: Ms ØBAKKE

**Sr. ECHAVARRIA (Colombie)**

§: Sra. MANRIQUE

§: Sr. BARAHONA

§: Sra. MONSALVE

**Mr ENDRIS (Ethiopie)**

**Ms HARDARDÓTTIR (Islande)**

**Mr KÄRKKÄINEN (Finlande)**

§: Mr MÄKELÄ

**Mr KYRIAZIS (Grèce)**

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§: Ms MANOUSI

§: Mr VAYAS

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**Mrs MUGO (Kenya)**

§: Mr ABDILLE

**Mrs ALKHALIFA (Bahreïn)**

§: Mrs JANAHI

§: Mr ALAMER

**Sr. ARAYA CHAVES (Costa Rica)**

§: Sra. OBANDO VIVES

**Mr BARKLAMB (Australie)**

**Mr BECKMAN (Suède)**

§: Mr BRINNEN

**Mr CHERRY (Liban)**

**M. DE MEESTER (Belgique)**

§: Mme HELLEBUYCK

**Mr DURSUN (Maurice)**

**Mr ELGURASHI (Soudan)**

**Sr. GONZÁLEZ ARIAS (Paraguay)**

**Ms HORNUNG-DRAUS (Allemagne)**

§: Mrs BÂRSAN

**Ms KHINE KHINE (Myanmar)**

**Mr LEEYAVANIJA (Thaïlande)**

§: Mr AREEKUL

**M. MATTHEY (Suisse)**

§: M. PLASSARD

**Mr MUNTHE (Norvège)**

§: Mr KVALHEIM

§: Mrs THUE WIDTH

**Mr OCENÁŠ (Slovaquie)**

§: Mr BENO

**Mr OPIO (Ouganda)**

§: Mr BAMWESIGYE

§: Ms KATEETE

**Mr PAMBUDHI (Indonésie)**

§: Mr DARWOTO

§: Mr SETIAWAN

**Mrs POLLYYEVA (Turkménistan)**

**Ms REGENBOGEN (Canada)**

**Mme ROSSI (Italie)**

**Mr SAVKOVIC (Serbie)**

**Mr SYDER (Royaume-Uni)**

§: Mr DANN

**Mr TOKUMARU (Japon)**

§: Mr MATSUI

**Mr WEERASINGHE (Sri Lanka)**

**M. YUMA MULIMBI (Rép. démocratique du Congo)**

§: M. MIESI NKWEY

**Mr ÖNEN (Turquie)**

§: Mr CENTEL

§: Mr YILDIZ

**Mr OSHINOWO (Nigéria)**

§: Mr OLAWALE

§: Mr NWANKWO

§: Mr JONES

**Sra. PÉREZ DI GIÁCOMO (Venezuela, Rép. bolivarienne du)**

§: Sr. LARRAZÁBAL

**Mme PSIMHIS (République centrafricaine)**

§: M. ROKOSSE KAMOT

**Sr. RICCI MUADI (Guatemala)**

**M. SARAIVA (Portugal)**

§: M. ABRANTES

**Mr SHOKHIN (Fédération de Russie)**

§: Mr GALITSYN

§: Ms MOSKVINA

**M. TAMEGNON (Togo)**

§: M. BADASSOU

**Mr TSIVKACH (Ukraine)**

**M. YAMEOGO (Burkina Faso)**

§: Mme YAMEOGO

**Membres travailleurs - Workers' members - Miembros trabajadores**

Mr ABDIRAIYM (Kazakhstan)	Sr. ABREU (République dominicaine)
Sr. ACEVES DEL OLMO (Mexique)	Mr ADIKARI APPUHAMILAGE (Sri Lanka)
M. AHMED ZAYED (Mauritanie)	Mr AL SHAHRI (Oman)
Mr ALDOSARY (Arabie saoudite)	Mme ALEXANDRE (France)
Mr ALHALWACHI (Bahreïn)	Mr ALHUDHAINAH (Koweït)
Mr ALIBEIGI (République islamique d'Iran)	Mr AL-KHALIFA (Qatar)
Mr ALSHAMSI (Emirats arabes unis)	Mr AMENU (Ethiopie)
Mr ANSAH (Ghana)	Mr ATH (Cambodge)
Ms AUNG (Myanmar)	Mr AWAN (Pakistan)
Mr BAIRE (Erythrée)	M. BAZIE (Burkina Faso)
Mr BUDZA (République de Moldova)	Mme CAPPUCCIO (Italie)
M. CHAIBOU (Niger)	Mr CHARYYEV (Turkménistan)
Sr. CHINCHILLA HERNÁNDEZ (Costa Rica)	Ms CHOO (Singapour)
M. COLOMBARI (Saint-Marin)	M. DIALLO (Guinée)
M. DIALLO (Sénégal)	Mr DLAMINI (Swaziland)
Sr. DRULLET PÉREZ (Cuba)	Ms DUBOIS (Canada)
Mme EISCHEN (Luxembourg)	Sra. FACIABEN LACORTE (Espagne)
Mr FINNEGAN (États-Unis)	Sr. GAMBERA (Uruguay)
M. GOUNOUNG (Tchad)	Mr GUNAWAN (Indonésie)
Mr HAJNOŠ (Slovaquie)	M. HANSALI (Maroc)
Sr. HAYNES (Panama)	M. HFAIEDH (Tunisie)
Mr IKOTA (Japon)	Mr JOSEPH PITCHAY (Malaisie)
Mr KAIGAMA (Nigéria)	Mr KALAJA (Albanie)
Mr KALEKENI (Malawi)	Mr KAMAL (République arabe syrienne)
M. KATILE (Mali)	Mme KEDJOUR (Algérie)
M. KODIBO (Côte d'Ivoire)	M. KPOKOLO (République centrafricaine)
Mr KUBAI (Kenya)	Mr KUMAR (Inde)
M. LEEMANS (Belgique)	Sr. LÓPEZ (Venezuela, Rép. bolivarienne du)
Ms LOSI (Afrique du Sud)	Sr. MARTINEZ (Argentine)
Mr MATULA (Philippines)	M. MAXIM (Roumanie)
Sr. MENDOZA ESTRADA (Guatemala)	Mr MHOTSHA (Botswana)
Mrs MJØBERG (Norvège)	Mr MOHAMED (Égypte)
Mr MOHAMED OSMAN (Somalie)	M. MONGO (Congo)
Mr MUTASA (Zimbabwe)	Mrs NYGREN (Suède)
Mr OHRT (Danemark)	Mr ORDA (Biélorus)
M. PALANGA (Togo)	Mr PARTENIOTIS (Bulgarie)
Sr. PEDRAZA (Colombie)	Ms PODGORSKA-RAKIEL (Pologne)
Mr PRAÇA (Portugal)	Mr QADERI (Afghanistan)
Ms REED (Royaume-Uni)	Ms RYU (République de Corée)
Mr SAADE (Liban)	Ms SAEMUNSDÓTTIR (Islande)
Mr SAMEK (République tchèque)	M. SEMME SEMME (Cameroun)
Sr. SNEAD VILLASANTI (Paraguay)	Sr. SOARES DA SILVA (Brésil)
Ms STELCZENMAYR (Autriche)	Ms TZOTZE-LANARA (Grèce)
Mrs VAN WEZEL (Pays-Bas)	Ms VOLLMANN (Allemagne)
Mr YOUSIF (Soudan)	Mr ZEEGELAAR (Suriname)
Sr. ZENTENO (Chili)	Sr. ZEPEDA MARTINEZ (Honduras)
Mr ZHAO (Chine)	Mr ZHARKOV (Fédération de Russie)

**Membres travailleurs adjoints - Workers' deputy members - Miembros trabajadores adjuntos**

Mr ACHEAMPONG (Ghana)	Mr AKYÜZ (Turquie)
Mr AL HINAI (Oman)	Mr ALBINALI (Bahreïn)
Mr ALI (Bahreïn)	Mr AL-KAABI (Qatar)
Mr ALOQAB (Koweït)	M. ALVES (Portugal)
Mrs ANANTHARASA (Malaisie)	Sra. ARGUETA (Honduras)
Sr. ARIAS (Colombie)	Mr ATHUKORALE (Sri Lanka)
Mr AUNG (Myanmar)	Sr. AVALOS (Paraguay)
Mr AWAD (Soudan)	Sra. AZCUNAGA HERNÁNDEZ (Espagne)
Mr AZZOUZ (République arabe syrienne)	M. BAGNA (Niger)
M. BAMA SYNGUIMA (Cameroun)	Mr BEDÜK (Turquie)
Mme BENBESSA (Algérie)	M. BOGA (Côte d'Ivoire)
Mrs BOSHRA (Égypte)	M. BRAHIM (Mauritanie)
Mr CÁP (République tchèque)	Sra. CHACÓN BRAVO (Cuba)
Mr CHUON (Cambodge)	M. CIRIGLIANO (Suisse)
Ms CLARKE WALKER (Canada)	Sr. DEL VALLE PÉREZ (Mexique)
Sr. DÍAZ ZAVALA (Chili)	Mr DON LALKANTHA (Sri Lanka)
Mr DUBA (Kenya)	Mr EKWE (Nigéria)
M. EL HALOUTI (Maroc)	Mr ELALAM (Liban)
Mr FIROUZABADI YAZD (République islamique d'Iran)	Sr. GALLEGO GARCÍA (Espagne)
M. GARBA (Niger)	Mr GEORGE (Afrique du Sud)
M. GEYBELS (Belgique)	M. GIARDINIERI (Saint-Marin)
Sr. GÓMEZ (Colombie)	Ms GONO (Japon)
M. HAMADOU (Niger)	Mr HARB (Liban)
Sr. HERMOSO FERNÁNDEZ (Espagne)	M. HIEN (Burkina Faso)
Mr HO (Singapour)	Ms HOFMAN (Allemagne)
Mme ILEDI (Bénin)	Mr IQBAL (Indonésie)
Mr JANKOWSKI (Pologne)	Mr JONSRUD (Norvège)
Sr. JURY ARNOUD (Brésil)	Mr KAWAMOTO (Japon)
Mr KOVALCHUK (Fédération de Russie)	Ms KRATIMENOU (Grèce)
Mr KRAVCHENKO (Fédération de Russie)	M. LAAROUSSI (Maroc)
Mr LABOG (Philippines)	Ms LACKNER (Autriche)
Ms LEE (République de Corée)	Sra. LEGUIZAMÓN (Paraguay)
Ms LESHKOVA (Biélarus)	M. LIMATA (Italie)
Mrs LIPARTELIANI (Géorgie)	Sr. LISBOA (Brésil)
Ms MAGAYA (Zimbabwe)	Sr. MANCILLA GARCÍA (Guatemala)
Ms MANKEVICH (Biélarus)	Ms MARKEVICH (Biélarus)
Mr MARPAUNG (Indonésie)	M. MBANI (Congo)
Mme MEBIAME TANGONO ÉPOUSE EKOAN (Cameroun)	Sr. MEDINA TORRES (Mexique)
Mr MEKONEN (Ethiopie)	Mr MIRALLES (Philippines)
Mr MOKARAT (Thaïlande)	Mr MOTOBAYASHI (Japon)
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Sr. POMATTA (Uruguay)	Mr POPELLO (Fédération de Russie)

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Sra. PUJADAS (Argentine)  
Mr RAMIDI (Indonésie)  
Mr RARI (Botswana)  
Sra. RODRIGUES (Brésil)  
M. RUSU (Roumanie)  
Mme SAKHO (Sénégal)  
Mme SCHLACTHER (France)  
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Sr. SORDO CALVO (Espagne)  
M. THIAM (Sénégal)  
Mr TLEMISOV (Kazakhstan)  
Ms TSEVEL (Mongolie)  
Mr USOLTSEV (Biélorus)  
Mr WAN HASSAN (Malaisie)  
M. WOLFF (Luxembourg)  
Mr YAQOOB YUSUF (Bahreïn)  
M. ZAMA ALLAH (Niger)

Ms PRYCE (Jamaïque)  
Mr RADHWAN (Arabie saoudite)  
Sr. RAMOS (République dominicaine)  
Mme RASOAMANANAORO (Madagascar)  
Mr RUSSELL (Royaume-Uni)  
Mr SAHA (Inde)  
M. SALEK (Mauritanie)  
Mr SELYANIN (Fédération de Russie)  
M. SIMANGO (Mozambique)  
M. TAHRI (Tunisie)  
Mr THOBEJANE (Afrique du Sud)  
M. TRAORE (Mali)  
M. TSOLENYANOU (Togo)  
Ms VETTAINEN (Finlande)  
Ms WILES (Australie)  
Mr YANAMTHONG (Thaïlande)  
Mr YOSHIZAWA (Japon)  
Sr. ZAYAS MARTINEZ (Paraguay)

**COMMISSION NORMATIVE: VIOLENCE ET HARCÈLEMENT DANS LE MONDE DU TRAVAIL**  
**STANDARD SETTING COMMITTEE: VIOLENCE AND HARASSMENT IN THE WORLD OF WORK**  
**COMISIÓN NORMATIVA: VIOLENCIA Y ACOSO EN EL MUNDO DEL TRABAJO**

*Membres gouvernementaux - Government members - Miembros gubernamentales*

AFRIQUE DU SUD	ALGÉRIE	ALLEMAGNE
ARABIE SAOUDITE	ARGENTINE	AUSTRALIE
AUTRICHE	BAHREIN	BARBADE
BELGIQUE	BOLIVIE, ÉTAT PLURINATIONAL DE	BOTSWANA
BRÉSIL	BULGARIE	BURKINA FASO
CAMBODGE	CAMEROUN	CANADA
RÉPUBLIQUE CENTRAFRICAINE	CHILI	CHINE
CHYPRE	COLOMBIE	CONGO
RÉPUBLIQUE DE CORÉE	COSTA RICA	COTE D'IVOIRE
CROATIE	DANEMARK	RÉPUBLIQUE DOMINICAINE
EGYPTE	EMIRATS ARABES UNIS	ESPAGNE
ESTONIE	ETATS-UNIS	ETHIOPIE
FINLANDE	FRANCE	GABON
GEORGIE	GRECE	GUATEMALA
GUINEE	HONDURAS	HONGRIE
INDONESIE	REPUBLIQUE ISLAMIQUE D'IRAN	IRLANDE
ISLANDE	ISRAEL	ITALIE
JAMAÏQUE	JAPON	JORDANIE
KENYA	KOWEIT	LAO PEOPLE'S DEMOCRATIC REPUBLIC
LESOTHO	LETTONIE	LIBAN
LITUANIE	LUXEMBOURG	MALAISIE
MALAWI	MALI	MAURITANIE
MEXIQUE	MONTENEGRO	MOZAMBIQUE
NAMIBIE	NEPAL	NORVEGE
NOUVELLE-ZÉLANDE	OMAN	OUGANDA
PAKISTAN	PAPOUASIE-NOUVELLE-GUINÉE	PARAGUAY
PAYS-BAS	PÉROU	PHILIPPINES
POLOGNE	PORTUGAL	QATAR
RÉPUBLIQUE DEMOCRATIQUE DU CONGO	ROYAUME-UNI	FÉDÉRATION DE RUSSIE
SÉNÉGAL	SEYCHELLES	SINGAPOUR
SLOVAQUIE	SLOVENIE	SRI LANKA
SUEDE	SUISSE	SURINAME
REPUBLIQUE-UNIE DE TANZANIE	REPUBLIQUE TCHEQUE	THAÏLANDE
TRINITE-ET-TOBAGO	TUNISIE	TURQUIE
URUGUAY	VENEZUELA, REP. BOLIVARIENNE DU	ZIMBABWE

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TOGO		

*Membres employeurs - Employers' members - Miembros empleadores*

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§: Sr. CORDERO  
§: Sr. ALDAO ZAPIOLA  
§: Sr. MARCHESE  
§: Sr. NUNES

**Mr ALMOHAMMADI (Arabie saoudite)**

§: Ms ALRAKAN

**Mr BARKLAMB (Australie)**

§: Ms MATHESON

**M. CAMARA (Guinée)**

§: M. DABO  
§: M. SIDIBÉ

**Mr CHOUBEY (Inde)**

§: Ms JAIN  
§: Mr MAURYA  
§: Mrs GHASAS

**Mrs CUTHBERT (Jamaïque)**

**Ms HERZOG (Etats-Unis)**

§: Ms HAMMER  
§: Mr MACKALL

**Mme KERAULT MBOUMBA (Gabon)**

§: M. MINDOUNGANI

**M. LADOUYOU (Côte d'Ivoire)**

§: Mme HOUROU  
§: Mme MYLONAYANIS  
§: Mme KEBEY

**Mr MDWABA (Afrique du Sud)**

§: Ms MANNIE

**Mr MUNTHE (Norvège)**

§: Mrs SUNDE

**Mr SOHN (République de Corée)**

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**M. ALI ABBAS (Tchad)**

§: M. MOSSEDE

**Sr. ALVEAR (Chili)**

§: Sr. BUSTOS  
§: Sr. HURTADO  
§: Sr. SOTO

**Sr. BRAGA DE ANDRADE (Brésil)**

§: Sr. ARGENTON PEDROZO  
§: Sra. TIMO  
§: Sr. BRAMBILA BRESSAN  
§: Sra. BERNARDES

**Sr. CARVAJAL BUSTAMANTE (Mexique)**

§: Sr. RODRÍGUEZ POSADA

**Ms CREELY (Irlande)**

§: Mr WHELAN

**Mr ENDRIS (Ethiopie)**

§: Mr HAILE

**Mr KÄRKKÄINEN (Finlande)**

§: Ms WÄRN

**Sr. LACASA ASO (Espagne)**

§: Sra. MORALES DE LABRA

**Mr MATTAR (Emirats arabes unis)**

§: Mrs ALYAFEI

**Mr MECINA (Pologne)**

§: Ms KNYZ-GRZYWA

**Mr OTAREDIAN (République islamique d'Iran)**

§: Mr MOHAMMAD HOSSEIN FALLAH  
§: Ms NADERI

**Sr. SOUZA (Panama)**

§: Sr. SIZEMORE  
§: Sr. LEDEZMA

**Mr TAN (Philippines)**

§: Ms MITERIA

**Sr. URTECHO LOPEZ (Honduras)**

§: Sra. MEJIA GALO

§: Sr. SOLORZANO DIAZ

**M. YUMA MULIMBI (Rép. démocratique du Congo)**

§: M. ATIBU SALEH MWEKEE

§: M. DODO BALU MAKENKA

**M. TOLO (Mali)**

**Mme VAUCHEZ (France)**

*Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos*

**Mr ALHOSSAYAN (Koweït)**

§: Mr ALTARKEET

**Mrs ALKHALIFA (Bahreïn)**

§: Mrs JANAHI  
§: Mr ALAMER

**Mr AL-SAADI (Iraq)**

§: Mr AL-SAEDI

**Sr. ARAYA CHAVES (Costa Rica)**

**Mr AUBAUER (Autriche)**

§: Ms KAIBLINGER  
§: Ms BUDAS

**Mr AZIZ (Pakistan)**

**Mr BECKMAN (Suède)**

§: Mrs BERG  
§: Mrs BERGSTEN

**Mr CHERRY (Liban)**

§: Mr HIJAZI

**Mr DARKO (Ghana)**

§: Mr PETERS

**M. DIOP (Sénégal)**

§: M. THIAO

**Mr DREESEN (Danemark)**

§: Ms RABY  
§: Ms ØBAKKE

**Ms HARDARDÓTTIR (Islande)**

**Mr HUANG (Chine)**

**M. KIEFFER (Luxembourg)**

§: Mme HEMMEN

**Mr LEEYAVANIJA (Thaïlande)**

§: Ms PIMSANG

**M. ALIOU (Niger)**

§: Mme KANTAGBA BOUBACAR  
§: M. SALEY

**Mr AL-MEER (Qatar)**

§: Mrs AL-MOHANNADI  
§: Mr AL-KUWARI

**Mr ANTONIOU (Chypre)**

§: Mr PANAYI  
§: Mr GIOVANNI

**Mr ARUMUGAM (Malaisie)**

§: Mr BARDAN

**M. AYANGMA AMANG (Cameroun)**

**Sr. BARRENECHEA CALDERÓN (Pérou)**

§: Sra. AMORÓS KOHN  
§: Sr. NARANJO CORREA

**Mrs BOROSNÉ (Hongrie)**

**Mr COLLINS (Libéria)**

§: Ms KPUKUYOU

**M. DE MEESTER (Belgique)**

§: Mme DE JONGHE

**Ms DRBALOVÁ (République tchèque)**

**Sr. ECHAVARRIA (Colombie)**

§: Sr. PEREZ

**Ms HORNUNG-DRAUS (Allemagne)**

§: Mr NOLL

**Ms KHINE KHINE (Myanmar)**

**Mr KYRIAZIS (Grèce)**

§: Ms CHARILOGI

**Mr MACKAY (Nouvelle-Zélande)**

§: Mr HOPE  
§: Mr O'REILLY

**Sr. MAILHOS (Uruguay)**

℄: Sr. FOSTIK

**M. MEGATELI (Algérie)**

℄: Mme NEGHA

**Mr MUNTALI (Malawi)**

**Mr ÖNEN (Turquie)**

℄: Mr BATUR

**Mr OSHINOWO (Nigeria)**

℄: Mr AIKHUEMELO

℄: Mr OLADESELU

**Mr PARKHOUSE (Namibie)**

℄: Ms PAETZOLD

**Sra. PÉREZ DI GIÁCOMO (Venezuela, Rép. bolivarienne du)**

℄: Sr. VALDERRAMA

**Mme PSIMHIS (République centrafricaine)**

**Sr. RICCI MUADI (Guatemala)**

℄: Sra. MAZARIEGOS ESPAÑA

**M. SARAIVA (Portugal)**

℄: Mme REGO

℄: M. BISCAYA

**Mrs SEPHOMOLO (Lesotho)**

**Mr SYDER (Royaume-Uni)**

℄: Ms BECKWITH

**Mr TOKUMARU (Japon)**

℄: Mr MORITA

℄: Ms KAMANO

℄: Mr MATSUI

**M. MATTHEY (Suisse)**

℄: M. PIGUET

**Mrs MUGO (Kenya)**

℄: Mrs ODERA

**Mrs NTANDO (Swaziland)**

**Mr OPIO (Ouganda)**

℄: Mr KUMAKECH

℄: Ms MUNNNU

**Mr PAMBUDHI (Indonésie)**

℄: Ms HANARTANI

℄: Ms LISPIYATMINI

**Sr. PARRA ROJAS (Cuba)**

℄: Sr. MESA GARCÍA

**Ms PHIRASAYPHITHAK (Lao, Rép. démocratique populaire)**

**Ms REGENBOGEN (Canada)**

**Mme ROSSI (Italie)**

℄: M. ANTONILLI

**Mr SCHOENMAECKERS (Pays-Bas)**

**Mr SHOKHIN (Fédération de Russie)**

℄: Ms AKINSHINA

**M. TAMEGNON (Togo)**

℄: M. ADODO

**M. YAMEOGO (Burkina Faso)**

℄: M. KABORE

**Membres travailleurs - Workers' members - Miembros trabajadores**

Mr ACHEAMPONG (Ghana)  
 Mr AISH (Égypte)  
 Sra. ALARCON CHAMORRO (Paraguay)  
 Mr ALRASHIDI (Koweït)  
 Mrs ANANTHARASA (Malaisie)  
 Ms ARVANITAKI (Grèce)

Ms BATAHAF (Arabie saoudite)  
 Ms BROWN (Royaume-Uni)  
 Mr CHASNOITS (Biélarus)  
 Ms CLARKE WALKER (Canada)  
 Ms CORONACION (Philippines)  
 Mrs DAVIS WHYTE (Jamaïque)  
 Mrs DONOVAN (Suède)  
 Mr ELALAM (Liban)  
 Ms Ettl (Autriche)  
 Sra. FEIJOO (Uruguay)  
 Mme FRANCISCO (Angola)  
 Mme GROTHE (République centrafricaine)  
 Mr HASSAN (Soudan)  
 Ms HENG (Cambodge)  
 Ms HUR (République de Corée)  
 Ms INOUE (Japon)  
 Mr JOYCE (Irlande)  
 Mr KATHAN (Sri Lanka)  
 Ms KLIMOVA (Fédération de Russie)  
 Mme KOMBO MBONDO (Congo)  
 Mme LE GARROY (Belgique)  
 Mrs LUNAT (Zambie)  
 M. MAHAMAT (Tchad)  
 Mr MAMBALA (Malawi)  
 Ms MAREKWA (Afrique du Sud)  
 Mme MESSIAS (Portugal)  
 Ms MU (Myanmar)  
 Ms POPELKOVÁ (République tchèque)  
 Mme REYNOSA (France)  
 Mrs RUMORA (Croatie)  
 M. SAKO (Niger)  
 Ms TAFESE (Ethiopie)  
 Ms THANALETCHIMI (Singapour)  
 Ms WATERS (Etats-Unis)  
 Mme Yafa (Sénégal)  
 M. ZANON (Luxembourg)

M. AGBENOU (Togo)  
 Ms AL HASNI (Oman)  
 Mr AL-KAABI (Qatar)  
 Ms ALTENEIJI (Emirats arabes unis)  
 Mr ARGYRIDES (Chypre)  
 Mme BANDOLO KPAMA ÉPOUSE EDANGA (Cameroun)  
 Mme BEN EL HASSANE (Maroc)  
 Mr CHAMANI (République islamique d'Iran)  
 Mrs CHIMOTE (Inde)  
 Sra. COELHO MONTEIRO (Brésil)  
 Mme CUCINIELLO (Italie)  
 M. DJIGUIBA (Mali)  
 M. EGUE (Côte d'Ivoire)  
 M. ESPIRITO SANTO BORGES (Cabo Verde)  
 Sra. FAMILIA (République dominicaine)  
 Sra. FLEREZ (Colombie)  
 Sra. GÓMEZ MERAYO (Espagne)  
 Mme HAMMAMI (Tunisie)  
 Mrs HELGESEN (Norvège)  
 M. HIEN (Burkina Faso)  
 Ms ILVESKIVI (Finlande)  
 Mrs JASSAM (Bahreïn)  
 Mr KANAU (Papouasie-Nouvelle-Guinée)  
 Mrs KHOURI (République arabe syrienne)  
 Mme KNIESNER (Roumanie)  
 Sr. LARIOS RIVAS (Mexique)  
 Mme LOREUS (Haïti)  
 Ms MACKINTOSH (Nouvelle-Zélande)  
 Mr MALECKI (Pologne)  
 Mr MANUFOLAU (Fidji)  
 Sra. MENENDEZ RUIZ (Argentine)  
 Mr MOTSHEGWA (Botswana)  
 Sr. NIÑO (Panama)  
 Sra. REQUENA (Chili)  
 Mrs ROOS (Pays-Bas)  
 Ms RUTTO (Kenya)  
 Mme SALHI (Algérie)  
 Mrs TANYANYIWA (Zimbabwe)  
 Ms UHLEROVÁ (Slovaquie)  
 Ms WÜNSCHE (Allemagne)  
 Mrs YORDANOVA (Bulgarie)  
 Ms ZHANG (Chine)

**Membres travailleurs adjoints - Workers' deputy members - Miembros trabajadores adjuntos**

Mr ABDALLA (Soudan)	Mme ADEKAMBI ÉPSE DA SILVA (Togo)
Mr AKYÛZ (Turquie)	Mr AL MASHAIKHI (Oman)
Mrs AL MASRI (République arabe syrienne)	Mr ALANTALI (Emirats arabes unis)
Mr ALGARNI (Arabie saoudite)	Mr ALHOSANI (Emirats arabes unis)
Mr AL-KHALIFA (Qatar)	Mr ALMUSAAD (Bahreïn)
Mr ALOQAB (Koweït)	Sra. ALZATE (Colombie)
Sra. ARGUETA (Honduras)	Mr ATHUKORALE (Sri Lanka)
Mr AWAN (Pakistan)	Mr BEDÛK (Turquie)
Mme BEN HOURIYA (Tunisie)	Mrs BERGOLD (Suède)
Sra. BLASCO MARTÍN (Espagne)	Ms CABATINGAN (Philippines)
Mr CÁP (République tchèque)	Mme CAPPUCCIO (Italie)
Ms CHARLESWORTH (Australie)	M. CORDEIRO (Portugal)
Ms CREPPY (Ghana)	Sr. DE SOUZA (Brésil)
Mme DIAWARA (Sénégal)	Mme DOYEN (Belgique)
Mr EL TERYAKI (Liban)	Mme ENACHE (Roumanie)
Mr FATHOLLAHI (République islamique d'Iran)	Mme FONCK (Luxembourg)
Mr GABOBAKE (Botswana)	Mme GANDIGUI MARIKO (Niger)
Sra. GARCÍA CRUZ (Espagne)	Sra. GARCÍA RODRÍGUEZ (Espagne)
Sr. GUAITA (Brésil)	Ms HEAP (Australie)
Ms HØJLUND (Danemark)	Ms HOLLAND (Royaume-Uni)
Mme HOLONOU SOSSOU (Bénin)	Mrs HOUWING (Pays-Bas)
Mme ILEDI (Bénin)	Ms ISAIA (Chypre)
Ms ISMAIL (Australie)	Mme ISSA (Niger)
Ms JOHANSEN (Danemark)	Mr JULRAT (Thaïlande)
Mr KALAJA (Albanie)	Mr KALATHUMTHODI (Inde)
Mr KAMAL (Égypte)	Mme KEDJOUR (Algérie)
Ms KEYTER (Afrique du Sud)	Ms KHAING (Myanmar)
Mrs KONGLEVOLL (Norvège)	Ms LARSEN (Ghana)
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Mrs LIPARTELIANI (Géorgie)	Ms MAGAYA (Zimbabwe)
Mr MATSAS (Chypre)	Ms MATSUNO (Japon)
Mme MEBIAME TANGONO ÉPOUSE EKOAN (Cameroun)	Mrs MEMEMA (Swaziland)
Sra. MONTIEL (Paraguay)	Ms MUNISWAMY (Inde)
Mr NGWENYA (Zimbabwe)	Ms NHOEL (Cambodge)
Mr NJERU (Kenya)	Ms OLDFIELD (Nouvelle-Zélande)
Mme OUAID (Maroc)	Ms PAK (République de Corée)
Mme PEMBE MOUELET (Congo)	Mr PETRIASHVILI (Géorgie)
Sr. POMATTA (Uruguay)	Ms PRYCE (Jamaïque)
Mme RASOAMANANAORO (Madagascar)	Sra. RIFO (Chili)
Mr ROI (Ukraine)	Sr. SALINAS (Chili)
Ms SAMPSON (Ghana)	Mme SAYADI (Tunisie)
Mr SEMATLANE (Lesotho)	Sra. SERRANO SERRANO (Costa Rica)
Ms SHINOZUKA (Japon)	Mr SIRIVORAPA (Thaïlande)
Ms SMALLMAN (Canada)	Sr. SNEAD VILLASANTI (Paraguay)
Mme SOUBEIGA (Burkina Faso)	M. SOUMANA (Niger)
Ms STAWINSKA (Pologne)	Ms STOCKFISCH (Allemagne)
Mr SUKITMAN (Indonésie)	Mr SUNDARAJU (Malaisie)
Mme SYLLA (Sénégal)	Mr THADSAWAT (Thaïlande)
Mme TRIGO (France)	Ms VARCHALAMA (Grèce)
Mr YUSOFF (Malaisie)	Mr ZEEGELAAR (Suriname)

**COMMISSION DISCUSSION GÉNÉRALE: ACTION EFFICACE DE L'OIT EN FAVEUR DE LA COOPÉRATION POUR LE DÉVELOPPEMENT****GENERAL DISCUSSION COMMITTEE: EFFECTIVE ILO DEVELOPMENT COOPERATION****COMISIÓN DE LA DISCUSIÓN GENERAL: EFICACIA DE LA CONTRIBUCIÓN DE LA OIT A LA COOPERACIÓN PARA EL DESARROLLO***Membres gouvernementaux - Government members - Miembros gubernamentales*

AFRIQUE DU SUD	ALGÉRIE	ALLEMAGNE
ARABIE SAOUDITE	ARGENTINE	AUSTRALIE
AUTRICHE	BARBADE	BELGIQUE
BOLIVIE, ÉTAT PLURINATIONAL DE	BRÉSIL	BULGARIE
BURKINA FASO	CAMBODGE	CAMEROUN
CANADA	RÉPUBLIQUE CENTRAFRICAINE	CHILI
CHINE	COLOMBIE	CONGO
RÉPUBLIQUE DE CORÉE	COTE D'IVOIRE	CROATIE
DANEMARK	RÉPUBLIQUE DOMINICAINE	EGYPTE
EMIRATS ARABES UNIS	ESPAGNE	ETATS-UNIS
ETHIOPIE	FINLANDE	FRANCE
GABON	GEORGIE	GRECE
GUINEE	HONDURAS	HONGRIE
INDONESIE	REPUBLIQUE ISLAMIQUE D'IRAN	IRLANDE
ITALIE	JAMAÏQUE	JAPON
JORDANIE	KENYA	KIRIBATI
KOWEIT	LESOTHO	LIBAN
LITUANIE	LUXEMBOURG	MALAISIE
MALAWI	MAURITANIE	MEXIQUE
MYANMAR	NAMIBIE	NEPAL
NORVEGE	NOUVELLE-ZÉLANDE	OMAN
PAKISTAN	PAPOUASIE-NOUVELLE-GUINÉE	PARAGUAY
PAYS-BAS	PHILIPPINES	POLOGNE
PORTUGAL	QATAR	RÉPUBLIQUE DEMOCRATIQUE DU CONGO
ROYAUME-UNI	SÉNÉGAL	SEYCHELLES
SINGAPOUR	SRI LANKA	SUEDE
SUISSE	REPUBLIQUE-UNIE DE TANZANIE	REPUBLIQUE TCHEQUE
THAÏLANDE	TOGO	TRINITE-ET-TOBAGO
TUNISIE	TURQUIE	URUGUAY
VENEZUELA, REP. BOLIVARIENNE DU	ZIMBABWE	

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CHYPRE	COSTA RICA	GUATEMALA
INDE	ISLANDE	ISRAEL
KAZAKHSTAN	LIBERIA	MALI
MOZAMBIQUE	FÉDÉRATION DE RUSSIE	SLOVENIE
TURKMENISTAN		

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**Sr. ACEVEDO (Argentine)**

§: Sr. DRAGUN  
§: Sr. GUERRIERI

**Mr ALMOHAMMADI (Arabie saoudite)**

**M. AYANGMA AMANG (Cameroun)**

§: M. OWONA

**M. CAMARA (Guinée)**

§: M. COLLE

**Mr CHOUBEY (Inde)**

§: Mr DUBEY  
§: Mr AGGARWAL  
§: Mr MITTAL

**Ms HERZOG (Etats-Unis)**

§: Ms KIM  
§: Mr MACKALL

**Sr. LACASA ASO (Espagne)**

**Mr MAC ANDREW (Suriname)**

**Mr MDWABA (Afrique du Sud)**

§: Mr RAMPUTA

**Mr MUNTHE (Norvège)**

§: Mrs ALSVIK

**Mr OTAREDIAN (République islamique d'Iran)**

§: Mr ROHANI  
§: Mr ADINEH

**Mrs SLADOVIC (Croatie)**

**M. YAMEOGO (Burkina Faso)**

**Mr AL-MEER (Qatar)**

§: Mr AL-KUWARI  
§: Mrs AL-MOHANNADI

**Mr AL-YOUSSEF (Oman)**

**Sr. BRAGA DE ANDRADE (Brésil)**

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§: Sr. DA COSTA AGUIAR ALVES

**Sr. CARVAJAL BUSTAMANTE (Mexique)**

§: Sr. MARTÍNEZ

**Mr ENDRIS (Ethiopie)**

§: Mr ALEMU

**Mme KERAULT MBOUMBA (Gabon)**

§: M. AKOULOU EYELEKO  
§: M. ABA ETOGHO

**M. LADOUYOU (Côte d'Ivoire)**

§: M. KOUAKOU  
§: M. KONATE

**Mr MATTAR (Emirats arabes unis)**

§: Mrs BIN SULAIMAN

**Mr MECINA (Pologne)**

§: Mr STEPNIKOWSKI

**Mr OSHINOWO (Nigéria)**

§: Mr ETTAH  
§: Mr ABIODUN

**Mr PAMBUDHI (Indonésie)**

§: Mr SEKARDIANTO  
§: Ms SOPUTRO

**Mr TAN (Philippines)**

§: Mr SORIANO

**M. YUMA MULIMBI (Rép. démocratique du Congo)**

§: Mme PATRICIA VERINGA  
§: Mme UKABA KIZIZIE  
§: M. KASANDA MUSHALA

*Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos*

**Mr ALHOSSAYAN (Koweït)**

§: Mr ALTARKEET

**M. ALIOU (Niger)**

§: M. DIAROUMEYE

**Mr AL-SAADI (Iraq)**

§: Mr MARUOOS

**Sr. ARAYA CHAVES (Costa Rica)**

§: Sra. OBANDO VIVES

**Mr AZIZ (Pakistan)**

**Mr BECKMAN (Suède)**

§: Mr BRINNEN

**Mr BRANKOV (Bulgarie)**

§: Mrs MARKOVA

**Mr COLLINS (Libéria)**

**M. DE MEESTER (Belgique)**

§: M. VAN DAMME

**Sr. ECHAVARRIA (Colombie)**

§: Sr. ESTRADA  
§: Sr. MOSCOSO

**Mr GAVRILOVS (Lettonie)**

§: Mrs STEPINA

**Ms HORNUNG-DRAUS (Allemagne)**

§: Ms GÖBEL  
§: Mr EREMEEV

**Mr KÄRKKÄINEN (Finlande)**

§: Mr KALLIO

**Mr KYRIAZIS (Grèce)**

§: Mr ZOITOS

**M. ALI ABBAS (Tchad)**

**Mrs ALKHALIFA (Bahreïn)**

§: Mrs JANAHI  
§: Mr ALAMER

**Sr. ALVEAR (Chili)**

§: Sr. SOTO  
§: Sr. BUSTOS  
§: Sr. BOBIC

**Mr AUBAUER (Autriche)**

§: Ms KAIBLINGER  
§: Ms BUDAS

**Sr. BARRENECHEA CALDERÓN (Pérou)**

§: Sra. AMORÓS KOHN  
§: Sr. NARANJO CORREA

**Mrs BOROSNÉ (Hongrie)**

§: Mr BALOGH

**Mr CHERRY (Liban)**

§: Mr HIJAZI

**Mr DARKO (Ghana)**

§: Mrs ASMAH-AYISI

**Ms DRBALOVÁ (République tchèque)**

§: Ms ZVOLSKÁ

**Mr ELGURASHI (Soudan)**

**Mrs GODET (Bahamas)**

**Mr HUANG (Chine)**

**Ms KHINE KHINE (Myanmar)**

**Mr LEEYAVANIJA (Thaïlande)**

§: Ms TANGBUNYASIL

**Mr MACKAY (Nouvelle-Zélande)**

§: Mr HOPE  
§: Mr O'REILLY

**M. MATTHEY (Suisse)**

§: M. TADDEI

**Mrs MUGO (Kenya)**

§: Mrs ODERA  
§: Mr KOMORA

**Mr OCENÁŠ (Slovaquie)**

**Mr OPIO (Ouganda)**

§: Mr MUGISA  
§: Mr EBAL

**Sra. PÉREZ DI GIÁCOMO (Venezuela, Rép. bolivarienne du)**

§: Sr. BRITO

**Mrs POLLYYEVA (Turkménistan)**

**Ms REGENBOGEN (Canada)**

**M. SARAIVA (Portugal)**

§: M. PENA COSTA  
§: Mme VIEIRA

**Mr SYDER (Royaume-Uni)**

§: Mr PERCIVAL

**Mr TOKUMARU (Japon)**

§: Mr MORITA  
§: Mr MATSUI

**Mr TSIVKACH (Ukraine)**

**Mr YUKA (Papouasie-Nouvelle-Guinée)**

**Sr. MAILHOS (Uruguay)**

§: Sr. SCREMINI

**M. MEGATELI (Algérie)**

**Mr MUNTHALI (Malawi)**

**Mr ÖNEN (Turquie)**

§: Mr KAYNAK

**Sr. PARRA ROJAS (Cuba)**

§: Sr. MESA GARCÍA

**Ms PHIRASAYPHITHAK (Lao, Rép. démocratique populaire)**

**Mme PSIMHIS (République centrafricaine)**

**Sr. RICCI MUADI (Guatemala)**

§: Sra. MAZARIEGOS ESPAÑA

**Mr SHOKHIN (Fédération de Russie)**

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**M. TAMEGNON (Togo)**

§: M. AMEGAVIE  
§: M. AWESSO

**M. TOLO (Mali)**

§: M. DIAKITE

**Mr WALCOTT (Barbade)**

***Membres travailleurs - Workers' members - Miembros trabajadores***

Mr AKMAN (Allemagne)  
Mr AL SAIFI (Oman)  
Mr ALGARNI (Arabie saoudite)  
M. AMIRA (Tunisie)  
M. BAGNA (Niger)  
Ms CABATINGAN (Philippines)  
M. CORDEIRO (Portugal)  
Sr. DESTEFANI (Chili)  
M. DREWS (Luxembourg)  
M. ELAULT (Congo)  
Mr ENEBISH (Mongolie)  
Mr ESLAMI (République islamique d'Iran)  
Sr. FERREIRA DO PRADO (Brésil)  
Mr GEBREYOHANS (Ethiopie)  
M. GUEZO (Togo)  
Ms HAŠKOVÁ (Slovaquie)  
Ms KHAMATI (Kenya)  
Mr KRAVCHENKO (Fédération de Russie)  
Mr LI (Chine)  
Mr MARUTA (Japon)  
Sra. MONTERO DE OLEO (République dominicaine)  
Mr MOYO (Zimbabwe)  
Mr NTSHALINTSHALI (Afrique du Sud)  
Mr NYANTAKYI (Ghana)  
Sr. OZUNA (Paraguay)  
Mr POSTMA (Pays-Bas)  
M. REAU (France)  
Ms SOE (Myanmar)  
Sra. TRIANA (Colombie)  
Ms VARFALAMEYEVA (Biélorus)  
Mr WEAVERS (Royaume-Uni)  
Mrs AL MASRI (République arabe syrienne)  
Mr ALANTALI (Emirats arabes unis)  
Mr ALI (Bahreïn)  
Mr AYOUB (Liban)  
M. BRAHIM (Tchad)  
Mr CÁP (République tchèque)  
Mrs DAFALLA (Soudan)  
M. DIOUF (Sénégal)  
M. EL HADI (Maroc)  
Mr ELEFTHERIOU (Chypre)  
Sra. ESCRIBANO (Panama)  
Mrs FAUSKE (Norvège)  
M. GAHUNGU (Burundi)  
Sra. GONZALEZ (Argentine)  
Ms GUSTAFSSON (Suède)  
M. HOUSSIONON (Bénin)  
M. KOANDA (Burkina Faso)  
Mr L'ERIGER (Canada)  
M. LIMATA (Italie)  
M. MOLDOVAN (Roumanie)  
Mr MORAD (Egypte)  
Mr NG (Malaisie)  
Mr NURYMBETOV (Kazakhstan)  
Ms OURNY (Autriche)  
Mr PANDYA (Inde)  
Mr RATHNAPRIYA SILVA (Sri Lanka)  
M. SINTUBIN (Belgique)  
Ms SULISTRI (Indonésie)  
Mr TSHUKUDU (Botswana)  
Sr. VILLASEÑOR GUTIÉRREZ (Mexique)

**Membres travailleurs adjoints - Workers' deputy members - Miembros trabajadores adjuntos**

Mme ABATTAN (Bénin)  
 M. AERTS (Belgique)  
 Mr ALHALWACHI (Bahrein)  
 Mr ALI (Egypte)  
 Mr ALRASHIDI (Koweït)  
 Mr ANSAH (Ghana)  
 Ms ARVANITAKI (Grèce)  
 M. BACHABI (Bénin)  
 Mrs BATOURI (Soudan)  
 M. BLI (Côte d'Ivoire)  
 Mr BORNØ (Norvège)  
 Mr CHARYYEV (Turkménistan)  
 Mr CHIT (Myanmar)  
 M. COULON (France)  
 Mr DEVENDRA (Sri Lanka)  
 M. DIOP (Sénégal)  
 Mme ESSOUEBALA MBITSENE (Congo)  
 Mr HARB (Liban)  
 M. HEISER (Luxembourg)  
 Mr HORECKÝ (République tchèque)  
 M. ISIDRO BARREIROS (Portugal)  
  
 Mr KALAJA (Albanie)  
 Mr KANAU (Papouasie-Nouvelle-Guinée)  
 Mr KARUPPIAH (Malaisie)  
 Mr KAVUVI (Kenya)  
 Ms KRISSANASMIT (Thaïlande)  
 Mr MADAMOMBE (Zimbabwe)  
 M. MAHAMADOU (Niger)  
 Mr MISORI (Kenya)  
 Sr. MULLER (Brésil)  
 Mr NAULLAGE (Sri Lanka)  
 Mr NGUYEN (Australie)  
 M. PAILLOLE (France)  
 Sr. PINZON (Panama)  
 Ms PSAROGIANNI (Grèce)  
 Mrs ROOS (Pays-Bas)  
 Mr SEBOLAAPHUTI (Botswana)  
 Mr SIDEK (Malaisie)  
 Sr. SNEAD VILLASANTI (Paraguay)  
 Mr SOUVEREIN (Allemagne)  
 Mr TENSAY (Ethiopie)  
 M. TSIKPLONOU (Togo)  
 Mr WANGARA (Kenya)  
 Ms WIPAWIN (Thaïlande)  
 Mr YAMAGUCHI (Japon)  
 M. ZOUNON (Bénin)  
  
 M. ABDOU (Niger)  
 Mr AL AZRI (Oman)  
 Mr ALHUDHAINAH (Koweït)  
 Mr AL-KAABI (Qatar)  
 M. AMOUSSOU (Bénin)  
 Mr ARABI (Liban)  
 Mr AZIZ (Indonésie)  
 M. BARBIERI (Italie)  
 Mr BELANOVSKY (Biélarus)  
 Ms BOENADI (Indonésie)  
 Mr CHAIRANGSI (Thaïlande)  
 Mr CHEN (Malaisie)  
 Mr CHRISTODOULOU (Chypre)  
 Mrs DAVIS WHYTE (Jamaïque)  
 M. DHIFLI (Tunisie)  
 Ms DUBOIS (Canada)  
 Sra. FEIJOO (Uruguay)  
 M. HASSIANE (Maroc)  
 Srta. HERRERA (Colombie)  
 M. HOSSU (Roumanie)  
 Mr JAVADI GHESLAGHMAZAN (République islamique d'Iran)  
 Mr KAMAR (Liban)  
 Ms KANNISTO (Finlande)  
 M. KATILE (Mali)  
 Mrs KHOURI (République arabe syrienne)  
 M. LANDOUKPO (Togo)  
 Mr MADSEN (Danemark)  
 M. MALAM SOFFO (Niger)  
 Mr MOHAMED (Bahreïn)  
 M. NANA (Burkina Faso)  
 Mr NDLOVU (Zimbabwe)  
 Ms OCAMPO (Philippines)  
 Mr PECHIMUTHU (Inde)  
 Sr. POMATTA (Uruguay)  
 Mr ROBINSON (Seychelles)  
 Mme SALHI (Algérie)  
 Mr SEMATLANE (Lesotho)  
 Mr SILABAN (Indonésie)  
 Mr SOKOLOV (Fédération de Russie)  
 Sra. SUERO (République dominicaine)  
 Ms TSEVEL (Mongolie)  
 Ms VERMA (Inde)  
 Ms WINT (Myanmar)  
 Mr WORWUI-BROWN (Ghana)  
 Mr YASSINE (Liban)

**COMMISSION DE LA DISCUSSION RÉCURRENTE: DIALOGUE SOCIAL ET TRIPARTISME**

**RECURRENT DISCUSSION COMMITTEE: SOCIAL DIALOGUE AND TRIPARTISM**

**COMISIÓN DE LA DISCUSIÓN RECURRENTE: DIÁLOGO SOCIAL Y TRIPARTISMO**

*Membres gouvernementaux - Government members - Miembros gubernamentales*

AFRIQUE DU SUD	ALLEMAGNE	ARABIE SAOUDITE
ARGENTINE	AUSTRALIE	BARBADE
BELARUS	BELGIQUE	BOLIVIE, ÉTAT PLURINATIONAL DE
BRÉSIL	BULGARIE	BURKINA FASO
CAMBODGE	CAMEROUN	CANADA
RÉPUBLIQUE CENTRAFRICAINE	CHILI	CHINE
COLOMBIE	CONGO	RÉPUBLIQUE DE CORÉE
COTE D'IVOIRE	CROATIE	DANEMARK
RÉPUBLIQUE DOMINICAINE	EGYPTE	EMIRATS ARABES UNIS
ESPAGNE	ETATS-UNIS	ETHIOPIE
FINLANDE	FRANCE	GABON
GEORGIE	GRECE	GUATEMALA
GUINEE	HONDURAS	HONGRIE
INDONESIE	REPUBLIQUE ISLAMIQUE D'IRAN	IRLANDE
ITALIE	JAMAIQUE	JAPON
JORDANIE	KENYA	KIRIBATI
KOWEIT	LIBAN	LIBERIA
LITUANIE	LUXEMBOURG	MALAISIE
MALAWI	MALI	MAURITANIE
MEXIQUE	MONTENEGRO	MYANMAR
NAMIBIE	NEPAL	NORVEGE
NOUVELLE-ZÉLANDE	OMAN	PAKISTAN
PAPOUASIE-NOUVELLE-GUINÉE	PARAGUAY	PAYS-BAS
PHILIPPINES	POLOGNE	PORTUGAL
QATAR	RÉPUBLIQUE DEMOCRATIQUE DU CONGO	ROYAUME-UNI
SÉNÉGAL	SERBIE	SINGAPOUR
SLOVAQUIE	SLOVENIE	SRI LANKA
SUEDE	SUISSE	REPUBLIQUE-UNIE DE TANZANIE
REPUBLIQUE TCHEQUE	THAILANDE	TRINITE-ET-TOBAGO
TUNISIE	TURQUIE	URUGUAY
VENEZUELA, REP. BOLIVARIENNE DU	ZIMBABWE	

*Membres gouv. adjoints - Govt. deputy members - Miembros gub.adjuntos*

ALGÉRIE	AUTRICHE	BAHREIN
BOTSWANA	CHYPRE	COSTA RICA
EQUATEUR	INDE	ISLANDE
ISRAEL	LESOTHO	MOZAMBIQUE
NICARAGUA	PÉROU	FÉDÉRATION DE RUSSIE
SEYCHELLES	TOGO	TURKMENISTAN

*Membres employeurs - Employers' members - Miembros empleadores*

**Sr. ACEVEDO (Argentine)**

§: Srta. GIULIETTI  
§: Sr. ETCHEBERRY LOPEZ FRENCH  
§: Sr. MASSARINI

**Mr AL-MEER (Qatar)**

§: Mr AL GHAFRANI

**Mr AL-YOUSSEF (Oman)**

§: Mr AL BAHRANI

**Mr BARKLAMB (Australie)**

§: Ms MOLTONI

**M. CAMARA (Guinée)**

§: M. CONDE  
§: M. DIALLO

**Mr CHARLES (Seychelles)**

**Ms HORNUNG-DRAUS (Allemagne)**

**Mme KERAULT MBOUMBA (Gabon)**

§: M. EVOUNA  
§: M. MBOUTSOU  
§: M. ONOUNGA

**M. LADOUYOU (Côte d'Ivoire)**

§: M. MAR  
§: M. MEITE  
§: M. N'DOUMI  
§: M. BOGUIFO

**Mr MDWABA (Afrique du Sud)**

§: Ms COHEN

**Ms METS (Estonie)**

§: Ms PÄÄRENDSON

**Mrs MUGO (Kenya)**

§: Mr OPONDO

**Mr OTAREDIAN (République islamique d'Iran)**

§: Mr SHOJAAT  
§: Mr TAHERI

**M. ALIOU (Niger)**

§: M. SAGBO

**Mr ALMOHAMMADI (Arabie saoudite)**

§: Mr KADI

**M. AYANGMA AMANG (Cameroun)**

**Sr. BRAGA DE ANDRADE (Brésil)**

§: Sra. AMORIM  
§: Sr. DIAS KUHNEN  
§: Sr. REZENDE

**Sr. CARVAJAL BUSTAMANTE (Mexique)**

§: Sr. CARVAJAL TRILLO

**Ms HERZOG (Etats-Unis)**

§: Mr MACKALL

**M. HOUNNOUVI (Bénin)**

**Sr. LACASA ASO (Espagne)**

§: Sra. PINTO LOMEÑA

**Mr MATTAR (Emirats arabes unis)**

§: Mr ALMULLA

**Mr MECINA (Pologne)**

§: Mr MAKSYMIUK  
§: Mr GARDAWSKI

**Mme MIGUEL (Mozambique)**

§: Mr MONDLANE

**Mr MUNTHE (Norvège)**

§: Mrs ALSVIK

**Sr. PARRA ROJAS (Cuba)**

§: Sr. MESA GARCÍA

**Sr. SOUZA (Panama)**

§: Sra. GARZON

**Mme VAUCHEZ (France)**

§: Mme RUDELLI

**Mr TAN (Philippines)**

§: Mr ALMEDA

*Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos*

**Mr ALHOSSAYAN (Koweït)**

§: Mr ALTARKEET

**Mrs ALKHALIFA (Bahreïn)**

§: Mrs JANAHI

§: Mr ALAMER

**Sr. ALVEAR (Chili)**

§: Sr. HUMERES

§: Sr. ARAYA

**Mr AUBAUER (Autriche)**

§: Ms KAIBLINGER

§: Ms BUDAS

**Mr BECKMAN (Suède)**

§: Mr BRINNEN

**Mr BRANKOV (Bulgarie)**

§: Mr DECHEV

**Mr CHOUBEY (Inde)**

§: Mr SINGH

**Mr DARKO (Ghana)**

**M. DIOP (Sénégal)**

§: M. THIAO

**Mr DREESEN (Danemark)**

§: Ms ØBAKKE

§: Ms RABY

**Sr. ECHAVARRIA (Colombie)**

§: Sra. PERAFFÁN

§: Sr. DE LA ESPRIELLA

**Mr FARRUGIA (Malte)**

**Mrs GODET (Bahamas)**

**Mr HUANG (Chine)**

**Ms KHINE KHINE (Myanmar)**

**Mr KYRIAZIS (Grèce)**

§: Mr MENGOULIS

**M. ALI ABBAS (Tchad)**

**Mr AL-SAADI (Iraq)**

§: Mr AL-ELAYAWI

**Mr ARUMUGAM (Malaisie)**

**Sr. BARRENECHEA CALDERÓN (Pérou)**

§: Sra. AMORÓS KOHN

§: Sr. NARANJO CORREA

**Mrs BOROSNÉ (Hongrie)**

§: Ms VARGA

**Mr CHERRY (Liban)**

**Mr COLLINS (Libéria)**

§: Ms KPUKUYOU

**M. DE MEESTER (Belgique)**

§: Mme BOSSE

**Ms DRBALOVÁ (République tchèque)**

§: Ms VLCKOVÁ

**Mr DURSUN (Maurice)**

**Mr ENDRIS (Ethiopie)**

**Mr GAVRILOVS (Lettonie)**

§: Mrs STEPINA

**Sr. GONZÁLEZ ARIAS (Paraguay)**

**Mr KÄRKKÄINEN (Finlande)**

**M. KIEFFER (Luxembourg)**

§: M. SCHMIT

**Mr LEEYAVANIJA (Thaïlande)**

§: Mr MARPRASERT  
§: Mr KARNASUTA

**Sr. MAILHOS (Uruguay)**

§: Sr. SCREMINI

**M. MEGATELI (Algérie)**

**Mrs NTANDO (Swaziland)**

§: Mr LE ROUX

**Mr OPIO (Ouganda)**

**Mr PAMBUDHI (Indonésie)**

§: Mr YOGOTOMO  
§: Mr SURACHMADIN  
§: Mr NUGROHO

**Sra. PÉREZ DI GIÁCOMO (Venezuela, Rép. bolivarienne du)**

§: Sr. DIAZ

**Mrs POLLYYEVA (Turkménistan)**

**Ms REGENBOGEN (Canada)**

**Mme ROSSI (Italie)**

§: M. LAZZARELLI

**M. SARAIVA (Portugal)**

§: Mme FREIRE  
§: Mme MORAIS

**Mr SHOKHIN (Fédération de Russie)**

§: Mr ZAMOSKOVNYY

**Mr SYDER (Royaume-Uni)**

§: Mr PERCIVAL

**Mr TOKUMARU (Japon)**

§: Mr MORITA  
§: Mr MATSUI

**Mr WALCOTT (Barbade)**

**Mr MACKAY (Nouvelle-Zélande)**

§: Mr HOPE  
§: Mr O'REILLY

**M. MATTHEY (Suisse)**

**Mr MUNTHALI (Malawi)**

§: Mr KAYUNI

**Mr OCENÁŠ (Slovaquie)**

§: Ms ŠPÁNIKOVÁ  
§: Mr MOLNÁR

**Mr OSHINOWO (Nigéria)**

§: Mr YINUSA  
§: Mr ADEKOJE  
§: Mr STEVE

**Mr PARKHOUSE (Namibie)**

**Ms PHIRASAYPHITHAK (Lao, Rép. démocratique populaire)**

**Mme PSIMHIS (République centrafricaine)**

§: M. ROKOSSE KAMOT

**Sr. RICCI MUADI (Guatemala)**

§: Sra. MAZARIEGOS ESPAÑA

**Mr RUŽELE (Lituanie)**

**Mr SCHOENMAECKERS (Pays-Bas)**

§: Mr DE CUBA

**Mr SOHN (République de Corée)**

§: Mr YOO

**M. TAMEGNON (Togo)**

§: Mme ABOTSI ÉPSE KLUTSE

**Mr TSIVKACH (Ukraine)**

**Mr WEERASINGHE (Sri Lanka)**

**M. YAMEOGO (Burkina Faso)**

S: M. TOGOYENI

**M. YUMA MULIMBI (Rép. démocratique du Congo)**

S: Mme KITAMBALA MAPEMBE

S: M. MOANDA KANGI

***Membres travailleurs - Workers' members - Miembros trabajadores***

Mr ALHOSANI (Emirats arabes unis)

Mr ALOQAB (Koweït)

Sr. ARENAS (Colombie)

Mr BALDZENS (Lettonie)

Mme BENBESSA (Algérie)

Mr BUCH (Slovaquie)

Mr CERNIAUSKAS (Lituanie)

Mrs DASH (Inde)

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Mr EL BADAWY (Égypte)

Mr GEORGE (Afrique du Sud)

Mr GREGORIOU (Chypre)

Mr HAMZEH (République islamique d'Iran)

M. HOSSU (Roumanie)

Mme HOULMANN (France)

M. IDRISSA (Niger)

M. JRAD (Tunisie)

Ms KLOTSHOK (Biélorus)

Mr LABOG (Philippines)

Mme LAWSON – OLOUKOUNLE (Togo)

M. MAHAMAT (Tchad)

M. MALOUKA (Congo)

Mr MANSOR (Malaisie)

Sra. MARTINS BATISTA (Brésil)

Mr MOHAMMED (Soudan)

Mr MUNIARO (Namibie)

M. NDI (Cameroun)

M. OUEDRAOGO (Burkina Faso)

Mr PETERSON (Estonie)

Sr. POMATTA (Uruguay)

Sr. PUGA (Panama)

Mr RADHWAN (Arabie saoudite)

Mme RASOAMANANAORO (Madagascar)

Mr ROBINSON (Seychelles)

Mr ROSS (Etats-Unis)

Mr SADIEN (Maurice)

Mr SOKOLOV (Fédération de Russie)

M. TIMANA (Mozambique)

Mr UDAKANKANAMAGE (Sri Lanka)

Mme WOLTER (Luxembourg)

Mr YASSINE (Liban)

Sr. ZUCCOTTI (Argentine)

**Mr YUKA (Papouasie-Nouvelle-Guinée)**

Mr ALMUSAAD (Bahreïn)

M. AMOUSSOU (Bénin)

Mr AZZOUZ (République arabe syrienne)

Mr BEJIGO (Ethiopie)

Mme BERNARDO (Portugal)

Mr BUGEJA (Malte)

Mr DARWANTO (Indonésie)

Sr. DEL RIO DOÑE (République dominicaine)

Mr DIMITROV (Bulgarie)

Mr ERNEROT (Suède)

Mr GLIKSMAN (Pologne)

Sr. GUTIÉRREZ (Venezuela, Rép. bolivarienne du)

Mr HORECKÝ (République tchèque)

M. HOUIR ALAMI (Maroc)

Mrs HOUWING (Pays-Bas)

Sr. INSUNZA (Chili)

M. KHOUMA (Sénégal)

M. KOUADIO (Côte d'Ivoire)

Ms LACKNER (Autriche)

Mr LOH (Singapour)

Ms MAKSIMOVIC (Australie)

Sr. MANCILLA GARCÍA (Guatemala)

Mr MARENKA (Botswana)

Ms MENNE (Allemagne)

Mr MOTOBAYASHI (Japon)

Mr NADOME (Kenya)

Mr NORDDAHL (Islande)

Sr. PALMA AGUILERA (Paraguay)

Ms PINEAU (Canada)

Ms PSAROGIANNI (Grèce)

Mr PYI THYIT NYUNT WAI (Myanmar)

M. RAMADANE (République centrafricaine)

Mrs RELLING (Norvège)

Mr ROI (Ukraine)

Mr RUSSELL (Royaume-Uni)

M. SERROYEN (Belgique)

Mr TAK (République de Corée)

Mr TUTAR (Turquie)

Mr WABBA (Nigéria)

Mr WU (Chine)

Mr ZALMAA (Mongolie)

**Membres travailleurs adjoints - Workers' deputy members - Miembros trabajadores adjuntos**

Sra. RUPPERT (Brésil)	M. ABDOU (Niger)
M. ADAMOU (Niger)	Mme AGUIGAH (Togo)
Mr AHMAD (Indonésie)	M. AKANZA (Côte d'Ivoire)
Mr AKYÜZ (Turquie)	Mr AL HINAI (Oman)
Mrs ALEXANDER (Zimbabwe)	Mr AL-KHALIFA (Qatar)
Mr ALRASHIDI (Koweït)	Mr ALSHAMSI (Emirats arabes unis)
Mr ALTHAWADI (Bahreïn)	M. AMAKOUÉ (Togo)
M. ANLYOU (Côte d'Ivoire)	Sra. ARGUETA (Honduras)
Ms ARVANITAKI (Grèce)	Mr ATHUKORALE (Sri Lanka)
Mr ATWOLI (Kenya)	Mr AYOUB (Liban)
Ms AZIMI (Afghanistan)	M. BARBIERI (Italie)
Mr BEDÛK (Turquie)	M. BOUGHDIRI (Tunisie)
Sra. BUFELLI (Brésil)	Mr CAMILLERI (Malte)
Mr CÁP (République tchèque)	Sr. CASCANTE MONTERO (Costa Rica)
Sr. CASTILLO (Panama)	M. CHADARE (Bénin)
Mr CHARYYEV (Turkménistan)	Mr CHEBI (Kenya)
Mme CUCINIELLO (Italie)	Mrs DAVIS WHYTE (Jamaïque)
M. DEMARET (Belgique)	M. DJIGUIBA (Mali)
Mr DOLENDO (Philippines)	M. DONGABEKA (Congo)
Mr DUBINSKI (Pologne)	Ms DUBOIS (Canada)
Sr. ESPINOSA LÓPEZ (Mexique)	Sra. FEIJOO (Uruguay)
M. FOELLER (Luxembourg)	M. GARBA (Niger)
M. GASPARE (Angola)	Mr GINA (Swaziland)
M. GUEYE (Sénégal)	Mr GUNDANE (Zimbabwe)
M. HANSALI (Maroc)	M. HFAIEDH (Tunisie)
M. HOUSSIONON (Bénin)	Mr IBRAHIM (Liban)
Mrs JASSAM (Bahreïn)	M. KABORE (Burkina Faso)
Mr KALAJA (Albanie)	Mr KAMAL (Liban)
Mr KAMAL (République arabe syrienne)	M. KASSA MAMPO (Bénin)
Mr KIM (République de Corée)	Mr KOH (Singapour)
Mr KRISTENSEN (Danemark)	Mr KYRITSIS (Chypre)
M. LAAROUSSI (Maroc)	Sra. LEGUIZAMÓN (Paraguay)
M. LENDOUMA (Congo)	Sr. LEON (République dominicaine)
Sr. LIMÓN RIVERA (Mexique)	Mrs LIPARTELIANI (Géorgie)
Mr MANN (Allemagne)	Sr. MENDOZA ESTRADA (Guatemala)
M. MERIMI (Maroc)	Mr MOAYEDI (République islamique d'Iran)
M. MOLDOVAN (Roumanie)	Sra. MONTIEL (Paraguay)
Mr MOTSHEGWA (Botswana)	Mr MUTASA (Zimbabwe)
Mr MYINT (Myanmar)	Mr NAULLAGE (Sri Lanka)
Ms NIYOM (Thaïlande)	Mr OLUGA (Kenya)
Ms OURNY (Autriche)	Sr. PALÁCIO CUESTA (Brésil)
Mr PETRIASHVILI (Géorgie)	Mr PO (Myanmar)
Mr POPELLO (Fédération de Russie)	Mr RAMASOOT (Thaïlande)
Sr. RENDÓN JIMÉNEZ (Mexique)	Mr RISTADI (Indonésie)
Mr RISTELÄ (Finlande)	Mme SAKHO (Sénégal)
Mr SALIM (Indonésie)	Mr SEMATLANE (Lesotho)
Mr SHAUCHUK (Biélorus)	M. SIMANGO (Mozambique)
Sr. SNEAD VILLASANTI (Paraguay)	M. SOUMANA (Niger)
Mr TAN (Malaisie)	Mr TAN (Malaisie)
M. THIBAUT (France)	Mr THOMAS (Inde)
M. TINNI (Niger)	Mr TRINDADE (Portugal)

Ms TSEVEL (Mongolie)

M. VEYRIER (France)

Sr. ZEPEDA MARTINEZ (Honduras)

Mrs VAN WEZEL (Pays-Bas)

Mr VUKOVIC (Slovénie)

**COMMISSION DE PROPOSITION  
SELECTION COMMITTEE  
COMISIÓN DE PROPOSICIONES**

*Membres gouvernementaux - Government members - Miembros gubernamentales*

ALLEMAGNE	ARGENTINE	AZERBAIDJAN
BAHREIN	BARBADE	BRÉSIL
CANADA	CHINE	RÉPUBLIQUE DE CORÉE
COTE D'IVOIRE	ETATS-UNIS	ETHIOPIE
FRANCE	INDE	REPUBLIQUE ISLAMIQUE D'IRAN
IRLANDE	ITALIE	JAPON
LESOTHO	MAURITANIE	PANAMA
PÉROU	POLOGNE	ROYAUME-UNI
FÉDÉRATION DE RUSSIE	SÉNÉGAL	TCHAD
THAÏLANDE		

*Membres gouv. adjoints - Govt. deputy members - Miembros gub.adjuntos*

ARABIE SAOUDITE	AUSTRALIE	BANGLADESH
BRUNEI DARUSSALAM	BULGARIE	CAMEROUN
CUBA	EQUATEUR	FINLANDE
GRECE	GUATEMALA	INDONESIE
IRAQ	MAROC	MEXIQUE
MYANMAR	NAMIBIE	NEPAL
NIGÉRIA	OUGANDA	PARAGUAY
ROUMANIE	RWANDA	SUISSE
SWAZILAND	REPUBLIQUE TCHEQUE	TURQUIE
URUGUAY		

*Membres employeurs - Employers' members - Miembros empleadores*

<b>Mr BARDAN (Malaisie)</b>	<b>Mr BARKLAMB (Australie)</b>
<b>Sr. ECHAVARRIA (Colombie)</b>	<b>M. GHARIANI (Tunisie)</b>
<b>Ms HERZOG (Etats-Unis)</b>	<b>Sr. LACASA ASO (Espagne)</b>
<b>Ms LIU (Chine)</b>	<b>M. MEGATELI (Algérie)</b>
<b>Ms MOSKVINA (Fédération de Russie)</b>	<b>Mrs MUGO (Kenya)</b>
<b>Mr SCHOENMAECKERS (Pays-Bas)</b>	<b>Ms TASDIGHI (République islamique d'Iran)</b>
<b>Mr TOKUMARU (Japon)</b>	<b>Sr. YLLANES MARTÍNEZ (Mexique)</b>

*Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos*

**Mr AHMED (Bangladesh)**

**Mr BECKETT (Canada)**

**Ms CHOI (République de Corée)**

**M. DE MEESTER (Belgique)**

**M. DIOP (Sénégal)**

**Mr FRIMPONG (Ghana)**

**Sr. MAILHOS (Uruguay)**

**Mr MLIMUKA (République-Unie de Tanzanie)**

**Mr OSHINOWO (Nigéria)**

**Sr. RICCI MUADI (Guatemala)**

**Mr TAN (Philippines)**

**Sr. URTECHO LOPEZ (Honduras)**

**Mr WALCOTT (Barbade)**

**Mr YILDIZ (Turquie)**

*Membres travailleurs - Workers' members - Miembros trabajadores*

**Mr ATWOLI (Kenya)**

**Mr AWAN (Pakistan)**

**Ms BROWN (Royaume-Uni)**

**Ms GONO (Japon)**

**Ms LIEW (Singapour)**

**Sr. MARTINEZ (Argentine)**

**Ms MENNE (Allemagne)**

**Mrs MOORE (Barbade)**

**Mrs PASSCHIER (Pays-Bas)**

**Sr. PEDRAZA (Colombie)**

**Mr PYI THYIT NYUNT WAI (Myanmar)**

**Mr SHMAKOV (Fédération de Russie)**

**Mr WABBA (Nigéria)**

**Mr YOUSIF (Soudan)**



## Plenary sitting

### Opening of the 107th Session of the International Labour Conference

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Monday, 28 May 2018, 11.10 a.m.

*Presidents: Mr Cortebeek, Chairperson of the Governing Body of the International Labour Office, and Mr Murad*

## **Opening of the session**

### **Mr Cortebeek**

Chairperson of the Governing Body of the International Labour Office

It is my honour as Chairperson of the Governing Body of the International Labour Office for 2017–18 to declare open this 107th Session of the International Labour Conference.

May I take this opportunity to extend to all of you a warm welcome to Geneva and to our Conference. I am confident that this year's session will live up to the expectations and trust that have been placed in it.

## **Election of the President of the Conference**

### **Mr Cortebeek**

Chairperson of the Governing Body of the International Labour Office

Without further ado, let us move to the first item on our agenda of this morning, under which the Conference is called on to elect its President.

I give the floor to Ms Paik, the Government representative of the Republic of Korea and current Chairperson of the Government group, to put forward the nomination.

### **Ms Paik**

Government (Republic of Korea), speaking on behalf of the Government group

On behalf of the Government group and as its Chairperson, it is my honour to put forward the candidature of Mr Samir Murad, Minister of Labour of the Hashemite Kingdom of Jordan, as President of the 107th Session of the International Labour Conference. Mr Murad's candidature was unanimously endorsed by the Government group.

As Minister of Labour, Mr Murad is also Chair of the Jordanian Social Security Corporation, the Vocational Training Corporation, and the Employment, Technical and Vocational Education and Training Fund. Prior to his most recent appointment as Minister, he served as member of the Jordanian Senate between 2016 and 2018 and also as Minister of Labour from 2010 to 2011.

Mr Murad has chaired and been a board member of countless companies and organizations, including the Jordanian branch of Education for Employment, the National Company for Employment and Training, and the Jordanian Social Security Investment Fund. He is also a member of the National Committee for Human Resources Development. He has served on the boards of various profit and non-profit organizations, such as INJAZ, which

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helps to prepare young Jordanians to become productive members of society and to succeed in a global economy, and is a co-founder of the Arab Foundation for Sustainable Development. Throughout his career, Mr Murad has worked tirelessly to promote youth development, education, employability and responsible citizenship.

For these reasons, the Government group believes that Mr Murad of the Hashemite Kingdom of Jordan has all the skills and experience necessary to successfully lead this 107th Session of the International Labour Conference and is honoured to nominate him as President.

*(The proposal is supported by the Employers' and the Workers' groups.)*

**Mr Cortebeek**

Chairperson of the Governing Body of the  
International Labour Office

The nomination put forward with the unanimous support of the Government group, by Ms Paik, has met with the agreement of the Employers' and Workers' groups.

Are there any other proposals?

In the absence of other proposals, I therefore have great pleasure in declaring Mr Samir Murad, Minister of Labour of the Hashemite Kingdom of Jordan, President of the 107th Session of the International Labour Conference.

I offer him my warmest congratulations, and invite him to come up to the podium to take the Chair.

*(Mr Murad, Minister of Labour of the Hashemite Kingdom of Jordan, is elected President of the 107th Session of the International Labour Conference and takes the President's chair.)*

## **Presidential address**

**The President**

*(Original Arabic)*

First of all, I would like to thank the governments of the countries of the Asia and the Pacific region, which submitted Jordan's candidature for the presidency of this 107th Session of the International Labour Conference. I would also like to thank the Government group for placing its trust in me. I am also thankful to the Employers' and Workers' groups for having supported my candidature. Jordan appreciates that trust, which crowns the excellent cooperation it has enjoyed with the whole world for the past 50 years.

It is a great honour for me to preside over this Conference and a singular honour for the country that I represent, the Hashemite Kingdom of Jordan, and its monarch, His Majesty King Abdullah II.

This 107th Session is not one like the others, as the ILO soon approaches its second century of existence. This provides us with an excellent opportunity to congratulate ourselves and all the Organization's Members, as well as its leaders, on this long journey in the service of the principles that the ILO espouses. We hope that the Organization will manage to realize its objectives of peace, social justice, gender equality and social protection, and that it will also be able to put in place a decent environment for all workers, regardless of their nationality, and ensure a transition from an informal to a formal economy.

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We have before us the Report of the Director-General, *The Women at Work initiative: The push for equality*. It is a report that calls for the elimination of obstacles to equality and presents strategies for achieving that objective. It proposes new and innovative approaches for establishing real gender equality at work. In this report, my attention was drawn particularly to what the Director-General defines as a challenge, namely how to resolve the time–money–agency conundrum, the three constants that women around the world face and which have repercussions on their participation in the labour market.

We expect much from social dialogue between the tripartite constituents and from the negotiations and discussions among participants that will take place on the fringes of activities. We have no doubt that the Governments, Employers and Workers will present us with the new ideas needed to boost the ILO's efforts to promote gender equality on the eve of its centenary. When women's status improves, the world is a better place. That is why 193 States made the principle of gender equality a key component of the recently adopted 2030 Agenda for Sustainable Development. The 17 Sustainable Development Goals (SDGs) entail targets for achieving male–female equality. In particular, SDG 5 clearly states: "Achieve gender equality and empower all women and girls". It is high time to take the necessary action to achieve that goal.

Cultural traditions and economic circumstances cannot justify discrimination or any other violation of basic human rights. Rich and poor countries alike must harness their social and economic potential to achieve the objective of gender equality. We need to implement ambitious policies that can remedy the disparities between men and women and bring about the necessary changes in social and professional relationships.

It is clear from the Appendix to the Report of the Director-General, *The situation of workers of the occupied Arab territories*, that the situation has deteriorated for the workers of these territories. I would like to thank the Director-General for his visit last April to the Occupied Palestinian Territory and Israel. He went to see for himself what is happening. I agree with his remarks, in the preface of the Appendix to the Report, that "only dialogue and a joint search for solutions will effectively bring about decent work to the occupied Arab territories. The ILO and the international community as a whole have to remain fully engaged in this effort and faithful to their commitments."

Our Organization is nearly 100 years old. It was created to achieve social justice and to contribute to the establishment of peace. It is also endowed with unique features that it is vital to protect and strengthen. I am referring, of course, to the tripartism and standards activities that form the backbone of the ILO. That is the crucial challenge for our Organization and for its constitutional commitments.

I have no doubt that the tripartite constituents will continue their efforts in the coming months and years. The general discussion on effective development cooperation in support of the SDGs, which is on our agenda, will doubtless be an opportunity to exchange opinions and advice concerning the new medium-term development cooperation strategy that the ILO will apply from 2018, and to sketch out a future ILO vision for development cooperation, which is integral to the future of work.

We must fight violence and harassment. That is among the fundamental objectives of this Organization, as clearly stated in the Declaration of Philadelphia. During this session of the Conference, we shall focus on tackling the subject of violence and harassment at work against both women and men, with a view to establishing the standards needed to put an end to such abuse.

Despite the great efforts that have been made, there are still unacceptable forms of conduct and behaviour that persist, which requires us to put an end to acts that cause harm or physical, mental or sexual suffering for millions of workers and employers.

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I would like to emphasize the importance of the benefits that we, the ILO constituents, are reaping following the reforms made to the ILO's administration, procedures and working methods. Improvements have clearly been made to the work of the Governing Body. In particular, the Governing Body enjoys better governance and greater levels of participation and commitment by all its members. I would also like to mention the reforms that have taken place to the work of the Conference over the past four years, and even at this session. We now have shorter Conference sessions and costs have gone down, while the quality of debates of this international parliament for labour matters is still excellent and has not been affected. I am aware that this reduced duration places pressure on us all, but I am convinced that, thanks to the past and present cooperation of all delegates, we shall carry out our task efficiently.

Despite the increasing demands made on the ILO – which remains on a zero-growth budget – we note a qualitative and quantitative increase in the services it provides to constituents, thanks to an internal reform process which has enabled the transfer of resources from administrative and support functions to direct service provision where there is pressing need.

We are on the eve of the ILO's second century of existence and, thanks to the clear-sighted leadership of our Director-General, Guy Ryder, we aim to continue building on our achievements towards a better future. We have to be proud of what has been accomplished in governance and leadership.

In conclusion, I would like to renew my thanks to the tripartite constituents for the trust they placed in me in electing me to lead this Conference. It is an honour both for myself and for the Hashemite Kingdom of Jordan. I will spare no effort and work unstintingly to remain worthy of your trust. We have a full agenda, and I am sure that, with the support provided by the Vice-Presidents and with your assistance, we shall be able to carry out the work of this session, both in plenary and in the committees.

Thank you very much for your attention.

## **Election of the Vice-Presidents of the Conference**

### **The President**

Our first task is the election of the Vice-Presidents of the Conference. The Clerk of the Conference, Ms Dimitrova, will read out the names of the candidates proposed by the various groups.

### **Ms Dimitrova**

The Clerk of the Conference

The nominations for the three positions of Vice-President of the Conference are as follows: for the Government group, Mr Elmiger (Switzerland); for the Employers' group, Mr Mattar (United Arab Emirates); and for the Workers' group, Ms Gono (Japan).

### **The President**

If there are no objections, may I take it that these proposals are approved?

*(The proposals are approved.)*

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## Nomination of the Officers of the groups

### The President

We now move to the nominations of the Officers of the Government, Employers' and Workers' groups. The groups are, of course, autonomous in their choices and the names of those concerned are displayed on the screen, as indicated below:

#### Government group

Chairperson Ms Paik (Republic of Korea)

Vice-Chairperson Mr Sadiqov (Azerbaijan)

#### Employers' group

Chairperson Mr Mdwaba (South Africa)

Vice-Chairpersons Ms Rigg Herzog (United States)

Mr Megateli (Algeria)

Mr Matsui (Japan)

Mr Echavarría Saldarriaga (Colombia)

Ms Hornung-Draus (Germany)

Secretary Mr Suárez Santos (International Organisation of Employers)

#### Workers' group

Chairperson Ms Passchier (Netherlands)

Vice-Chairpersons Mr Wabba (Nigeria)

Mr Shmakov (Russian Federation)

Mr Awan (Pakistan)

Ms Moore (Barbados)

Secretary Ms González (International Trade Union Confederation)

## Constitution and composition of the Conference committees

### The President

The next agenda item concerns the constitution and composition of the standing committees and committees to consider items on the agenda of the Conference. The Conference may wish to establish the following committees: the Finance Committee; the Selection Committee; the Credentials Committee; the Committee on the Application of Standards; the Standard Setting Committee: violence and harassment in the world of work; the General Discussion Committee: effective ILO development cooperation; and the Recurrent Discussion Committee: social dialogue and tripartism.

The composition of the Committees, as proposed by the groups, was communicated to participants on the Conference website as *Provisional Record* No. 2.

The Finance Committee of Government Representatives is composed, as its name suggests, of all Government delegates to the Conference. There is no need to register for this Committee.

If there are no objections, may I take it that the Conference approves these proposals?

*(The proposals are approved.)*

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## **Suspension of certain provisions of the Standing Orders of the Conference and other proposed decisions regarding formalities**

### **The President**

The next agenda item concerns the suspension of certain provisions of the Standing Orders of the Conference and other proposed decisions regarding formalities.

The purpose of their suspension is to implement at this session, pending amendment of the Standing Orders of the Conference, the various changes in the format of the Conference that are proposed in order to improve its functioning and, in particular, to accommodate its shortened length. Some of the suspensions relate to the work in plenary and others to the work in the committees.

Moreover, at its 332nd Session (March 2018), the Governing Body discussed proposals to approve, at the opening sitting of the Conference, all of the formalities necessary to set the Conference in motion, including some of the formalities dealt with in the past by the Selection Committee. These formalities include setting the closing date for the registration of speakers in plenary, approving the tentative plan of work for the Conference, adopting a number of suggestions to facilitate the work of the Conference and its committees, and authorizing the invitation of international non-governmental organizations to participate in committees.

These proposals are set forth in *Provisional Record* No. 1A, which has been published on the Web and is also available at the distribution desk.

If there are no objections, may I take it that the Conference wishes to suspend the various provisions of its Standing Orders for the purposes set out in *Provisional Record* No. 1A?

If there are no objections, may I also take it that the Conference endorses the procedural formalities set out in the second part of *Provisional Record* No. 1A?

*(The proposals are approved.)*

## **Delegation of authority to the Officers of the Conference**

### **The President**

We shall now take up the question of the delegation of authority to the Officers of the Conference. As per the agenda, the Conference will not meet again in plenary until Thursday, 31 May. I therefore propose that the daily organizational tasks of the Conference during the intervening period be carried out by its Officers.

If there are no objections, may I take it that the delegation of authority is acceptable to the Conference?

*(The delegation of authority is accepted.)*

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## Presentation of the Report of the Director-General

### The President

We have now completed the necessary administrative and procedural tasks and can turn to questions of substance.

It is therefore my honour to call on the Director-General of the International Labour Office, Mr Ryder, to present his vision of the work to be accomplished at this session of the Conference together with his Report entitled *The Women at Work initiative: The push for equality*, and its Appendix on *The situation of workers of the occupied Arab territories*. The Director-General will also present his report entitled *ILO programme implementation 2016–17*.

### Mr Ryder

#### Secretary-General of the Conference

Let me begin by welcoming you all. This is a Conference with a great deal of work ahead of it, and it is encouraging indeed that one very good decision has already been made with the election of Mr Murad to lead us. It is not the first time that Jordan has given us our Conference President and so we know that we are in the very best of hands.

We meet just months away from the ILO's Centenary, and in circumstances that remain challenging for many in the world of work. There have been encouraging improvements in growth and employment for some of our member States, but still not enough to put us on a trajectory to achieve the goals of the 2030 Agenda for Sustainable Development, including decent work for all.

Nor are we having a serious impact on the inequalities – of income, of opportunity and of life quality – that continue to scar our societies, to make them unstable as well as unfair, and to complicate as well the relationship between countries. And the fact that these inequalities have their roots above all in what takes place in labour markets should, I think, remind everybody here of our collective responsibilities.

Two tendencies, related to these circumstances of heightened tension in the world, both of them worrying, merit the attention of this Conference, not least because they bear directly on issues which are on our agenda and which have a permanent impact on the life of our Organization.

Firstly, and very simply, it is becoming harder for us to talk to each other; harder to listen to each other; and harder to weigh the merits of the views of the other against one's own and in so doing reach for compromise and agreement. Now, I think that this is true in many areas, but most particularly – and pertinently for us – in that of the world of work. Certainly we have felt this at the ILO.

I have made it a point in my interventions from this platform in recent years to urge all delegates to adopt a spirit of tripartism, compromise and consensus, and I do so with particular insistence this time because it is a precondition for the success of this Conference and of the ILO. It means of course defending diverging positions and interests, but as partners not as adversaries: partnership made possible by the shared values and objectives of a whole century.

I say this with a feeling of some foreboding that there is a new climate abroad in the world. A new brutalism. It is to be found in the appalling suffering inflicted in so many

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conflicts in the world. It is to be found in the collective failure of too many to come to the aid of those most in need – those millions who are on the move, for example. It is to be found in the flouting of human rights standards with impunity, and in the questioning of some basic tenets of democratic life. I believe that our Organization and our Conference must be a bulwark against such contagion, through our own conduct and through the results that we achieve together.

It is therefore appropriate that social dialogue is the theme of the recurrent discussion on this year's agenda. Some might think that the ILO has already said just about everything that it is possible to say about social dialogue, but I do not take that view because, for the reasons explained, we need to do more and we need to do better to identify the obstacles that we are encountering and the implications of the multiple transformations in the world of work for the future of tripartism. We need to make the links between social dialogue and all other ILO strategic objectives, and most particularly the interaction between dialogue and collective bargaining, recognizing that it can make no sense to embrace one while turning away from the other.

The second tendency that I observe is the growing challenge to international cooperation through multilateralism. Objections to multilateralism seem to have become a theme tune in the background music of our time: that multilateralism is ineffective and cannot deliver; that it is an unwarranted infringement of national sovereignty; and that it is the instrument wielded by a cosmopolitan elite, and for its benefit alone.

The necessary response to this is the demonstration of a functioning and productive international system, one which engages all, and one which leaves nobody behind. And that is precisely the course being charted by the Secretary-General of the United Nations in the process of the UN reform, to which the ILO is contributing with energy and with conviction. We were pleased to have the opportunity to welcome the Deputy Secretary-General of the United Nations, Ms Amina Mohammed, to the Governing Body session in March and to exchange ideas with her on what the ILO can bring to the reform, and what reform can bring for the ILO. We know that the General Assembly will very soon adopt a resolution on reform of the UN development system, and it is all of this that provides the backdrop to our Conference debate on effective development cooperation in support of the Sustainable Development Goals (SDGs). While this is a subject to which the Conference returns periodically, the situation today – of a multilateral system undergoing both pressure and change, now three years into the task of delivering the 2030 Agenda – I think places the stakes of this year's discussion particularly high.

The ILO has major responsibilities in delivering on the 2030 Agenda as a whole and also for the 14 SDG indicators for which it has been designated custodian. Meeting those responsibilities necessarily includes coming together in the definition of all of those indicators.

The occasions when the Conference embarks on the process of negotiating entirely new labour standards, particularly in the form of a possible Convention and Recommendation, have become increasingly infrequent in recent years. This, and the pressing importance of the subject itself – violence and harassment at work – combine to underline the undoubted significance of the task that we now begin and will hopefully complete at next year's centenary session of the Conference. The Governing Body decided on this agenda item in 2015 and it could not then have anticipated the upsurge of public revulsion in recent months through the #MeToo campaign, and much else, at well-publicized and high-profile cases of sexual harassment and abuse, by which, lamentably, the international system has not been left untouched. And so, we are confronted today with evidence of a submerged iceberg of misconduct, which disfigures and contaminates the world of work and renders it all too frequently a particularly hostile and intimidating environment for women.

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It is tempting to conclude that this year's negotiations and those of next year are timely, but the truth is that they are long overdue. We cannot change that, but we can all join in making sure that we produce results that really make a difference and open the way to guarantees of workplaces entirely free of violence and harassment – and that means, by the way, that the scope of our work must encompass all forms of violence and harassment. Simply put, our answer to the ever more vocal call for this action has to be #UsToo.

And it goes without saying that here at the Conference we will and must conduct our own work with the highest levels of ethical standards and respect for all. The ILO itself is acting vigorously to ensure that “Zero tolerance” of harassment in our own Organization is not merely a slogan but a reality backed up by rights and effective mechanisms of protection.

With this in mind, I have also felt it right to devote my own Report to the Conference, which will be discussed here in plenary, to what I have termed the new push for gender equality. This forms a part of our Women at Work initiative and shares its basic premise. That premise is that, while the ILO has a considerable record of commitment and achievement in the cause of gender equality, the fact remains that we remain far from the goals that we have set ourselves and that progress towards those goals remains slow, uneven and uncertain.

So it seems that just carrying on doing the same things, or even doing a bit more of them is unlikely to overcome the sometimes hidden structural obstacles that need to be cleared from the path of equality. My Report suggests some avenues of innovative action which could help to do that and I encourage you as well, our tripartite constituents, to define and to join in a new push for equality on the occasion of the ILO Centenary.

Let me recall that an Appendix to my Report is – as has been the practice for nearly 40 years now – dedicated to the situation of workers of the occupied Arab territories. Like everybody in this hall, let me say that I look forward to the day when this Report will no longer be considered necessary. But, pending that and in line with past practice, I have fielded a mission to the territories to prepare the Report and I myself visited the Occupied Palestinian Territory and Israel last month.

Once more, there is little positive to report on the labour situation, and much cause for concern about humanitarian suffering, and the loss of life in Gaza in particular. But my visit confirmed my long-held conviction that there is much that the ILO can do – within its mandate and with the cooperation of the parties directly concerned – to bring real improvement in the harsh realities that working people continue to face in the territories. I want to urge you all to support us in those efforts.

Let me conclude my remarks on the Conference agenda with a reference to the Committee on the Application of Standards, that essential and permanent vertebral column of each and every Conference session and of the ILO's entire supervisory system. Let me say that it has been encouraging that this key Committee has been able to complete its work successfully at the last three Conference sessions, following the serious difficulties encountered in preceding years, despite still unresolved divergences of opinion on matters of fundamental significance, and because of the important efforts made by the different groups to find common ground.

It has however, been one of the frustrations, a shared frustration I believe, of the Governing Body's work over the past year that it has not been possible to advance substantively, and certainly not as we would have liked, the part of the Standards Initiative that addresses the reform of the supervisory system, even when real progress has been made in respect of the Standards Review Mechanism.

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Nevertheless, I am confident that we will be able to move forward in the Governing Body in the coming year so that we get to the centenary session of the Conference with significant results to show. This is within reach. Of course, another productive session of the Committee on the Application of Standards this year will certainly do a lot to set us on that road.

In this context, let me underline the particular importance of the General Survey concerning working-time instruments that the Experts have presented to the Committee – not least in the context of the future of work. This was the very first subject of ILO standards setting and it has lost none of its significance and relevance over the last 100 years.

Our Conference will be honoured by the participation of Nobel Laureate, President Santos of Colombia, who will address us here on Friday, 1 June, and also by the participation of President Touadéra of the Central African Republic, President Higgins of Ireland and Prime Minister al-Abadi of the Republic of Iraq, who will be with us on Thursday, 7 June for the World of Work Summit, the theme of which this year is employment and decent work for peace and resilience. On that same day, we will mark the 20th anniversary of the ILO Declaration on Fundamental Principles and Rights at Work, and I think you would agree with me that this will provide a fitting climax as our Conference session draws close to its end.

Every Conference session is important. The agenda I have outlined to you this morning means, certainly, that this year's is no exception. Without detracting in any way at all from its significance, I need, nevertheless, to close by reminding you that next year we have a collective rendezvous with history at the centenary session of the Conference, a veritable landmark, not only for the ILO, but in the history of the system of international cooperation, of which this Conference is the founding stone.

As delegates will certainly be aware, seven centenary initiatives have been launched to mark this historic moment, and central among them is the Future of Work initiative, which will culminate at next year's centenary session of the Conference.

In preparation for that, our Global Commission on the Future of Work, co-chaired now by President Ramaphosa of South Africa and Prime Minister Löfven of Sweden, will publish a report at the beginning of next year which will be transmitted to the centenary session of the Conference, where deliberation will be critically important for the future direction of this – our – Organization. Because the future of work means also the future of the ILO.

That is for the future. Returning to the present, let me wish this session, all of you here, all members of this unique world parliament of labour, success in your work over the next two weeks.

## **The President**

Thank you very much, Director-General, for giving us a clear overview of the work before us and for the presentation of your Report. The three groups will be guided over the next two weeks by the highly pertinent and timely perspective that you have put forward.

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## **Presentation of the report of the Chairperson of the Governing Body**

### **The President**

It is now my honour to call on the Chairperson of the Governing Body for 2017–18, Mr Cortebeek, to present his report on the activities of the Governing Body for the period of his tenure. Mr Cortebeek's report is presented as Report I(C).

### **Mr Cortebeek**

Chairperson of the Governing Body of the International Labour Office

Let me begin by saying that it has been a great honour and privilege to serve as Chairperson of the Governing Body of the International Labour Office for this last year. It is now my pleasure to present to you my report on the work of this august body over that 12-month period. The report that I have produced can be found under the reference Conference Report I(C).

As you know, together with the Report of the Director-General, this report is one of the subjects for discussion by the plenary of this session. The report speaks for itself in so far as it contains a very detailed account of the subjects examined by the Governing Body at the three sessions concerned: the short 330th Session, held last June, and the two substantial sessions, the 331st, held in October–November 2017, and the 332nd, held in March 2018.

I will therefore not repeat the contents of the report but will limit myself to a few additional comments that will, I hope, give a flavour of the matters that were considered and how the work was conducted. And here, as I cannot do so in the report, I would like to pay tribute to the three groups of the Governing Body for the commitment they showed to the tasks before them. A number of the subjects that were examined this past year proved to be both interesting and challenging. This, in my view, was due to three factors: the nature of the subjects at hand, the new composition of the Governing Body following the elections last June, and the evolving dynamics between and within the groups.

Some of you will also recall that back in June 2017, the Governing Body was called upon to take a decision on the holding of the Tenth European Regional Meeting. This came as a result of the Workers' group's request to postpone the Regional Meeting or change its venue. More recently, in March 2018, the 332nd Session of the Governing Body was brought to an abrupt end after the ILO Staff Union Committee called for strike action on the last day of the session. This was a consequence of the decision regarding the take-home pay reduction for Geneva-based ILO staff, resulting from a decision taken by the International Civil Service Commission. The strike action meant that a number of complex discussions were left unfinished.

The issue of promoting decent work in the tobacco sector is an excellent case in point. This is a particularly sensitive subject because, while presenting well-acknowledged public health implications, it also raises concerns about the protection of workers in this sector, including the eradication of child labour, and the role of the ILO. I am confident that the Governing Body is close to reaching a consensus on this agenda item which, it is my hope, will be satisfactory to all three groups.

Some might interpret these types of challenges as a hindrance to the proper functioning of the Governing Body, but I prefer to see them as testimony to the proper functioning of social dialogue, which sometimes includes industrial action, including within the confines of our Organization.

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Despite this feeling of “unfinished business” at the end of our last session, the Governing Body has had a number of remarkable achievements this past year, of which it can and should be proud. In its governance role, the Governing Body made significant progress in setting the agenda of next year’s centenary session of the Conference, which will be a historic event for the Organization and the people it serves. At its centenary session, the Conference can look forward to receiving the report of the Global Commission on the Future of Work. The Global Commission marks the second stage in the ILO’s Future of Work initiative and its report will provide a foundation for the tripartite constituents to shape the future of work and decide on the future focus of the ILO. The Commission has been extremely productive and I would like to invite you all to attend the information session regarding its work, which will be held on Wednesday, 30 May, from 1 p.m. to 2.30 p.m. in room XVI, here at the Palais des Nations.

The Governing Body also continued its review and ongoing improvement of the functioning of the International Labour Conference in its two-week format and made progress with its review of the Regional Meetings. The Governing Body has accordingly submitted the consolidated version of the Rules for Regional Meetings, which it adopted in March, to the Conference for confirmation. Likewise, we hope that the next session of the Governing Body will be able to come to a decision on the review and format of expert and technical meetings.

Another achievement has been the slow but steady progress in consensus-building with regard to the strengthening of the supervisory system, one of the cornerstones of this Organization. The Governing Body is very close to reaching much-needed agreement on this item, which will prove essential to the proper functioning of the Organization’s supervisory system as it enters its second century of existence.

While on the subject of the supervisory system, I would like to take a moment to reflect on the developments surrounding the complaints made under article 26 of the ILO Constitution and the representations made under article 24 that were on our agenda over the past year. The Governing Body tackled these issues with the explicit aim of securing the sustainable and long-lasting application of the ratified Conventions concerned. In doing so, it has proven that, as observed by Director-General Ryder, through a combination of principle and perseverance in the treatment of such complaints, significant results can be obtained. Here, I am referring to the case of Qatar, which the Governing Body decided to close last November. This particular case serves to highlight the strength of the process, starting with the Governing Body’s decision, in 2015, that a tripartite high-level mission to the country should take place. This was followed by lengthy negotiations with a view to securing full respect for one of the Organization’s fundamental principles, the elimination of forced labour, and the relevant Conventions. Today, we have a comprehensive ILO technical cooperation programme in place in Qatar and an ILO presence aimed at improving the employment and working conditions of migrant workers in the country with the collaboration of the Government and representatives of these vulnerable workers.

In other instances, as was the case with Guatemala and the Bolivarian Republic of Venezuela, the Governing Body had to make use of all the procedures at its disposal, entirely in consonance with the mandate of our Organization, in the hope that positive change would be brought about in the near future. The Governing Body will need to continue to address these cases objectively and dispassionately at its upcoming sessions.

You can see from the use of such procedures that the Governing Body has fully played its role in the supervisory system as well. Still on the Governing Body’s role in the ILO’s supervisory system, I would like to pay tribute to the work of its Committee on Freedom of Association and, in particular, welcome the update of the Digest of its decisions and the production of its first annual report.

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Although perhaps less visible, I would also like to mention two other aspects of the work of the ILO that are a testimony to our collective effort to ensure the relevance and adaptation of our body of international standards. Here, I am thinking in particular of the outcome of the work of the Standards Review Mechanism and of the Special Tripartite Committee under the Maritime Labour Convention, 2006, which we have at this session of the Conference in the form of a number of proposals to derogate from and withdraw obsolete international labour instruments, and of draft amendments to the Maritime Labour Convention.

Likewise, the Governing Body has served its role in positioning the Organization in the multilateral system and working towards achievement of the 2030 Agenda for Sustainable Development. Last March, its voice was heard loud and clear in the presence of the Deputy Secretary-General of the United Nations, Ms Amina Mohammed, during the High-Level Session on the Reform of the United Nations. At that session, the ILO constituents conveyed a clear message to the Deputy Secretary-General on how the UN reform process could best take into account the specific tripartite and standard-setting nature of the ILO and its activities. Through these many steps, the ILO has clearly established itself as a relevant actor in the 2030 Agenda and in the UN system. The Organization's goal is to actively participate in driving the success of the ongoing UN reform while maintaining sufficient independence for its tripartite nature, supervisory mechanisms and standard-setting activities – which we hold so dear – to continue to speak with a loud and clear voice on issues we consider critical.

My report shows that the Governing Body has tackled complex and difficult issues and that it has done so with great zest. For this, I am grateful to my fellow Officers, Mr de la Puente Ribeyro and Mr Mdwaba. I would also like to extend my gratitude to Ms Passchier for her coordination of the Workers' group. Many thanks to all three. During my many years of service as an Officer of the Governing Body, it has become immensely apparent to me how important it is that while the Officers of the Governing Body represent their respective groups, they have a collective responsibility for the work of the ILO itself. This collective responsibility can only be met by working collegially in the best interests of the Organization and its constituents.

Last, but not least, I want to thank the Director-General, the three Deputy Directors-General, the Directors and their teams – and especially the Official Meetings, Documentation and Relations Department (RELMEETINGS) – for their support. I want to express my deepest respect and gratitude for the high value of the work of the management and staff of the International Labour Office.

The Governing Body has now dissolved into the Conference of our Organization. As my mandate as Chairperson of the Governing Body draws to a close, it is my sincere hope that the spirit of dialogue and consensus which we all hope to see in our work over the next two weeks will carry over into the Governing Body at its 333rd Session, which will begin on the Saturday following the closure of this session of our Conference.

With these words, I submit my report on the work of the Governing Body for the year 2017–18 to the Conference.

## **The President**

Thank you, Mr Cortebeek, for your presentation. As your report shows, the Governing Body was faced with many difficult and serious issues, and I can very much appreciate the hard work that all members put into achieving tripartite consensus when seeking the way forward.

I should like to congratulate you, on behalf of the Conference, on your successful guidance of the debates in the Governing Body over the past year, and my congratulations

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are also extended to your close colleagues, the Government and Employer Vice-Chairpersons, and to the Governing Body members as a whole.

You have our gratitude, Mr Cortebeek.

## **Opening statements by the Chairpersons of the Employers' and Workers' groups of the Conference**

### **The President**

We now move on to the next item, which is the opening statements by the Chairpersons of the Employers' and Workers' groups of the Conference, in which they will put forward their groups' views on the work that the Conference has before it.

### **Mr Mdwaba**

Employer (South Africa), Chairperson of the Employers' group

Allow me to begin by congratulating His Excellency, Mr Murad, Minister of Labour of the Hashemite Kingdom of Jordan, on his election as President of this 107th Session of the International Labour Conference. On behalf of the Employers' group, I wish him the very best for the task ahead. Let me take this opportunity to greet everybody by saying "jambo", which means "hello and greetings" in my continent.

I want to restate what should be obvious, particularly at the beginning of our work, namely that the International Labour Conference brings together the best of tripartism, gathering employers, workers and governments from all around the world. This permeates all that we do. Currently, that social dialogue is being questioned by some, or else forgotten by others through their actions or inaction.

I need to remind everyone of the important strength that Conference outcomes acquire when they enjoy the widest tripartite support, because they often have an impact on the ground. The Employers' group has been clear on the need to ensure that the Conference maintains its relevance in today's world. Some question the Conference's relevance, and we cannot afford this given the critical role that it can and must play going forward as we work together for a sustainable world. There is a huge challenge before the Centenary of the ILO to prove that we are up to the high expectations of people throughout the world, whether in developing or developed countries and regions, in the formal or informal sector, or among women and men of all persuasions, young people, the employed and, more importantly, the unemployed, as well as those whose rights are trampled on or ignored.

The two-week format is already consolidated and, despite all the difficulties, has served to reinforce our efficiency. We still have some way to go yet, but we are on the right track.

I will turn briefly to the items on this session's agenda. The Committee on the Application of Standards is the supervisory committee of the Conference and the Conference is the supreme decision-making body of the ILO. Its conclusions and recommendations carry weight, as they provide valuable guidance from the highest levels on the implementation of ILO standards. Its views can be different from those of other bodies such as the Committee of Experts on the Application of Conventions and Recommendations.

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We have managed to achieve greater ownership of its results, improvements in the drafting of conclusions and more clarity on what the areas of consensus are, as well as greater freedom for constituents to express and reflect their different views and major achievements.

Agreeing to disagree is an intrinsic part of tripartism. Our expression of our strong views should not and should never be misconstrued as anything other than ensuring that governance is adhered to at all times and that, in so doing, our values and principles and relevance are never lost. Good time management in the Committee on the Application of Standards is becoming an example for other committees. It is very important to note that the Employers' and Workers' groups have also acted with a sense of commitment and responsibility by ensuring timely agreement on the list of cases.

As we mentioned last year, and wish to reiterate with great intensity and insistence this year, improvements towards the better running of this crucial committee cannot be viewed in an isolated manner. It is intrinsically linked to the functioning of the overall ILO standards supervisory system. The Employers are starting to see some important positive outputs from the ILO's Standards Initiative and we continue to expect a high degree of responsibility from all constituents in order to achieve tangible results. The General Survey submitted to the Committee on the Application of Standards this year is especially relevant, as it will deal with one of the most relevant topics vis-à-vis the new realities of work and working time. We hope that the Committee helps to anticipate this debate in a positive manner as an opportunity to improve working conditions rather than be seen as a threat; that will make this a better house for us all.

The general discussion on effective development cooperation was a proposal that the Employers put forward and supported together with other constituents. As already stated, the ILO needs to make its actions and role relevant and credible and their impact fruitful. The key challenge before us is to ensure that initiatives and actions undertaken by other actors in the UN system take into consideration the Decent Work Agenda and its ownership by social partners, especially before we travel in the direction envisaged in the UN reform proposals. An approach to development cooperation that responds to constituents' needs and actively seeks out their views and priorities before final agreement or projects is therefore a *sine qua non* of our working methods. We are looking forward to a practical discussion grounded in pragmatism and realism. To achieve this, we need to build on the systematic evaluation of development cooperation on the ground. This is not always the case. We cannot grasp lessons learned about what works and what does not if we do not use the information provided in the findings of high-level evaluations as a learning tool.

International labour standards remain at the core of the ILO's mandate. However, they should not be the only lens through which we view development cooperation. We also need to strengthen and prioritize our action on employment promotion and social dialogue to provide further tangible results. Simply put, the notion that having a standard means that the problem is solved is flawed thinking; we need a much more holistic approach. By sourcing innovative financing mechanisms and fostering partnerships mainly through wider private sector contributions, public-private partnerships will also help enormously to achieve the SDGs. Here, we are specifically concerned about the failure to recognize the role of independent employers' organizations as the proper channel to coordinate the voice of business and as an essential tool for forging partnerships with the private sector rather than with UN units and with bodies or broad networks that are neither representative nor independent.

The recurrent discussion this year on social dialogue that my colleagues have already mentioned is a particularly important one. We may not be aware of how threatened social dialogue is as we find ourselves on the eve of celebrating our Centenary. Tripartism and social dialogue are the main assets of the ILO. Without them, we lose not only our uniqueness but our identity, our values and our relevance. We need to prove that they make

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an essential contribution to the entire UN system. For this to happen, we should not lose the practical aspect of our recurrent discussions, namely to better understand the diverse realities and needs of its members with respect to each of the ILO's strategic objectives. It will be a waste of time if we do not resist theoretical and ideological debate conducted for its own sake. Ideologism is a huge threat that we must resist. At this moment, I turn to Albert Einstein, who said: "The world as we have created it is a process of our thinking. It cannot be changed without changing our thinking". And to Tuli Kupferberg, who said: "When patterns are broken, new worlds emerge". And they always do. Diversity in social dialogue should be the primary basis for fruitful debate. There is no one-size-fits-all model of social dialogue, nor is there a specific superior model of collective agreement.

It is also important to understand that social dialogue is an instrument, not a panacea for social peace. The ILO is the home of social dialogue at the global level. It was created for this very purpose. We are therefore very concerned at the growth of other parallel initiatives which could only at best duplicate and at worst undermine the ILO's universal mandate and place in the multilateral system.

We are concerned that the ILO is diverting its own time and resources to promote initiatives such as the Global Deal partnership for decent work and inclusive growth. This detracts from its own work, against the wishes of one of the ILO's tripartite constituent groups. Moreover, by selecting an ad hoc source of business representation, it is causing great concern to Governing Body members.

Let me be clear, the Employers very strongly support social dialogue and the benefits it can bring, otherwise we would not be here. So let us work together in this house to achieve outcomes, and not subcontract elsewhere. We have a challenging first standard-setting discussion this year, on violence and harassment in the workplace. The Employers are strongly and responsibly committed to achieving the shared goal of effectively preventing violence and harassment in the workplace.

The conclusions arising from this discussion must lead to the formulation of a realistic and effective instrument. To do this, we call on all constituents to work jointly to avoid vague and subjective concepts – what in the past I have referred to as intellectually and ideologically indulgent expressions of a non-universal character. We should also avoid confusion between the responsibilities of employers and those of public authorities.

It is essential to find different approaches to combating violence and harassment, as they are two different entities, even though they are connected. The discussion will be difficult, but we do not want to be misunderstood. This is a workplace issue and we are committed to finding a way forward, within the ILO, which could provide genuine workplace solutions.

I will finish briefly by referring to the report submitted by the Director-General on the Women at Work initiative. We believe that the ILO must provide a more ambitious contribution to gender inclusion. This is not just the right thing to do, it is a powerful step towards improving productivity in the hypocritical world we live in, where there are different standards for men and women. It is unfortunate that the report comes across as rather negative, when in fact there has been progress. A huge number of women are now better positioned in the labour market, thanks to efforts by employers who invest in fair recruitment, compensation and promotion policies, flexible working-time schemes and other work-related actions. Do we still need to improve? Absolutely, we have to. We need huge improvement, for example, in the areas of non-discriminatory wage policies and the manner in which women are discriminated against in ways that are sometimes difficult to quantify as they are often the result of unconscious bias. A merely legalistic approach which just eases burdens and shifts responsibility onto companies would prove to be counterproductive and irresponsible. Public authorities need to design a policy mix which supports these

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efforts. The International Organisation of Employers (IOE) and the Employers' group, together with our colleagues in the ILO's Bureau for Employers' Activities (ACT/EMP), are working on this issue, firstly to track progress but also to provide tools and good practices for our corporate members who are looking for help and advice on how to move ahead in this area. This includes looking at the governance structures in our own organizations too, as they are only effective if they are a mirror of the societies we seek to serve. We will continue working to make the business case more evident and impactful.

At this stage I thank you for listening and I wish you well in all your deliberations. Thank you very much.

**Ms Passchier**

Worker (Netherlands), Chairperson  
of the Workers' group

Let me first congratulate the President and the three Vice-Presidents on their election. They have an important task before them and we will all support them. Secondly, let me say that it is a privilege for me to represent at this Conference the voice of the workers of the world. This Organization is especially dear to workers because it may be the only place in the world where they have an equal place at the table with governments and employers. For almost 100 years now, this house has functioned as a lighthouse, a beacon in sometimes-dark times, to which workers and unions in dire situations look for guidance and support, and which shows the rest of the world that social dialogue is the key to achieving social justice. We must ensure that it continues to do so in the next century.

The ILO is a reflection of the real world out there. It is therefore easy to find points of disagreement and discontent. The challenge, however, is to find jointly a way forward that helps to implement labour rights and build social justice.

The issues that we will be addressing during this session of the Conference are of profound importance to working men and women around the world, and to their economies and societies. The ILO, in the run-up to its centenary, must show its vitality and relevance by dealing with them with tripartite commitment and determination.

At the beginning of this Conference, I wish to touch on the items on our agenda and on some of the Workers' group's priorities.

The Conference Committee on the Application of Standards has an essential constitutional task which makes the ILO unique in the United Nations system. In too many countries, the realization of decent work and social justice remains jeopardized by violations of labour rights, particularly those enshrined in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). In this Committee, serious issues are discussed, including the question of what to do to ensure more and better compliance. Its debates are therefore of crucial importance. They must show that ratification has to go hand in hand with a commitment by member States to give effect to the Conventions that they have ratified.

Violence and harassment in the world of work are, in our view, very closely connected and difficult to separate and constitute a serious human and labour rights violation. Both men and women can be affected: in a new and worrying trend in public and private services, not only ambulance drivers and teachers, but also retail workers and cleaners are being targeted by the general public. However, there is a strong gender dimension with women increasingly paying the price for their enhanced roles in the world of work and in society at large by being confronted with violence and harassment, including sexual harassment.

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This impinges on the ability to exercise other fundamental labour rights and is incompatible with decent work. It poses a threat to the dignity, security, health and well-being of everyone. It has an impact not only on workers and employers, but also on their families, communities, economies and society as a whole.

It is in everybody's interest that it stop and this is increasingly recognized. This year, the members of the Committee have a unique opportunity to show the relevance of the ILO's standard-setting function by addressing an issue that has no place in the twenty-first century world of work. The Workers want to see an inclusive and effective Convention, supplemented by a Recommendation, that takes an integrated approach in addressing violence and harassment and protects all workers, regardless of sector and whether in the formal or the informal economy. We will work with all of the groups to ensure that this leads to standards that are ambitious as well as fit for purpose.

The recurrent discussion on social dialogue provides an opportunity to reaffirm the relevance of social dialogue, with freedom of association and collective bargaining as enabling rights that promote social justice and decent work. This discussion is timely; inequality is at historic levels and the share of wages as a percentage of GDP has declined significantly in recent years. These trends have developed in a context of serious attacks on trade union rights, including labour market reforms that have undermined collective bargaining and the growth of precarious and non-standard forms of employment that have weakened the capacity of trade unions to organize and bargain collectively. Conventions Nos 87 and 98 remain the least ratified of the core Conventions, even though all of the constituents of this house have undertaken to achieve their universal ratification by 2019.

But even when these Conventions have been ratified, too many countries' laws and practices include serious obstacles to workers' efforts to organize and strive collectively for better wages, working conditions and decent work.

This year's discussion must create real political momentum ahead of the centenary celebrations and result in concrete action leading to universal ratification and implementation.

Let me remind you that the ILO has a constitutional obligation to promote collective bargaining. It should therefore also step up its policy advice and advocacy on the value of extending collective bargaining coverage in order to ensure more equal wages and decent working conditions. Based on this constitutional mandate, the ILO should proactively engage in all relevant discussions inside and outside the United Nations structures to promote its core values. The Global Deal partnership for decent work and inclusive growth is just one more important promotional tool available to the ILO, of which it should make good use.

The discussion should also contribute to the debate on the future of work by identifying strategies to ensure that workers in platform businesses can exercise their right to freedom of association and collective bargaining and access decent work. Also, in this era of globalization, it is of key importance to develop innovative and effective forms of social dialogue at all relevant levels, including the international level. This year's discussion should therefore recognize the important value of various forms of cross-border social dialogue and its potential to deal with the globalization of business, giving effect to the due diligence required from multinationals in the UN Guiding Principles on Business and Human Rights and the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration).

Let me now turn to the general discussion on effective development cooperation in support of the SDGs. International development cooperation is undergoing profound changes marked by the new finance for development framework and the UN reform process.

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The rights-based approach which lies at the heart of the 2030 Agenda offers a unique opportunity to enshrine the ILO's normative agenda in ILO development cooperation. Key in this regard is the need for the UN system to recognize the role of social dialogue in development cooperation. Decent Work Country Programmes (DWCPs) should be strategically used with a view to the effective involvement of social partners in implementing the four pillars of the ILO's Decent Work Agenda and the United Nations Development Assistance Framework (UNDAF).

The DWCPs should also be better used to promote ratification and implementation of international labour standards, taking into account the comments of the supervisory bodies.

Partnerships with business entities should be built on a solid monitoring and assessment framework that provides transparency, accountability and development results in accordance with ILO values and standards and involves workers' organizations. Partnerships with other organizations should fully respect the ILO's normative mandate and tripartite structure.

The ILO is the oldest United Nations agency; its existence predates that of the United Nations itself. We will celebrate its centenary next year, when we will discuss the role of the ILO in the future of work. The Workers' group wants to ensure that the actions taken with a view to strengthening the United Nations system will help to further strengthen, rather than weaken, the ILO's role and mandate. The ILO has a unique place in the United Nations structure that must be maintained and can provide inspiration and guidance throughout the United Nations system.

Let me conclude with a few remarks on the Report of the Director-General, *The Women at Work initiative: The push for equality*. We think that this is a very appropriate title, and we will contribute more extensively to its discussion later this week.

For now, I want to commend the Office for putting its finger on some sore spots when it comes to the persistent lack of progress in the area of gender equality and for demanding that all of us turn indignation into action, particularly at workplaces and in labour markets, and move beyond business as usual.

Let me also thank the Director-General for the Appendix to his Report on the situation of workers of the occupied Arab territories. The occupation, now already 50 years on, continues to make the living and working conditions of Palestinians extremely difficult without real prospects for improvement. Unemployment has reached record levels with youth and women the hardest hit. Renewed efforts must be made in order to bring the occupation to an end with the establishment of an independent and viable Palestinian state living side by side with Israel in peace and security.

I am looking forward to debates that are intense and respectful, and let us be ambitious in the results that we achieve. I wish you and all of us a fruitful Conference.

## **The President**

That brings us to the conclusion of the formal opening of the Conference and the establishment of the structure we need to accomplish our work over the next two weeks.

*(The Conference adjourned at 12.45 p.m.)*



## Plenary sitting

### **Principles governing the Reports of the Chairperson of the Governing Body and of the Director-General**

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Thursday, 31 May 2018, 10.10 a.m.

*President: Mr Murad*

## **Principles governing the Reports of the Chairperson of the Governing Body and of the Director-General**

### **The President**

It is my great pleasure to declare open the second sitting of the 107th Session of the International Labour Conference.

This morning, we shall begin the plenary discussion on the Reports of the Chairperson of the Governing Body and of the Director-General. These reports were presented in plenary on Monday of this week.

Before starting the discussion, I should like to make a call on all those who will speak on these reports to do so with both the openness and the dignity that are appropriate to the highest international body in the realm of social and labour-related matters.

Freedom of expression is a vital feature of the International Labour Organization. To exercise this freedom in a spirit of mutual respect, it is essential that all delegates use parliamentary language, respect the accepted procedure, refer only to the items under discussion and avoid raising any questions foreign to these matters. This discipline is necessary if we want our work to be effective and successful.

Please note that the duration of speeches is limited by the Standing Orders of the Conference to five minutes only, corresponding to approximately three typewritten double-spaced pages. This time limit will be strictly applied. It is therefore strongly recommended that delegates reduce courtesies to a minimum.

The lectern is equipped with a timing device which allows speakers to see how much time they have left. With a view to transparency, and because respect for time-keeping is a collective responsibility, the timing display is also projected onto the two screens facing the plenary hall, so that delegates in the room are able to see the speaking times as well.

This will also enable delegates speaking further down the list to see how fast progress is being made and to prepare themselves for making their presentations.

I should point out that this strict time limit does not apply to the statements by the Employer and Worker spokespersons as they open the general debate with their group statements.

Every delegate will have the right of reply if he or she feels there is a need to respond in the event that his or her government, or the organization they represent, has been challenged. In such cases, delegates must inform the President of the sitting, before that sitting finishes, that they wish to exercise their right of reply. Please make such requests by coming up to the podium and informing the Clerk. The Clerk will transmit the request to the President, who will agree with the delegation concerned on a time at which the reply will be made.

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The reply should refer only to the point under debate. It should not exceed two minutes, and it should be delivered in correct parliamentary language. Please keep in mind that it is not practice in our Organization to allow replies to replies.

If there is no objection, may I take it that these arrangements are agreeable to the Conference?

*(It is so decided.)*

## **The President**

Without further ado, we shall now open the discussion on the Reports of the Chairperson of the Governing Body and of the Director-General.

## **Statements by the Chairpersons of the Employers' and Workers' groups of the Conference**

### **Mr Mdwaba**

Employer (South Africa), Chairperson of the Employers' group

I would like to thank the Director-General for preparing and submitting his Report, *The Women at Work initiative: The push for equality*. It is very comprehensive and is provoking great discussion among us all on the topic of gender equality. Overall, the Report paints a rather negative picture of women in the world of work and emphasizes the prevalence of unfairness at work and within social structures. We cannot deny the important challenges faced worldwide with regard to gender discrimination in society and in the workplace. As I stated in my opening address, there is no doubt that a lot still needs to be done to deal with double standards for men and women in the workplace, as well as hypocritical attitudes towards women by society as a whole. But due recognition of the considerable progress that has been achieved over the past decades as a result of national and international efforts, in particular in those countries that have approached this challenge as a societal one, is called for. Therefore we must guard against painting a generic negative picture of the situation.

While we always provide examples and corroboration of our positions as a group, there are those who feel that we do not make them crystal clear so here goes. According to the annual *Report of the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women)* for the period 2016–17, “[a]round the world, empowered women are achieving visible progress”. This report cites various achievements which have resulted from 72 laws that have been adapted or amended to strengthen women’s rights in 61 countries. The World Economic Forum’s *Global Gender Gap Report 2017* tracks the evolution of the Global Gender Gap Index since 2006 by geographic region. It highlights local progress towards gender parity over the past decade in regions such as Western Europe, South Asia, sub-Saharan Africa and Latin America and the Caribbean.

Although more work needs to be done, all of the world’s regions have recorded a narrower gender gap than the one observed 11 years ago. The World Bank has found that between 1990 and 2017, the percentage of women participating in the workforce increased in a considerable number of developing countries, such as Afghanistan, Azerbaijan, Bangladesh, Botswana, Chile, Djibouti, Gabon, the Gambia, Haiti, Iraq, Mali, Namibia, Pakistan and Senegal, as well as in the least developed countries, the sub-Saharan African countries and the low-income countries. In the developed countries, according to the

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Organisation for Economic Co-operation and Development (OECD) *Report on the Implementation of the OECD Gender Recommendations*, women's labour force participation rates have moved closer to men's rates over the past few decades.

With regard to ILO interventions on gender equality, a considerable amount of constituent funding under the regular budget or specific development cooperation projects has been allocated to the promotion of gender inclusion over the past few decades. Rather than a general reference to a guide to best practices, we had hoped to see detailed information on success stories to inspire those who are not fully aware of the challenges faced by women and encourage them to make positive changes. Consultation with our Bureau for Employers' Activities (ACT/EMP) would have helped to ensure that these examples were included for balance, particularly in light of ACT/EMP's 2015 *Global Report on Women in business and management: Gaining momentum*, which highlights a number of company examples of good practice and ways in which employers' organizations are taking the initiative in their own governance structures. This Report will be updated for the ILO centenary next year as a demonstration of the importance that we attach to this matter.

Let me highlight a few important points. Employers globally are fully committed to women's continued progress as a critical talent pool. We fully agree with the Director-General on the need for a new push for equality. We must also emphasize payment parity as part of this push and include our youth in the process of ensuring that work in the future is characterized by changed attitudes that concomitantly contribute to a better world in this regard.

At yesterday's update on the work of the Global Commission on the Future of Work, I mentioned that this is a point that my daughter likes to stress with me all the time, so I have to put it in and make sure that she knows that we do bear these things in mind and we do listen. Those of you who also attended the briefing on the Global Commission are aware that we will be looking forward to the Commission's report for ideas on how we can craft a better future in this respect because that, too, should help us decide how to move forward.

The ILO must provide a much more ambitious contribution to gender inclusion. It is not just the right thing to do; it is also a powerful step towards improving productivity. A large number of women are now better positioned on the labour market thanks to businesses' efforts to invest in fair recruitment, compensation and promotion policies, adopt flexible working-time schemes and establish other internal human resources policies on matters such as care facilities.

Businesses are changing their approach to recruitment, promotion and workplace culture. These efforts also aim to improve women's access to top managerial positions. At the same time, employers' organizations are progressively prioritizing gender equality, offering services on women's entrepreneurship, working with public institutions and stakeholders to narrow the gender gap in education and training, and developing evidence-based approaches to and research on women in business and management.

The International Organisation of Employers (IOE) and ACT/EMP are working intensively in this area and, as a result, best practices are being shared and advocated among employers' organizations. I would also like to highlight that this is a shared responsibility: public institutions; the private sector, through employers' organizations; workers' organizations; communities; and other stakeholders all have a role to play. A collective effort to address a global challenge is needed. There are many ways to address this challenge, but one thing we are sure of is that a mere legal approach which just adds burdens and shifts responsibilities to companies has proved to be counterproductive.

Alongside legislation, public authorities need to design effective incentives and a policy mix that supports this effort. This is linked to the point made in the Report with regard to

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employers who shoulder maternity protection costs. Laws on this issue have made hiring a woman more costly than hiring a man. Again, we must find novel ways of doing things in order to effect change. It is imperative that we learn from what has not worked in the past and ensure a better future for our people.

At this juncture, I would not favour the use of the expression “non-standard forms of employment” as opposed to “standard employment”. This is no longer useful, because, among other things, it fails to acknowledge the key role of diverse forms of employment in promoting equal opportunity. It fails to acknowledge new methodologies associated with the world of work into which we have moved. Without, of course, pre-empting the future Report of the Global Commission on the Future of Work, this issue has been raised repeatedly by constituents and we must change in order to recognize it and not be stuck with the useless labels of the past.

In relation to the future of work, we would like to propose that the ILO conduct additional research and, of course, pay attention to the rich discussions that we are having in the Global Commission on the Future of Work on ways to assess how the digital economy is empowering women’s purchasing and decision-making power, enabling women and men to afford care services and, eventually, allowing women to transition to more formal workplaces.

In terms of ILO programme implementation for 2016–17, given the length of my intervention at the Governing Body’s March session, which was quite comprehensive, I would just like to highlight the main points for the next biennium report. We would like to see an improved analytical framework using appropriate measurement tools so that trends, changes and impact will have a stronger narrative. We would also like to see an improved financial analysis and clarity on how approved budgets are implemented. We are, of course, encouraged by the fact that our colleagues in the Office have taken in what we said and confirmed this in the discussions at the most recent meeting of the Finance Committee. We heard, only a few days ago, that they are making changes in order to reflect our concerns.

We appreciate the Appendix to the Report of the Director-General, entitled *The situation of workers of the occupied Arab territories*, as well as the ILO delegation’s mission to the West Bank, including East Jerusalem, Gaza, Israel and the occupied Syrian Golan. We take note of the negative economic situation of Palestinian workers; unemployment is rising with an overall rate of 27.4 per cent and female unemployment at a staggering 47.4 per cent. In view of the decline in international aid in recent years, we call on the international community to increase financial support with much more ambition and determination. We encourage both the Israeli and Palestinian authorities to engage in effective dialogue through a concerted effort to achieve substantive improvement in the business environment that will be conducive to solid job growth. The Employers’ group would like to insist on the lifting of restrictions on economic activity in order to effectively enable businesses to operate and contribute to economic growth in the region.

As the Employers’ group has stated in the past year, the ILO should embark on large-scale technical assistance within the framework of the flagship programme on fragile States and disaster response. We should intensify our efforts to support the labour law reform processes through tripartite partnerships and consultations and provide technical support and advice on the skills development of Palestinian workers. The Employers’ group encourages the ILO to build the capacities of all constituents.

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**Ms Passchier**

Worker (Netherlands), Chairperson  
of the Workers' group

Today, we are discussing the Director-General's Report on the Women at Work initiative, whose title very appropriately refers to "the push for equality". Progress is at a snail's pace, and in many places we even see a backlash. So, we certainly need to do more and better if we do not want to have a similar discussion at the second centenary of this house.

There have been many advances for women in the world of work over the past century. The most visible change has been the feminization of the workforce in remunerated employment. Women's participation in the labour market has increased exponentially since the Second World War and now stands at around 50 per cent. Globally, many countries have implemented measures aimed at reducing or eliminating gender discrimination in the workplace.

The ILO has a long track record of addressing equality and non-discrimination and the rights and needs of women workers. However, women continue to lag behind in the world of work. This is not due to overall poorer qualifications or skills, as women are increasingly performing better than men. However, in many ways women's participation in the labour market is still seen as supplementary. Supplementary, that is, to their roles as spouses, mothers and carers.

Somehow, these roles, even for women who do not perform them in practice, determine our chances of a steady job and income, a career and a position of leadership, and ultimately a proper pension. This translates into occupational segregation and gender wage gaps that continue to persist in all regions, but also into violence against women and girls, both at home and in the workplace.

In recent times, matters have become worse, especially in the regions most affected by the economic crisis. Labour-market participation rates for women are now stagnating or declining. Certain policies introduced in recent years, particularly in Europe following the collapse of the world's financial markets, have challenged the robustness of gender equality policies.

Since 2009, we have seen an alarming rise in income inequalities. Women continue to predominate in informal work, and precarious, low-skilled and low-paid jobs with poor labour and social protection are on the rise again. Poverty continues to wear a female face and young women and migrant women are particularly affected.

We have seen an acceleration in the State's withdrawal from the provision of vital public services, and also from its role as an employer, including the care services on which women so heavily depend in order to access decent work. The promotion of equal sharing of family responsibilities, adequate maternity protection and equal pay appear to have taken a back seat in both public policies and macroeconomic policies.

Attacks on fundamental trade union rights have been part and parcel of the backward trend. In recent times, trade unions have managed to secure gender equality provisions in collective agreements and, by organizing themselves into unions and taking collective action, vulnerable groups of workers have tried to improve their situation. In many trade unions around the world, this has translated into increased female membership.

However, the fundamental rights of freedom of association and collective bargaining, including the right to strike, which are more and more being claimed and utilized by women workers and in female-dominated industries such as the garment sector and tourism, are

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coming under increasing pressure. Violence and harassment against women in the world of work remains a pressing challenge and a significant barrier to the realization of women's rights.

On this occasion, looking forward to the centenary of the ILO, we strongly support the message in the Director-General's Report that it is high time to go beyond "business as usual".

Indeed, we may have reached the limits of what we can do from a mere equality perspective. Until now this has too often resulted in declaring women equal to men and expecting them to compete in the world of work on male terms, without addressing the contradictions arising from this approach.

We must look into a more transformative approach that allows both women and men to develop all their talents and capacities and to take on multiple roles in life, as workers, parents and carers, and which demands that companies, public institutions and workplaces be more responsive to change and diversity.

It is not women that need to be "fixed", but the social and economic systems and institutions that shape our lives and the world of work.

This is not to say, as the report rightfully stresses, that the experiences and tools of the past should be jettisoned. Rather, they need to be complemented by new and innovative approaches. To achieve this, the Director-General suggests five building blocks, and let me briefly touch on each of them.

But before doing so, let me emphasize that all these building blocks are interrelated, such that only by addressing them all at the same time in a proactive and integrated manner will we bring about the necessary progress.

The first one is: *A high road to a new care economy*. At the heart of much of the inequality faced by women lie constraints revolving around care responsibilities and women's reproductive roles. Assumptions about women's roles and place in society profoundly affect how women participate in the workforce, including the type of work they do, the positions they hold, the quality of their jobs, their career opportunities and their wages.

The need to juggle caring responsibilities with income-generating activities, combined with the lack of appropriate frameworks or facilities to support and reconcile work and care, often leads women into low quality part-time work or casual or informal work arrangements.

Without tackling this dominant care paradigm or, as the report puts it "the time-money-agency conundrum", we will not make the necessary progress towards a more just and gender-equitable world of work.

The Workers' group agrees with the report's conclusion that a new care economy, grounded in decent work, can contribute significantly in the push for equality. While much of the focus of the future of work is placed on the impact of rapidly evolving technologies, the care economy will be one of the fastest growing sectors of the future. Adequate investment in the care economy can boost women's labour force participation rates and help close gender gaps, by improving pay and conditions in the care sector and enabling working women and men to better reconcile work and family responsibilities. The challenge is to ensure that the jobs created are decent.

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If we take this priority seriously, we must promote investment in care services and in the working conditions of care workers, create the necessary fiscal and budgetary space, and make quality care services an integral component of comprehensive national social security systems.

The second building block is: *Strengthening women's control over their time*. The very first standards of the ILO were about working time. Reducing working time was seen as a key factor, not only in promoting the health and safety of workers, but also in ensuring that they live a decent life outside work.

In the early days of working-time regulation there was little recognition of the household and care obligations that workers, especially females, also had to manage. In more recent times, the increased labour market participation of women has led to a number of challenges which until now have only been addressed in a piecemeal manner. In many countries, new so-called flexible working arrangements have emerged, some in collective agreements but many more outside any protective framework, which are said to provide greater flexibility and autonomy to workers. Especially where this flexibility is combined with precarious and non-standard employment relationships, without the worker having any influence on the scheduling of hours, the result is irregular and unpredictable working hours that are detrimental to the worker's physical and mental health and work-life balance. The emerging evidence is that the same is true for work in the platform or gig economy, where new technologies make every hour of the day and night a potential working hour, while the workers are falling outside any protective framework.

The reflections we are called on to make at this year's Conference on the General Survey concerning working-time instruments – *Ensuring decent working time for the future* may provide important pieces of the jigsaw and lead to guidelines for the ILO to act upon. It is clear that workers need working hours that can be adapted to their needs: predictability of schedules, guaranteed minimum hours of work and limitations on excessive working hours, as well as a real say, through social dialogue and collective bargaining, in choosing how their working time is arranged. These are all necessary to the push for equality that would give working women autonomy and control over their time, work and life.

As a first step, the ILO and its constituents should recognize that there are already quite a number of useful instruments available that could be promoted and more fully utilized, such as the Workers with Family Responsibilities Convention, 1981 (No. 156), and the Part-Time Work Convention, 1994 (No. 175).

The third building block is: *Valuing women's work fairly*. The Workers' group welcomes the important work of the International Conference of Labour Statisticians, which adopted, in 2013, a ground-breaking resolution defining unpaid care work as work and making women's contribution to the economy, in all its dimensions, more visible. This is an important step towards addressing the persistent undervaluation of women's work.

The Workers' group is also encouraged by the formation of the Equal Pay International Coalition (EPIC), led by the ILO, the OECD and UN Women, with the aim to accelerate progress towards closing the gender pay gap by 2030, in fulfilment of target 8.5 and Goal 5 of the 2030 Agenda.

The Director-General's Report provides for two responses: the first is to further develop the statisticians' methods to accurately evaluate women's contribution to the economy and society; the second is to focus on more transparency with regard to pay differences between women and men and consider methods to require companies to take action to bring about concrete improvements.

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Although these are useful steps, the Workers' group, taking into account that much has been attempted already on this important topic, would like to see more comprehensive and effective actions that make stronger links between and with the other building blocks, such as ensuring better pay for care work and addressing the over-representation of women in precarious and non-standard forms of employment that have a detrimental effect on their income.

The fourth, and not least important building block is: *Raising the voice and representation of women*. The Director-General's Report rightfully draws attention to the importance of "agency", meaning the possibility for women to raise their voice and be heard. We cannot stress enough the importance of the two most fundamental labour rights, namely the freedom of association and the right to collective bargaining, and of the need to ensure that these enabling rights are fully accessible by and respected on behalf of women.

We in the trade unions are fully aware of the need to modernize and adapt our policies and structures to represent both women and men more equally in the world of work and to stand up for women's rights and interests and put pressure on the abovementioned agenda for structural change. Let me tell you that increasingly we are succeeding in doing so. When recently in South-East Asia, I was struck by the number of young, strong and inspired women trade unionists leading their sisters and their unions towards improved living and working conditions in their workplaces and countries.

We thus fully support the call by the Director-General to reinforce the ILO's efforts to have women's views, perspectives and interests taken up across the whole range of its activities, including in development cooperation. This should be coupled with a call on the ILO constituents to step up their efforts to include women in their delegations and in the work of the ILO. In addition, we would like to see more action and activity on all sides to enhance prospects for women to take up positions of leadership.

This brings me to the final building block, and I can be brief here because we are discussing it currently in this Conference: *Ending violence and harassment*. In the future of work that we want, there is no space for violence and harassment against women, or indeed anybody else, nor for unfair treatment or unequal opportunities due to gender. We are looking forward to successful outcomes from the debate that is currently taking place in the Standards Setting Committee on violence and harassment at work.

In conclusion, there can be no future of work without women at work, and the future of work must be one in which women and men are different but equal. As we prepare to celebrate 100 years of the Organization and its laudable record of being at the vanguard of the push for gender equality, we must ensure that we do not take another 100 years to achieve this reality.

A final word on the other Report by the Director-General on which I have already spoken in my opening statement to the Conference, namely that concerning the dire situation of Palestinian workers, men and women in the occupied territories. We believe that the ILO has a very important role to play in this context.

*(The Conference continued its discussion of the Reports of the Chairperson of the Governing Body and of the Director-General.)*

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

**Transcript of the discussion of the Reports of the Director-General  
and the Chairperson of the Governing Body**

The interpretation of proceedings serves to facilitate communication and the transcription thereof does not constitute an authentic or verbatim record of the proceedings. Only the original speech is authentic.

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**Thursday, 31 May 2018, a.m.**

**Mr Zürcher**

## **Government (Switzerland)**

Chair, Vice-Presidents, Director, Excellencies, Switzerland welcomes the Director-General's report. The proposal of an initiative on women in the world of work is absolutely relevant on the occasion of the centenary of the ILO. The ILO has in fact been committed to equality between men and women since it was set up. This founding value of the organization is right at the heart of social justice and of the fundamental standards ratified by Switzerland in the form of Conventions 100 on equality of payment and 111 on discrimination in employment. Now a few words about Switzerland's approach in the framework of the Director-General's initiative. First, this was an initiative for qualified personnel. With a view to responding to the general drop in supply of labour, the confederation, the cantons and the social partners want to mobilize fallow potentials via various different measures with a view to responding to the needs of the Swiss labour market. We want to improve the compatibility between working life and family life, and that is an absolutely fundamental condition for integration in the labour market of people who are not working, as also for the increase of the rate of employment of people who are working part time. To do this is essential, above all, to create high-quality services for caring for children outside the family, a favourable context for family life within companies and to eliminate the negative incentives provided by the taxation system. These measures should make it possible to improve access to the labour market for people who have family responsibilities. Equality between men and women is a precondition for sustainable development and for growth and for the benefit of all. Equality between men and women has also been set up as a crosscutting condition for all economic cooperation programmes in which Switzerland has been involved since 2013. In promotion of trade, for example, the idea is to improve the productivity and the involvement of women in value-added chains. In the area of the promotion of the private sector, there are programmes to promote entrepreneurship among women and access to financing for women. Switzerland has been working with the ILO for several years with a view to including gender dimension in all of its development cooperation projects. One of the flagship projects of the economic cooperation, as far as women's employment is concerned, is the ILO Better Work Programme, which Switzerland has been supporting since 2009. Eighty per cent of workers in the textiles sector are women and equality is an important component of that programme. Switzerland is part of the Equal Pay International Coalition aiming to achieve Objective 8.5 of Agenda 2030 on equality of pay for equal work between men and women. The idea of EPIC is to provide ownership to countries in function of their national priorities by addressing equality of pay which should be a reality for everyone today, and it also makes a contribution to eliminating poverty, equality of pay and justice for all, peace and social justice. As the Director-General mentions in his report, legislative measures are not enough, and they have to be accompanied by actions and provide results. They are nonetheless important to protect women in the world of work. Thus, in the spirit of the work that our conference has started on drawing up a standard to fight against harassment and violence at work, Switzerland has ratified the Council of Europe Convention on the prevention and combating violence against women and domestic violence. This entered into force in

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Switzerland very recently on the 1 April 2018. To conclude, Switzerland encourages all those involved to be involved in a constructive way on the drawing up of a new standard on violence and harassment in the course of this conference. Thank you very much for listening.

**Mr Jiang**

## **Worker (China)**

Distinguished Chair, first of all, please allow me to congratulate you on your election as the Chair of the Conference. I believe that with your experience and wisdom the conference will be a complete success. The DG's report, *The Women at Work Initiative*, reviews the structure obstacles and the causes facing women in the world of work, bearing guiding significance for the fulfilment of 2030 SDGs. The push for gender equality is China's basic policy, and Chinese trade unions are committed to the protection of women workers. By the end of September 2017, 1.366 million collective agreements designated for women workers had been signed, covering 79.999 million women workers. We firmly oppose all forms of violence and sexual harassment at the workplace, thus offering effective protection for women workers. Delegates, the Central Committee of the Communist Party of China, with Comrade Xi Jinping at its core, attach great importance to the working class and trade union work. On the eve of this year's International Labour Day, in his letter of reply to model workers, the General Secretary sent greetings to workers across China and then pointed out that socialism can only be achieved by hard work. He emphasized that work is a most glorified and most lofty and the most beautiful deed. He called upon the society to respect model workers and carry forward their spirit so as to mainstream honest work and diligent work. At present, the Chinese trade unions are conducting activities to study and implement a letter so as to carry forward the spirit of model workers, promote the society to respect work and the workers, and reform the industrial workforce that's creating a knowledge-oriented, skill-based and innovation-driven workforce. Chinese trade unions are a mass organization formed voluntarily by the working class under the leadership of CPC, and they will, as always, continue the development path of trade unions of socialism with Chinese characteristics. The work of the trade union is an important part of the party's work with the social groups. The second edition of Xi's the Governance of China points out that we must maintain the party's leadership over social groups and ensure that they play a role of bridge and accomplish the central task served over interest and the worker, and keep abreast with times and remain independent and self-reliant according to their charters. Under the guidance of Xi's Thought on Socialism with Chinese Characteristics for a New Era, Chinese trade unions made the following accomplishments over the past year. Firstly, we adapted to the changes to the social and economic development so as to maximize the number of workers to be organized, including rural migrant workers. 2.809 million unions at the primary level have been set up with their membership totalling 303 million. Secondly, based on workers and the people's needs for a better life, we responded to workers' requests, promoted the Internet Plus Union Campaign, improved our ability to protect and serve workers, and built harmonious industrial relations. 2.46 million collective agreements have been signed nationwide covering 6.441 million enterprises and 280 million workers. Thirdly, we enhanced our ability to unite, educate, protect and serve workers and help them achieve decent work, comfort work and all-round development. 2.252 million enterprise unions at a primary level have set up a workers' congress system covering 250 million workers. Fourthly, we provided solid and targeted support to

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workers in a face-to-face and a heart-to-heart manner. During the New Year's Day and the Spring Festival in 2017 we provided assistance to 4.2 million workers and offered education loans totalling 980 million Yuan to 410,000 students. Chair, delegates, ILO is the platform for exchanges and the cooperation among workers and the unions of different countries. Chinese trade unions will continue to enhance exchanges with other unions and jointly protect workers' rights and interests. Thank you.

**Mr Peeters**

## Government (Belgium)

Dear Chairman, dear colleagues, ladies and gentlemen, the fight for gender equality is a fight for a fearless society and a stronger economy. The great and positive correlation between women's right and the performance of societies and economies cannot be denied. A 2015 publication from the Hasselt University in Belgium stated that board members of listed companies see a positive impact on the company's performance when more women are part of the board of directors. This is why I applaud the ILO for choosing Women at Work as a central topic of this year's gathering. Over the years, Belgium has taken a number of steps to close the gender divide on the work floor and in people's pay cheque. In the past few years we have, for instance, introduced mystery calls through which social inspectors can actively investigate discrimination on the labour market. We supported social partners in updating outdated pay scales that increased the gender pay gap. Ladies and gentlemen, we need to rethink stereotypes and traditions. Men are still spending 1.5 hours a week more on paid work than women. In Belgium, 44 per cent of women work part time compared to 11 per cent of men. This is why I am working on a federal action plan for women at work together with colleagues in the Belgian government. This action plan will be focused on breaking with gender stereotype roles and on breaching the pay gap that, in the large part, is due to the difference in part-time work. Ladies and gentlemen, gender equality also means that women feel safe at work. Violence and harassment at work must be condemned, stopped and prevented. Belgium has a robust legal framework in place to protect its workers. Employers need to create a safe and secure working environment. They need to assess the risks and provide measures to protect their workers from work-related violence and other undesirable behaviour. This is why we welcome and support the ILO Convention and Recommendation that focuses on the protection against violence and harassment in the world of work. Safety should indeed be the alpha and omega of any workplace. We need to ensure that people who leave their families in the morning to provide for them, return safe and sound in the evening. Many of the accidents and incidents on the work floor can be prevented. The most tragic example in the past few years was, of course, the Rana Plaza catastrophe in Bangladesh in 2013. Five years on it is clear that we still need progress in this field. This is why this fall we will organize a conference in Belgium on due diligence in the textile industry. During that conference we will call upon industry to strengthen their efforts and to sign the renewed Bangladesh agreement. Ladies and gentlemen, in Belgium the social partners and the government are looking for the right way to deal with the digitalization of our economy and disruption caused by the platform economy. This is, by definition, a topic that crosses borders, which is why the ILO is the right forum to discuss these issues. A recent study showed that Belgian workers believe digitalization and robotization will not destroy jobs but will make their work easier and more interesting. We hope our efforts and those of the social partners will lead

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to realizing this optimistic belief in practice. Today, ladies and gentlemen, I plead for a continuing key role for the ILO on this topic and on many others. We support the necessary reform process of the UN system in order to make it more accountable, efficient and future oriented. We believe this reform offers the opportunity to the ILO to further develop and consolidate its specific role in the UN family. Moreover, we support the ambition for the ILO to play a role in post-conflict situations. In those places, it is not enough to rebuild the government and the checks and balances. There is also a need to re-establish civil society through social dialogue. The ILO needs to play a hands-on role in that respect. Belgium supports the work of the ILO. We will continue to advocate for a strong ILO and play our part in keeping this organization strong, relevant, and alive and kicking. Thank you.

**Mr Rahman**

## Employer (Bangladesh)

Mr Chairman, allow me to begin by congratulating you on your election as President of 107th Session of the International Labour Conference. I would like to compliment the Director-General for his comprehensive report, the *Women at Work Initiative: The push for equality*, which addresses various issues women face at work and challenges faced by women while entering the labour market. The report elaborates on the Women at Work Initiative, one of the seven Centenary Initiatives adopted by the ILO in the framework of its 100th anniversary to be observed in 2019. I appreciate that the ILO has raised this fundamental issue and challenge of discrimination against women at the workplace in the twenty-first century. I feel, however, that the ILO must also provide a more comprehensive roadmap for gender inclusion through evidence-based approach. While some women are indeed disadvantaged and continue to face discrimination in society and at the workplace, due recognition should be made on the considerable progress that has been achieved over the past decades as a result of national and international level efforts, in particular in those countries that have approached this challenge as a societal one. According to the *UN Women's Annual Report of 2016-2017*, empowered women around the world are achieving visible progress. The annual report cites various achievements for women which have resulted in 72 adapted or amended laws to strengthen women's rights in 61 countries and the training of 4,000 aspiring and elected women leaders in 51 countries. With regard to the world of work for women, the World Economic Forum *Global Gender Gap Report 2017* tracks the evolution of the overall index since 2006 by geographic regions. It highlights the local progress towards gender inclusion undertaken over the past decade in regions such as Western Europe, South Asia, sub-Saharan Africa, Latin America and the Caribbean. Although more work needs to be done in all regions of the world, it records a narrower gender gap than the one observed 11 years ago. According to the World Economic Forum report of 2017, Bangladesh has topped the South Asian countries in gender equality for the third consecutive year, ranking 47th among 145 nations. The report is actually a bundle of progressive successes for us and Bangladesh. Firstly, the report shows that Bangladesh holds the first position, jointly with several countries, regarding enrolment in primary and secondary education. Secondly, Bangladesh became top performer in the South Asian region on the political empowerment for women. Thirdly, the report shows that Bangladesh is ranked 135th in economic participation and opportunity index. With regards to new opportunities and innovations, employers have witnessed that technology is offering a critical tool for women and men to reconcile work and family responsibilities, and as a result, many companies are

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increasingly offering the option for staff to have flexible work arrangements. The use of the expression 'non-standard forms of employment' as opposed to 'standard employment' is no longer useful, among other reasons because it fails to acknowledge the key role of diverse forms of employment to promote equal opportunities. The digital economy also offers important employment opportunities which women and men may not have had otherwise. The ILO should conduct additional research to assess how the digital economy is empowering women's purchasing and decision-making power, enabling women and men to afford care services and eventually allowing women to transition into more formal workplaces. We firmly believe that the ILO must provide a more ambitious contribution for gender inclusion. A huge number of women are now better positioned in the labour market thanks to efforts from employers investing in fair recruitment, compensation and promotions policies, generous work time schemes, and other work-related actions. We, however, need huge improvement, for example, in areas of non-discriminatory wage policies and in the attitudinal manner in which women get discriminated against in ways that are sometimes difficult to quantify. But a mere legal approach which adds burdens and shifts responsibility on companies would prove to be counter-productive and irresponsible. Public authorities need to design a policy mix which support this effort.

**Mr Babayev**

## **Government (Azerbaijan)**

Your Excellency, Mr Chairman, ladies and gentlemen, first of all I would like to thank Mr Ryder and all ILO staff for their submitted report. It reaffirms again the core mandate of the ILO in supporting sustainable development and promoting social justice worldwide. We all acknowledge that any initiative arising from the concept of sustainable development involves setting and reaching more substantial goals in the context of social justice for each country as well as for the entire world community. It's no coincidence that achieving gender equality and empowerment of all women and girls is high on the UN 2030 Agenda. Despite considerable progress over the last decades, gender segmentation persists in all labour markets of the world. Women still face discrimination in employment, in decision-making and access to economic assets. They are forced to work in temporary jobs, enter in short-term or informal labour relations. Therefore, the topic of today's discussion is an opportunity to approach the world of work from a broader context of promoting gender equality and to shape our attitude to possible changes. Azerbaijan attaches great importance to gender equality and empowerment of women. As we celebrate the centenary of independence of Azerbaijan Democratic Republic in these days, we respectfully honour the legacy of the first secular republic in the Islamic world, including extending suffrage to women in 1918, 100 years ago. The Government of Azerbaijan continues to promote gender equality in all spheres of life by having ratified all the major international instruments applying to the protection of women's rights by putting in place strategies and state programmes on protection of women's rights, ensuring their equal representation at decision-making and expanding their employment opportunities. Macroeconomic stability and achievements in the economic sphere have enabled the Government to accomplish its political goals aimed at improving the social welfare of the population. Despite our accomplishments, we are confronted with persistent challenge to fully ensure social rights of the population. The occupation of 20 per cent of Azerbaijan's territory by the neighbouring Armenia, and over a million of refugees and internally displaced people in need of special care and social protection, poses a threat not only to our

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country's social development but to the whole region. Today in Azerbaijan, women constitute 50.1 per cent of our population. Women's willingness to compete with men on an equal basis, responding to the current challenges of the labour market, as well as their ability to assert themselves in new labour relations, result in their greater representation in governance, business and power structures. In Azerbaijan, female participation in the workforce is 48.6 per cent. For every 100 students in Azerbaijan there is an average of 47 women. 53.6 per cent of all scientific workers are women. The first Vice-President of the Republic of Azerbaijan is a woman. Women are adequately represented in electoral, management and judicial bodies. Women's equality and empowerment is also integral to our national agenda on SDGs. The establishment of a National Coordination Council for Sustainable Development was a relevant decree of the President. Voluntary submission of initial national review of six SDGs, including the Goal 5, is a further proof of significance of the SDGs for our country. Implementation of labour and employment policy under the ILO principle of tripartism, discussion and decision-making in the tripartite Committee on Social and Economic Issues, set up based on gender parity, are the preconditions for the success of this policy. Joint activities with the ILO within the second Decent Work Country Programme, the election of Azerbaijan as a regular member of the Governing Body of the ILO, is a further testimony of high regard of international community. Ladies and gentlemen, Azerbaijan submitted its bid to host World Expo 2025 in the capital, Baku. The main focus of the proposal is future of education, future of health and future of the work, issues of global importance for every individual, every society and every country. I would like to take this opportunity and to invite you to support Baku for World Expo 2025 bid. Thank you for your attention.

**Mr Saafan**

## **Government (Egypt)**

In the name of Allah, the Beneficent, the Merciful, Mr President, Chair of the Conference, representatives, ladies and gentlemen, I would like to start by congratulating His Excellency, Mr Murad, on his election to the leadership of the conference. We repeat our support for his good conduct of our work. We'd like to make reference to the Director-General's report entitled Initiative for Women at Work, a new push for equality. In this context, Egypt supports the role of the ILO in promoting equality of women in the workplace as an important factor of a future which is fair and just for everyone, with a view to achieving social justice for all. Egypt has promoted equality for women in various different areas: the social, cultural, political and economic. We aim to protect women and to promote their role in the world of work. Our work to promote women in this sense was given an important boost in 2017 with the Egyptian Year of Women. Millions of Egyptian women profited from this initiative to provide them with more dignity in their life. We launched in that context a programme for seasonal workers. We have looked at the report on the ILO's work in promoting social justice through decent work in the past biennial. We support the principles set out there and recognize the role of the ILO in promoting equality. We need all of these initiatives to promote social protection, social dialogue and tripartism. We would state that social equality requires equitable representation and needs to overcome a situation in which religion is involved in politics and the economy. Over the past years, Egypt has faced up to all of the threats to our Arab Islamic State. Extremism has serious consequences for conditions at work. It has consequences on the rights to work. So therefore, the ILO has a part to play in the search for a solution to this problem at an international level.

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Ladies and gentlemen, Egypt has implemented a programme to reform the economy and offer social reform. We have seen good results. Starting in the 2013 to 2014, reflects an increase in the employment rate, a decrease in the unemployment rate. We have created many new jobs. This is an important step forward. We have also implemented three new pieces of legislation on the world of work, on labour organization, on the right to organize and have also elected workers' representatives within companies. We have proposed a draft law on that to Parliament. Apart from that, Mr President, ladies and gentlemen, we would call for a clear regulation that we can agree on. It's important that the tripartite constituents are able to agree on clear rules so that these standards can enable countries to improve their legislative framework and adapt themselves to international standards. Mr Chairman, we are very much concerned by what is happening in the occupied territories. We are thinking of the victims who fall on a daily basis. Urgent intervention is necessary to fight against poverty and to promote opportunities for decent work and social justice to our brother Palestinian people. Thank you.

**Mr Endris**

### **Employer (Ethiopia)**

Mr President of the Conference, Director-General, distinguished delegates, ladies and gentlemen, it is indeed a great honour and pleasure for me to make a speech at this 107th International Labour Conference panel, which will discuss on effective ILO development cooperation in support of Development Goals, violence and harassment against women and men in the world of work, and social dialogue and tripartism. Mr President, to promote Decent Work Agenda, the Ethiopian Employers' Federation plays a significant role in contributing to the growth of our country's economy through the intervention and effort that support the creation of industrial peace and conducive environment for investment. Although the main purpose of the Federation is to protect the right of the employers, the Federation strives equally to create industrial peace that creates sustainable growth and productivity of enterprise. The Federation has 15 branches throughout Ethiopia and has expanded its membership to all industrial sectors. These sectors have created a lot of job opportunities to young unemployed people. It is also assisting its members and potential members to have good industrial relations, apply fundamental principles and right at work by rendering training and providing a legal service and advocacy. It promotes the employment generation in big and small firms, which is important in time of natural and man-made hazards. As part of social corporate responsibility, it is also collaborating with the Government and other partners on the issue of women harassment at workplace. Therefore, it has been creating awareness among employers, managers and workers, in particular reference to protect women workers from harassment at workplace. On top of this, the Ethiopian Employers' Federation is collaborating with the Norwegian Enterprise Confederation and conducting a number of training on social dialogue and tripartism in different parts of Ethiopia for employers' representatives, workers' representatives, employers, workers and community leaders, and creates a social dialogue network among member companies. It is believed that social dialogue is a major solution to conflicts and disputes that arise in various sectors of the economy and social life. Social dialogue is a civilized way of solving a problem. Generally, it was to achieve the four principle and rights: the right of freedom of association and collective bargaining, the effective abolition of forced and compulsive labour, the elimination of child labour, and elimination of discrimination in respect to employment and occupation.

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All these achievements were not accomplished only by the effort of the Federation but also in collaboration with our partners, the Government, the worker representative. Especially the assistance of the Norwegian Enterprise Confederation and the ILO are a great value. Therefore, let me have this opportunity to thank NHO and ILO in this regard. Mr President, distinguished delegates, at this juncture I want to inform you that the Ethiopian Employers' Federation has celebrated its 65th anniversary on May 24, 2018. Also on May 22, 2018, it transformed into Ethiopian Employers' Confederation. Lastly, as I always say it, with regards to investment, I would like to inform participants of this conference that Ethiopia has a stable investment policy, ample manpower and wide range of national and international demand for commodities that are produced in Ethiopia. So come and invest in Ethiopia. At last, I would like to thank the ILO and the organizers of this conference for making it possible for me to stand here and call on workers, employers, government, international business, international agencies and organizations to join us in our effort. Thank you very much.

## **Ms Alsubaih**

### **Government (Kuwait)**

President, ladies and gentlemen, Heads of delegation, I welcome you. It is a pleasure for me to speak on behalf of the Gulf Cooperation Council to welcome you to this important international forum. I commend you, Chair, on your election to the Head of this conference, the confidence which has been shown in you, and we wish you the very best for your work. President, ladies and gentlemen, we read the Director-General's report with great interest, and it dealt with an issue which was of great importance. That is, increasing women's participation in the workforce. The Director-General's report underscored the issues which women are confronted with in the world of work: accessing job, the disparity in salaries paid to men and women. There is a figure of 20 per cent relating to those disparities, and there are different factors which mean that the world of work is not appropriate for women at the present time. Ladies and gentlemen, the society in those countries which make up the Gulf Cooperation Council is a young society, and the integration of women into the workplace is a key priority for us. We have called for gender equality in the world of work, and this is a vital part of our key text which condemns the discrimination of women. And we have also ratified the relevant international documents, and they showed the extent to which we are working to guarantee decent work for women. We have implemented national strategies to increase women's participation in the workforce and also to increase women's participation in businesses to help us also attain the Sustainable Development Goals. Beyond the clichés which exist, which state that women should stay at home and look after families, we have implemented social programmes to get women involved in education, to promote the role of women in implementing the SDGs. Ladies and gentlemen, Excellencies, thanks to the efforts undertaken by the international community, we must continue to fight to protect and improve the position of women in the Palestinian occupied territories. The occupying forces are completely ignoring the legislation in place which states that the Palestinian people need to be protected. The Director-General has familiarized himself with the deplorable situation of workers in the occupied territories following on from the occupying policy, so I recall the important role to protect the people in those territories, to end the violations and to guarantee the implementation of international standards adopted by this organization to end this occupation. The members states of the Gulf Cooperation Council, ladies and

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gentlemen, once again thank you for this opportunity to speak, and we wish you the very best of success in your work. Thank you.

**Ms Ba**

## **Government (Mauritania)**

President, Directors-General, heads of delegation, representatives of the employers, representatives of the workers, ladies and gentlemen, on behalf of my country's Government, allow me to congratulate you, Mr President, on your election to the presidency of this session of the conference, which I am sure there is no doubt will be a great success. The subject of this session, centred on the Director-General's report, and addressing the question of Women at Work, and centenary initiative of the ILO, is of particular importance for our country, Mauritania. Mauritania has indeed been very much involved in reforms aiming to eradicate all kinds of discrimination based on gender, but also, and above all, the implementation of measures to assure fairness and justice in the access to work and equal treatment for all workers. Allow me, Mr President, to congratulate Mr Guy Ryder, the Director-General of the ILO, on his high quality report and on the relevance of the annex devoted to the traumatic situation of workers in the occupied Arab Palestinian territories. Ladies and gentlemen, Mauritania has ratified all of the fundamental labour Conventions of the ILO, has transposed them into national regulation and provided for their implementation. Mauritanian women have a privileged place arising from religious and cultural norms in our country, and the protection of their rights is an absolute priority in the policy of the President of the Republic, His Excellency Mohamed Ould Abdel Aziz. Through the action of the Government, headed by the Prime Minister, His Excellence Mr Yahya Ould Hademine, aims to address all of the problems suffered by workers in general, and in particular those who suffer from precarious employment or from discrimination at work. The economic progress realized in our country, despite an international context which has been rather difficult, has made it possible to achieve regular economic growth and to control inflation, which has had a positive impact on the conditions of life of workers and has made it possible to extend the availability of employment. Ladies and gentlemen, the Ministry for Public Service, Labour and the Modernisation of Administration is working untiringly on projects and programmes aiming to promote and consolidate social protection for workers. Some important milestones were passed in the course of this year. In particular the implementation of international conventions, mainly conventions related to the guarantee of fundamental rights of workers, and in particular those related to the protection of the rights of the most vulnerable workers. Thus, with the support of the ILO, our department has implemented the necessary measures to contribute to the implementation of all of the fundamental labour conventions. And allow me here to praise the constructive efforts of all those involved and to salute their commitment to working alongside us and our partners. In this framework, we have put into place a national action plan to eliminate child labour, in a view to implementing the provisions of the ILO Conventions numbers 138 and 182 on child labour. This is an ambitious programme, and it will be broken down into targeted activities in the next few months, and we will be calling on our development partners then to assist us in mobilizing the necessary finance. I can assure, giving you the importance of this action plan to protect our children, that the Government of Mauritania will provide it with the necessary priority. Ladies and gentlemen, the renovation and improvement of the institutional, legal and regulatory framework for labour is a very important part in our department's work, as we have

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put in place a project to strengthen the capacity of labour administrations so that they can work better to apply legislation on labour and social security. There will also be a follow-up and flanking evaluation system aiming at relevant indications. In parallel with that, we will continue to renovate and improve the legislative framework, aiming to implement all the international instruments that Mauritania has ascribed to. Ladies and gentlemen, the fight against precarious employment is a priority for our department, which has continued its efforts to formalize the informal economy in accordance with Recommendation 204. The objective is to guarantee and to provide public contribution of the labour administration to improve conditions of work and labour.

**Mr Atwoli**

## **Worker (Kenya)**

President, Vice-Presidents of the Conference, distinguished delegates, on behalf of the Central Organisation of Trade Unions of Kenya that I lead, and on my own behalf, I want to take this opportunity to congratulate the Director-General for presenting a focused and relevant report on the obstacles to gender equality and how they can be overcome as the International Labour Organization transitions into second centenary. Mr President, Madam President, it is no doubt that since the International Labour Organization's founding much work has been done by the organization and its constituency with respect to promoting gender equality globally. However, progress has been slow, uneven and uncertain in many aspects. COTU Kenya therefore welcomes the report's sobering observation that things cannot remain the same as it is no longer a viable alternative to the gender challenge. Mr President, COTU Kenya notes that the care economy can play a significant role in the push for gender equality if it is properly managed through proper policy integration at national, regional and international levels. The rapidly growing need for the ageing societies in many developed countries and emerging economies requires a huge investment which would include preparing a real supply of properly trained manpower to support the ageing demographic. To encourage the uptake of the many job opportunities presented by care economy, it is imperative that governments, working with social partners and with the support of the International Labour Organization and other international institutions, must be of necessity to create an enabling environment, support decent work conditions and outcomes of this sector. Madam President, while we agree that the working environment has changed dramatically over the years due to technological advances and the changing nature of work, many societies and communities are yet to reconcile work and non-work responsibilities. This non-recognition of unpaid work remains one of greatest obstacles to advancing gender equality and needs to be addressed through reconciling the time spent in work and the so called non-work responsibilities by both men and women. Madam President, the evolution of the flexible working arrangements to fit in with the changing work demands and the needs of modern workers presents a good opportunity for workers to rebalance the time devoted to paid work and family needs, thus ensuring that both men and women enjoy equal time in sharing responsibilities across time spectrums. Mr President, we also concur that for many developing countries the need to invest sufficiently in infrastructure development, including roads, energy, water and communication, remains central in strengthening the capacity of men and women in low rural settings to have greater control of their time. We at COTU Kenya therefore take this opportunity to thank our President back at home, President Uhuru Kenyatta, for unveiling the Big Four development agendas,

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which include to seek and boost employment in sectors with greatest potential of attracting a large majority of unemployed youth and women. More so, these include boosting food security, provision of affordable housing, expanding manufacturing and affordable healthcare will have significant positive impact on closing the gender gap in employment. We further congratulate the President and Right Honourable Raila Amolo Odinga for their decision to shake hands and reconcile their political differences after their bitterly contested 2017 election, something which has brought about the country's political, social and economic stability, and provided the necessary enabling environment for investment and economic roads needed to realize the achievements of the President's Big Four agenda. Lastly, Madam Chair, COTU Kenya therefore calls upon the Kenya Government to rescind the proposed amendments in labour laws which are aimed at limiting the workers' and employers' independence in choosing their representative to the key tripartite institutions such as National Social Security Fund, National Hospital Insurance and National Industrial Training Authority. Slight changes which seek to make it harder for workers to exercise their right to strike and also give the Minister power to declare certain services to be essential and therefore be illegal for workers in such sectors to exercise their right to strike, are against the International Labour Organization's fundamental Conventions 87 and 98 respectively, and this should be abandoned with immediate effect. I thank you, Madam Chair.

**Mr Yatim**

## Government (Morocco)

Ladies and gentlemen, I am delighted to congratulate you on your election, President, to the Head of this Conference, and I would like to wish you and your staff the very best of success in your work. I would like to also thank the Director-General of the Office of the ILO and his staff for the remarkable work which they have undertaken, which they continue to undertake to ensure the success of this session. President, ladies and gentlemen, the increasing economic, social, political and security challenges which our society is confronted with, and which threaten its balance and cohesion, as well as the increased development of different work forms, production, relations and technical progress require from us a collective response adapted to workers' and employers' aspirations, and at the same time to the implementation of the Decent Work Agenda, competition and social justice. It also requires a new generation of social dialogue and collective bargaining on the basis of a win-win relationship which goes beyond the culture of confrontation and rivalry to a culture of understanding and closer links. One of the big dilemmas societies are confronted with, and in particular in developing countries, is the creation of jobs for young people, of which there are an increasing number. These jobs need to preserve their dignity and respect decent work standards. This challenge is growing with the increase in different forms of work and the decline in classic labour models, which also involves a challenge to certain ideas and paradigms which have framed our social thinking in the past, and an innovative creativity which combines demands for competition and the constraints of social protection and corporate social responsibility. Women are often the first victims of unemployment, under employment, wage discrimination and difficulties in accessing high posts. Thus the Director-General's Report *The Women at Work Initiative: The push for equality*, which shows how limited efforts undertaken thus far have been in reducing the gender difference in the world of work, proposes a certain number of areas where flexibility could be introduced within the framework of dialogue and negotiation

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through increased flexibility for women, which would make it possible for them to meet their family obligations and their work obligations as well as offering ideas for how to reduce violence and harassment at work. President, ladies and gentlemen, on the Moroccan experiencing combating violence against women, the Moroccan Constitution made gender equality a constitutional provision, and the quest for equality is a constitutional aspiration, and we have been working to implement various UN Conventions and integrating them into our legislation, particularly in combating violence against women. On violence, we have criminalized sexual harassment in our labour law. On social dialogue, the Government of Morocco has established a solid partnership with the social partners through ongoing dialogue and an ongoing social dialogue which is also institutionalized. The Government has also integrated these elements into its programme. On economic development, we have implemented the South-South cooperation and the tripartite cooperation, and we have also recently held a workshop on South-South cooperation. Convention 205 has also been adopted. In conclusion, ladies and gentlemen, coming from a country which has always had new ideas, we will continue adopt positive positions.

## **Mr Al Ghafis**

### **Government (Saudi Arabia)**

In the name of God, the Most Merciful, the Most Compassionate. Mr President, the delegation of the Kingdom of Saudi Arabia would like to congratulate you on your election as President of this session. We wish you all the success. We would also like to thank the Director-General of ILO for his endeavours to elevate this long-standing organization, and we commend his report for this year on the Women at Work and its related centenary initiatives, as well as the rest of the other six initiatives launched by the organization. Indeed, it's a great occasion for member States and social partners to work together to ensure women equality in the world of work and to provide decent working conditions for all, which are the main purposes of the ILO. Mr President, in the midst of our discussions in this session, which focus on the issue of women at work and the keenness of member States to address the problems and issues that stand in the way of activating women's role in the development of society, we would like to highlight the Kingdom of Saudi Arabia's achievements in this field along the Saudi Vision for 2030 which is based on three main pillars: a vibrant society, a flourishing economy and an ambitious homeland. The vision states that Saudi women are an important element of our strength, and we will continue to develop their talents and invest their energies and enable them to obtain adequate opportunities to build their futures and contribute to the development of our society and economy. Furthermore, the National Transformation Program 2020 contains 36 strategic targets that support economic empowerment of Saudi women and support women independence and self-reliance. We aim to increase women's participation in the labour market from 22 per cent to 30 per cent by the year 2030, which will increase its contribution by 3 per cent in the non-oil GDP. My country is very keen to support the work of women and overcome difficulties. Targets were put to achieve that by increasing the participation of women in the labour market and increasing the contribution of productive families, facilitate business start-ups and retail sector development, and increasing the contribution of SMEs. In addition to that, more focus was put on empowering women to achieve a balance between social life and work through the social welfare system that will give women greater opportunities without compromising their family commitments and the family member correlation. Among those initiatives to empower women, the Ministry has launched the childcare

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programme, Qurrah, to support the children's care services for working women and a transportation programme, Wusool, to support them as well. Also, there is a freelance programme which expands opportunities for increasing women's income according to her skills, and telework programme and part-time programme which enable care provider women to achieve balance between work and her family as well as it enables the empowerment of women in rural and remote areas to engage in the labour market. The results of these efforts was the number of women working in the private sector reached 565,000 at the end of 2017, which stands approximately at 32 per cent of Saudis employed in the labour market. Saudi Arabia initiatives to empower women weren't limited to enter the labour market only, but there are also other initiatives to enable women to reach leadership positions to achieve a gender balance. My country is keen to eliminate any discrimination in wages between male and female workers and has put the legislative aspect of equity and equal pay for work of equal value and considers it as a violation of the system if such is not respected. In addition, we are currently looking through sharing experiences with countries and international organizations' best practices in monitoring the application of such legislation to reduce the gender gap and achieve equality. My country has taken serious measures to fight all negative phenomena and behaviours that may harm the working environment, including violence and harassment, through the adoption of the Anti-Harassment Law this week, through the executive regulations of the Saudi Labour Law for violence and harassment cases adopted by the Ministry of Labour and Social Development, in which both have definitions and mechanisms to deal with such cases from reporting, verification and determining of penalties. We recognize that Saudi Arabia has always contributed in empowering women economically and developmentally speaking, and we are pleased to affirm that we always stand to contribute in any international effort to that effect.

**Ms Markova**

### **Employer (Bulgaria)**

Thank you. Mr President, allow me on behalf of the Bulgarian employers to congratulate you with the election to this important position and to wish successful work to the 107th Session of the International Labour Conference. The Director-General's report addresses the global social challenges and the role of ILO and its constituents focusing on the Women at Work as one of the ILO's Centenary Initiatives. This approach enhances the role of ILO as a global forum and effective instrument for implementation of core international labour standards in achieving economic and social prosperity in our societies. Bulgarian employers have their role in improving the overall positions and performance of Bulgaria in relation to gender equality. I will put the stress that Bulgaria takes 15th place in 2017, moving from 25th in 2015, according to the EU Gender Equality Index. Bulgaria takes the first place in the EU having share of 26.5 per cent of women employed in the IT industry while the average share for the EU is 70.2 per cent in 2017. Bulgaria also improved significantly its position from 44th to 18th place out of 144 countries according to the *Global Agenda Gap Report* in 2017. Further, allow me to outline briefly the priorities of the Bulgarian employers as follows. First, reducing administrative burdens in speeding up the adoption of so-called E-Government. Entering into Eurozone and undertaking further steps for achieving the very high EU social standards. I will only mention that Bulgaria meets all relevant entry criteria having also less than 25 per cent government debt to GDP ratio. Acceleration of the reforms in education and vocational training, health care and social security system and

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labour legislation. Bulgarian employers acknowledge the need to start a wide national debate for better labour regulations in response to the new reality of global economy and labour shortages we currently have. This includes also the adoption of flexible reforms of work relevant to the specific employees' and employers' needs. We also put the stress for better regulation and call for more balance and a rational approach to so-called postage workers and mobility package to be adopted at EU level. Fourth, improved procedures and access for third country nationals to the Bulgarian labour market. Achieving agreement on setting up of the minimum wage in accordance with the principles and criteria of Convention 131, taking into account the prevailing proportions to average and medium wages in the EU. The Bulgarian employers will actively participate in social dialogue at all levels, defending our positions based on the provisions of the Constitution and applicable ILO Conventions. We therefore rely very on the valuable experience of ILO and its constituents in settling similar cases. Social dialogue and cooperation for economic and social prosperity have no alternative. I'm closing by assuring you that we are fully supportive to the agenda of the International Organisation of Employers and its efforts in achieving the ILO's goals and values. Thank you for the chance to speak to this highly distinguished forum and to you for your kind attention. Thank you.

**Mr Alhamli**

## **Government (United Arab Emirates)**

In the name of God, The Most Merciful, The Most Compassionate. Mr President of the Conference, Your Excellencies, Heads of delegations, greetings upon all of you. I would like to start off by congratulating Mr Samir Murad, the Minister of Labour of the Hashemite Kingdom of Jordan, as President of the Conference and to convey our greetings and congratulations to all the Vice-Presidents, wishing you all the success. The DG's report discusses one of the most important issues on the Sustainable Development Plan that has been accepted by all the leaders of the international community they plan to be achieved by 2030. I mean by that gender equality and empowerment of women. In spite of the progress that has been mentioned in the report in terms of bridging the gender gap, there are still gaps that exist in the health and economic fields, and I will focus here on the economic field. Ladies and gentlemen, one of the economic reports that has been issued recently by the McKinsey Institute indicates that gender equality would contribute to an increase of \$12 trillion by 2025 in the global GDP. Thus, it is not an over-exaggeration to say that gender equality in terms of employment is an economic necessity as well as a moral and social necessity. UAE has understood this as of its inception, and it has adopted this as part of its Constitution, considering gender balance and equality as a national priority, and we have always endeavoured to achieve that. We have achieved one of the best performances in the region in terms of gender equality, whether it comes to high education or in terms of contribution in the labour market assumption of leading position and decision-making process of women. For example, we have nine female ministers, which represents 28 per cent of the total number of ministers. Women occupy 20 per cent of the Federal National Council, and it is headed by a woman, that council in particular. We have also legislation that stipulates for the appointment of women at the board of directors of all companies, which means that 30 per cent of our board of directors are assumed by women, and women have achieved 26.7 per cent of all executive positions in the Government. We have launched the National Strategy for Women Empowerment in 2015-2021. We have announced the establishment of the UAE Council for Gender Equality. We have

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taken many steps to speed up gender equality and to empower women, the most notable of which is the latest draft bill that was adopted by the Cabinet concerning gender equality in wages or in pay and legislation related to maternity leave in line with international labour standards. We have also created a government performance index, and that was for the purpose of gauging gender equality, and it is one of the first in the world. It has various concrete steps that could be implemented by the various institutions to achieve gender equality. Ladies and gentlemen, I would like to note another issue that was mentioned in the Report of the Director-General in terms of care industry. I agree with him that such a care industry would lead to decent work and would lead to further gender equality. That's why the UAE Government has adopted a law related to domestic workers last year, that is Law Number 10, and we have set up a certain department in our Ministry to develop the manpower in the Government. We have adopted the Abu Dhabi dialogue mechanism that was adopted related to Asia and the GCC countries to develop the field of domestic workers and particularly in adoption of domestic worker standards to achieve better situation for domestic workers.

**Mr Kouassi**

## **Government (Côte d'Ivoire)**

[Beginning of intervention missing in English interpretation] to the majority it takes, aiming to fight against discrimination to women. In fact, the Côte d'Ivoire has exceeded to various different legal instruments at an international regional level such as Resolution 1325 of the United Nations, the Convention for the elimination to all kinds of violence against women, the protocol of the African Charter of Human and Peoples' Rights, the declaration of Heads of State of the African Union, the declaration of the Heads of State of ECOWAS. At a national level, on the 8 November 2016, the Côte d'Ivoire adopted a new Constitution which consecrates equality between men and women through effective and shared participation at all levels and a written policy on equality of opportunities and gender equity. As you can see, Côte d'Ivoire has been resolutely involved in promoting, through actions and specific measures, the work of women and its fair value. Apart from the action of the ILO for more social justice, and in the light of the Decent Work Agenda and the 2030 Programme for Sustainable Development, has made it possible in each of our countries to see significant results as has been presented by the ILO's Director-General in his report. As far as it is concerned, the Côte d'Ivoire can be pleased to see that in the course of the biennial 2016 to 2017 there have been significant progresses in employment, work and social protection, and I would mention as far as employment is concerned, the evaluation of the first phase of our National Employment Policy 2012-2015, the adoption of the second phase of the National Employment Policy for 2016-2017, the realization of diagnostic studies of the information system for the labour market, and the strategy of promotion of employment for vulnerable groups, for the employment of disabled people, and for the functioning of informal commercial networks. Thus, thanks to the efforts of the Ivorian Government and supported by the ILO, the unemployment rate as defined by the ILO has gone down from 5.3 per cent in 2014 to 2.8 per cent in 2016. This effort for employment has gone hand in hand with the strengthening of health and safety at work following the ratification by Côte d'Ivoire of Conventions 155, 161 and 187 of the ILO. At the moment, the Ivorian Government has drawn up a national profile for safety and health at work. They did that in 2017, and that's an essential precondition for the adoption of its policy for safety and health at work and its budgetized action

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plan. This reform in safety and health at work, strengthened by the Labour Code passed in 2015, aims to guarantee the conformity of places of work with the regulation and to avoid accidents and damage to health resulting from work, linked to work or following work. Given this, the control mission carried out by the Labour Inspectorate, particularly in the informal economy, thanks to the lessons learned in the framework of the *ADMITRA et PAMODEC* projects has become more effective. It's important to emphasize in the framework of continued social dialogue and robust social dialogue with the tripartite mandates in Côte d'Ivoire, the national social dialogue organism was reformed in 2016 with the support of the ILO. And the support of the ILO has been very significant for the respect for fundamental rights and principles of work, in particular through the implementation development of a system for observation of child labour in Côte d'Ivoire and the determination of a list of light work authorized for children between 13 and 16 years old and the revision of the list of dangerous work which is prohibitive to children. In general, the various support given by the ILO has made it possible to promote decent work and equality between men and women, to consolidate social justice and to fight against harassment and discrimination at work.

**Ms Narbaeva**

## **Government (Uzbekistan)**

Madam President, Ladies and gentlemen, allow me on behalf of the delegation of the Republic of Uzbekistan to greet you all from this high conference podium. We congratulate Mr Samir Murad, the Minister of Labour from Jordan, on his election to the presidency of this session and also his deputies, and we wish all of them the best of success throughout the conference. Dear friends, Uzbekistan is a young independent state and is undertaking major reforms in all areas of its social, economic, cultural, humanitarian and political life within the framework of the development strategy which was adopted to cover five areas and covers the period up to 2021. Within the broad reforms, we are paying significant attention to cooperating with the ILO. We have successfully introduced our Decent Work Country Programme, which aims at dealing with the following issues. First of all, the development of our national labour legislation. Secondly, improving the labour market. Thirdly, guaranteeing jobs and social protection. Fourthly, establishing ongoing dialogue with the population. In our country, we have introduced a system of parliamentary and society monitoring of international labour standards, warning of and preventing the possible risk of the use of child and forced labour. Thanks to our successful cooperation with the ILO and other partners, Uzbekistan has made real progress in implementing ILO Conventions. We highly value and support ILO initiatives and activities aimed at guaranteeing active participation to achieve the Sustainable Developments Goals. We have introduced a road mark for the SDGs, which includes the participation of national partners as well as international organizations. Distinguished friends, we know that in order to guarantee justice and human rights in all areas it is important that we are involved in social dialogue. The ILO plays an invaluable role in strengthening social dialogue between the tripartite partners, and we welcome the principle of tripartism plus. In Uzbekistan, we are successfully implementing social dialogue between the Government, the unions and the employers. Civil society is also involved in the process. In May of this year a presidential decree created a consultative Council for the Development of Civil Society. The main aim of this is to create systemic and effective high-level dialogue with civil society. The activity of this council is being coordinated by the President

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of Uzbekistan himself. This step is a logical continuation of the success for the introduction of a mechanism to guarantee direct ongoing dialogue between the State and our population. Distinguished Chair, we welcome the discussion of gender equality at this conference. The Republic of Uzbekistan has also taken significant steps to improve the position of women in the political social, economic and cultural life of our country. Women's work is a part of our state policy. We have been establishing substantive measures to improve our institutional bases to guarantee gender equality in the world of work. Our action strategy for 2017 to 2021 includes new opportunities to improve women's education and their economic activity, to improve their inclusion in entrepreneurial activity and to strengthen the role of women in the state administration and society. In February 2018, a presidential decree on measures to improve the activities to support women and strengthen the institutions of the family includes broad opportunities to women to fulfil their potential. Distinguished conference participants, once again we express Uzbekistan's commitment to the principles of decent work and social justice. Gender equality must be achieved in all areas of our life, and we hope that our work will be successful. Thank you.

**Mr Sy**

## **Government (Senegal)**

President of the International Labour Conference, President of the ILO Governing Body, Mr Director-General, guests, ladies and gentlemen. As I start, I would like to warmly congratulate the President of the Conference and his two Vice-Presidents, who I wish every success in their high mission in the service of the tripartite constituents. Speaking for Senegal, I can say that we reiterate our attachment to the ideals and principles which symbolize our shared values and the governance for organizations, social justice, for economical progress and achieving the noble objectives of decent work. We see them as being more relevant than ever today, facing up with the new challenges of the world of work. On behalf of my delegation, Mr President of the Governing Body and Mr Director-General, I'd like to congratulate you on the quality of your respective reports. It's important to emphasize specifically the importance of the report entitled *The Women at Work Initiative*, a new push for equality, which invites us to think of a world of work which is seriously unjust towards women, despite their great contribution to the economy. Along with you, we hope that there will be opportunities to be found for decent work for women and for development for women in the digitalization of the economy and technological innovation. Nonetheless, it's worth recalling that the future of decent work for women in Africa and Senegal can also be found in the transition towards the formal economy in view of reducing the deficit of decent work from which they suffer. Our country, along with others, will continue the efforts it's already started in this framework, as is witnessed, among other things, by the adoption of the National Strategy for Equality and Gender Equality and the ratification of Convention number 183 on maternity protection. Apart from that, we very much salute the inscription on the agenda of this conference of double discussion, with a view to a standard fighting against violence and harassment at work. Given that the things that are at stake, we very much welcome that. Looking at the agenda, is very revealing. It shows the desire of the ILO, in accordance with universal objectives, to be more than ever the avant-garde of new initiatives aiming to improve the world environment and to make it a better place for those involved in work. And the preparation of the centenary initiative of the Future of Work, and looking at all of the instruments, makes it clear

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how important the prediction of human capital productivity at work and economic competitors are for us. We would also like to take advantage of this opportunity to address Senegal's thanks to the experts commission for the constant work that they have done helping member States to implement international labour standards in an optimum way. We have to here reaffirm the adhesion of Senegal to the legal instruments of the ILO, to the universal objectives of decent work for all, and all of the other issues proposed in the framework of the initiative for the centenary for the Future of Work. My country looks forward with optimism and hope to the conclusions of the World Commission on the Future of Work. Mr President, the general discussion on effective cooperation of the ILO in the context of sustainable development, and in the framework of the sustainable development objectives, which will make it possible to take the opportunity of the rapid transformations of the world and the reform of the new United Nations systems and the opportunity to reaffirm the place of decent work in the 2030 programme for sustainable development. The conclusions of the discussion should help us to achieve important achievements in the matter of equality between men and women, the promotion of international labour standards, employment and extension of social protection. There will also be an opportunity to evaluate and reorient many multilateral partnerships, South-South cooperation, triangular cooperation, with respect to the priorities set out by the constituents. As far as Senegal is concerned, new Country Programme for Decent Work has been drawn up, validated and signed, and that's a new era for our cooperation, which is already dynamic, and an opportunity to achieve Objective 8, which is decent work and economic growth in the Sustainable Development Objectives. In the same line, the recurrent discussion on the strategic objective social dialogue and tripartism give the constituents an opportunity to, once again, reaffirm and revisit the universal principles and objectives set out by fundamental labour standards, in particular Conventions 87 and 98 on freedom of organization and collective bargaining. In Senegal, we are pleased to see advances have been made thanks to the maturity of the tripartite parties. Thank you very much for listening.

**Ms Talla**

## **Government (Mali)**

Conference President, ladies and gentlemen, members of the Office, delegates, I would like, on behalf of my government, to underscore the congratulations which have been addressed to the President on his election and also to the other members of the Bureau. President, delegates, we agree with the conclusions of the two reports and welcome the efforts taken to lead all ILO member States towards the implementation of the Decent Work Agenda. For the implementation of the Decent Work Country Programme, in our country, signed on the 14 April 2016, our Government has implemented a pilot committee made up of all the stakeholders and also preceded this work with the rereading of our Labour Code in June 2017. New provisions loosening up the ban on night work for women in industry, guarantees equal opportunity and treatment for citizens in the world of work and improves the access to education for young people in defining criteria for union organizations and other. In the sphere of social protection, draft text with a view to rolling out universal health insurance coverage in 2018 are in the Government's pipeline. This is a real challenge for the authorities in their work towards achieving Sustainable Development Goal 8. President, delegates, my delegation read with interest the report towards 2030, effective development co-operation in support of the sustainable government, with a view to the general discussion on ILO effective action to promote

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development cooperation. On this issue, all the national strategic documents, particularly those relating to the framework for the relaunch of our economy and sustainable development for Mali and the UN integrated framework 2015-2019 and the DWCP, are part of the work underway to achieve Goal 8 of the SDGs. President, my delegation is also supportive of the report and guaranteeing decent work for the future, a study relating to the relative instruments in place for working time. We have worked to change our labour code in 2017 and have looked to harmonize these provisions with the ILO and other international conventions, and in particular ILO Conventions 100, 87, 98 and C138. My delegation is delighted that the agenda includes the recurrent discussion on social dialogue and tripartism as part of the follow-up to the ILO declaration on social justice for a fair globalisation of 2008. The discussion on this report is an opportunity to reflect on the vitality of social dialogue in our countries, at regional level as well, and to also look at the difficulties which social partners and governments are confronted with in their search to promoting social justice. Also, we are looking to create a formal national framework for social dialogue. President, we were also particularly interested to read the report entitled *Ending Violence and Harassment Against Women and Men in the World of Work*. This first discussion will be an opportunity for governments and social partners to understand the phenomenon and to find the voices or the approach which we can take to end violence and harassment in the world of work. President, the Director-General's report entitled *The Women in Work Initiative: The Push For Equality* is an important contribution to improving the position of women at work. Throughout their professional life women continue to find themselves confronted with obstacles in accessing jobs and equal pay. President, delegates, the world of work of tomorrow depends on those actions which we take to support women today. Thank you for your attention.

**Mr Radhwan**

### **Worker (Saudi Arabia)**

Madam Vice-Chair, ladies and gentlemen, good morning. My country is racing time in order to join the ranks of fully advanced countries. It earnestly works in order to provide the conditions needed for decent living for its citizens and those who live on its soil. Equality in rights and duties amongst all the sectors of the Saudi society and the provision of decent work for them is of the top priorities and major objectives of the progress and stability of our country. The authorities in my country have opened the way to women in order to enter into many walks of life which were, in the past, exclusively for men. It has paved the way for more equality and equity in rights and in wages between men and women. Women have proven to be able and have even exceeded the skills of men. Saudi Arabia provides all possible means to create the opportunities of decent work for the youth from both sexes. As well as taking care of persons with disabilities, they have the chance to join the ranks of the work, and we do our best to remove all obstacles. We are walking firmly towards a promising future. The world has noticed the change and the progress that has taken place in the Kingdom of Saudi Arabia lately. At all levels, in all sectors, in all cities and areas, amongst them, and most importantly, is the development of the regulations and policies of labour, the provision of new opportunities in new sectors such as tourism and entertainment, the support for SMEs and the development of investment. The development taking place in Saudi Arabia in a very short period on the basis of ambitious objectives and precise plans, in accordance with the National Transformation Plan 2020 in order to reach the vision of 2030, might take many,

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many years from other countries to build the infrastructures, the information, the technology, the communications. All these are needed to allow people to live in dignity and wellbeing. The leadership's adoption of the Quality of Life Programme which meant encouraging the economy, the investment in all sectors, especially the new sectors, the provision of an enabling environment to attract foreign investors, the preservation of the environment, are all excellent things. The road ahead is arduous and paved with challenges. However, with the support and able leadership that has the vision and the ability to implement and plan, that believes in social partnership and collaborating with employers' and workers' organizations to enact laws and economic, social, political and global policies, through social dialogue and tripartism. This is for the objective of realizing Decent Work agenda, the protection of labour rights and realization of effective economic and social justice. All the above will enable us to overcome obstacles in a brief period in order to realize the Kingdom's Vision of 2030. Thank you.

**Mr Ayessa**

## **Government (Congo)**

President, Director-General and delegates, I am glad today to be able to congratulate you today on your presidency of the current conference. I wish you the greatest of success in your endeavours, which have begun very well. President, once again, the ILO is playing its core role and fulfilling its responsibility to define the guidelines, the standards, the principles and the fundamental rights required for decent and integrated work. Today, all players in the world of labour are invited to act jointly in line with the following objectives. First of all, cooperation for development and support for the SDGs. I would like to highlight the fact that the Congo has always supported the aim of sustainable development, which should be as cross-cutting and inclusive as possible by fully integrating the social dimension of the 2030 Agenda. That is the commitment of the Congo and his Excellency, the President of the Republic of Congo, Denis Sassou Nguesso, is committed to this goal. This means that we need to act in a consistent manner for more fair societies, for productive full employment and for the promotion of decent work. This will enable us to reach a more sustainable economic growth. Secondly, the eradication of harassment and violence against women and men, and thirdly, tripartism and social dialogue. The Republic of the Congo truly believes that tripartism and social dialogue are the foundations themselves of the world of labour. Without any real dialogue and without effective tripartism there will not be peace nor social justice. In the Congo we wish to aim for no gender wage gap, and we believe that for the same work we need the same wages. The recurrent discussion on social dialogue and tripartism, as per the ILO declaration on social justice for a fair globalisation, is truly pertinent today, as it was in 2008. The Republic of the Congo wishes to have a multi-partner approach. Social dialogue is not just a discussion platform. It is also a framework of definition for innovative public policies in terms of labour, employment and social security. Companies, of course, are facing great challenges in order to stay competitive to maintain or to adapt their activities to the changes. Indeed, social dialogue can establish the necessary convergences and balances between the liberal ambitions of businesses and the requirements for social protection and decent work. Here two attitudes must define the efficiency of social dialogue, i.e. trust and mutual respect. It is necessary to be able to speak to each other, to share diagnostics and to measure how we can move forward together in line with strategies that focus on the priority for compromise in order to preserve the rights and acquired social protection,

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the protection of labour and creation of wealth. It is this celebration of the virtues of social dialogue that I would like to highlight right now. I would like to say that we are on the eve of a new centenary for our organization. We have come a long way, and we have achieved a great deal, but the challenges are important. We need to fight against violence and harassment, against inequalities and insecurity at work. The effort to guarantee decent work for all in order to achieve greater social justice. Those are the conditions required to construct a future for all. In order to reach these objectives we need to focus on the new centenary, and I think that we will be able to adopt proclamations that relate to real action. Thank you very much for your attention.

**Mr Almutairi**

## Arab Labour Organization

In the name of God, the Merciful, the Compassionate, prayers on our Messenger. Ladies and gentlemen, President, distinguished delegations, *As-salamu alaykum*. At the outset, I should like to congratulate the President and members of the bureau and the representatives of all groups for the trust placed in their person, and I should like to commend the choice of this conference, which is the initiative of women towards equality. This is the new initiative, one of the seven initiatives on the occasion of the first centenary of the ILO. This represents the eternal effort deployed by all in order to overcome obstacles and to encourage production in the world and to reach equality between the sexes and to reach firmly towards the realization of the fifth objective of the SDGs 2030. This year, in my report to the Arab Labour Conference, I talked about the dynamism in the Arab labour markets, transformations and progress by seeing the new developments, unprecedented, such as the slow economic progress and the explosion of youth and the limited opportunities available, as well as the growth of migration and refugee flows. This means we have to enable women's cognitive abilities and knowledge to allow her to enter the market in order to increase her ability to compete in the labour market. It is impossible to develop a society that has been marginalized a very large percentage of the society. We have to enable women now to brief themselves of the new forms of work. These will enable women to enter the market and to improve her conditions of living and to live in a manner that is optimal with its role in the society and her family. This ambition is commensurate with the Arab Labour Organization's work that wants to improve the gender equality and bridge the gap between the participation of women and men in all walks of life. We have always reiterated the principle of equality in opportunity and wages and equality in education and training, as well as taking care of maternity leaves and maternity rights. Ladies and gentlemen, the recent escalation of hostilities by the Israeli occupation forces on the land of Palestine is a reminder of the continuous bloodshed that is leading to the deterioration of the economy and the social life and increases the sufferings of the people of Palestine. I should like to renew my call to the ILC and to the three tripartites to hold conference of donors in order to give support to the investment and to find new work for the youth in Palestine. In confirmation of the Arab Labour Conference Resolution number 45 in 2018 and what was adopted, we call for the review of the method and mechanism of the Committee on Standards in order not to have any selectivity on bias in choosing the cases that are breaching the standards. And we reiterate the importance of transparency and lack of bias in dealing with the Arab countries in order to preserve the credibility of the Committee on Standards. Thank you for your attention.

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**Thursday, 31 May 2018, p.m.**

**Mr Al-Naimi**

### **Government (Qatar)**

Your Excellency, Chairman of the Conference, Your Excellency, Director-General of ILO, Your Excellencies, Ministers, Ambassadors and Heads of delegations, dear employers, dear workers, ladies and gentlemen, dear participants, may the peace of God be upon you. Your Excellency, Mr Chairman, I am honoured to congratulate you on the beginning of this session to wishing you all the success in your task while confirming to you our cooperation with you and the participating delegation for the success of the conference. Ladies and gentlemen, the Report of the Director-General for this session included a very important topic relating to the achievement of the SDGs by 2030 and calling for empowerment of women and action towards gender equality. In this context, Qatar is continuing its efforts in order to guarantee all the equal rights between men and women, and we have the opening of the Technical Cooperation Bureau in joint collaboration with the ILO Office in Dohar and beginning of the current year came to achieve all these objectives. Ladies and gentlemen, Qatar is keen to implement all its commitments towards the international conventions and regional conventions, especially the CEDAW Convention that condemns all kinds of discrimination and violence against women. Qatar is keen also to comply with all the international laws and the national laws relating to women. It is ready also to do its utmost in order to empower women and to increase the participation of all women in all sectors and on all levels. I would like to seize the opportunity and note that women in Qatar have occupied very high ranks, very important positions, and they have become very competitive in all sectors of life in the Qatari society and elsewhere. The Qatari legislations are striving also to give all the opportunities and all the equality to women and especially to guarantee equal wages between men and women and also to guarantee training and performance for both men and women. Moreover, Qatar has deployed all its efforts and gave all the support to women in order to follow all these rules. It has also supported women, not only in Qatar but elsewhere also, especially in the poor countries. We would like also to seize the opportunity to express our concern about the plight of Palestinian women in the Arab-occupied territories. These women are deprived from their basic rights. This implies the need for more and further efforts in order to improve work based on the international standards. In conclusion, I would like to reiterate that Qatar will spare no efforts with its cooperation with ILO. It will keep on working in order to consolidate the rights for workers on the local, regional and international levels in order to guarantee the noble message of the organization. It will always work in order to improve the professional life and community life for workers in order to have safety, security, as well as welfare, all over the world. I would like to thank you for giving me the floor and for your attention, and I wish full success for this ILO session, and may the peace of God be upon you. Thank you.

**Mr Amoussou**

### **Worker (Benin)**

President of the 107th International Labour Conference, Director-General of the ILO, ladies and gentlemen delegates and technical advisers, ladies and gentlemen, I am here representing the Workers' delegation of Benin in order to give you an overview of the real situation of the workers in my country in view of the quest of

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decent work, which defines our tripartite organization. Our meetings now are taking place at a time when everywhere across the world workers are confronted with invented realities in the name of profit and profitability. We cannot ignore that today the fundamental principles and rights that are at the heart of the ILO's mandate are in a very bad state across the globe. The pillars of Decent Work are still a dream for millions of workers across the world, and this is why I am pleased to see the issues raised by the Director-General, and at this 107th International Labour Conference, which are highlighting the need for achieving the objectives of Decent Work to construct our future. For a while now, Benin has seen a decline in collective bargaining and freedom of association. Despite the fact that we have a legal framework that integrates international standards, there is a series of legal provisions and governmental practices that have disturbed labour relations, and now thousands of workers are even more vulnerable than before. Pertinent provisions to protect the rights of workers are unilaterally called into question, and the aim here is to create employment by attracting investors. The attacks on social [vgr INAUDIBLE 2:48] and trade unionists [vgr INAUDIBLE 2:50] are continuing, namely with a legislative attack against the freedom to strike for workers in health care and the judiciary. I would like to highlight within this framework that the standards examination mechanism is important. We should continue to protect the right to strike as a real element in freedom of association. We must reconstruct social dialogue. We need to restore the virtues of tripartism and of collective bargaining. In 2017, there was a problem on the level of workers in Benin. We must never forget and stop insisting on the protection of the right to strike as a fundamental basis for freedom of association, and we must continue to focus on achieving the SDGs based on the pillars of the respective rights. We need to create rights. We need to promote the equality of chances, and these really should be the objectives of governance. We have a lot to do, and the women must also take on a greater role in society. The trade unions of Benin will continue to play their role in diplomacy, and they will be firm in their aims to create a less lacklustre future for workers. Long live the ILO. Thank you.

**Mr Idriss Samrieh**

## **Government (Djibouti)**

Your Excellencies, Director-General of the ILO, ladies and gentlemen, Ministers of the member countries of the ILO, representatives for employers, for workers, distinguished delegates, ladies and gentlemen, it is a great pleasure and honour for me to be here today at the 107th Session of the International Labour Conference. I would also like to salute the delegates and colleagues from our country's friends who are present at this conference today. The Ministry, of which I am at the head, basically has a role to regulate the labour market. The missions that are the objective of my ministry aim to elaborate, ensure the application and develop labour legislation to conceive active policies to create favourable conditions for job creation, promote reforms in order to improve institutions and manage state organizations as well as organize and extend social security. In all these areas, the Ministry is committed to establishing measures and reforms. The challenges that the country is facing are well-known, and they are shared by many nations that are present at this august assembly. Our concerns relate to human resources, creation of jobs, poverty reduction, creating a public administration that is more efficient and that will push forward development. These priorities are those that are listed in the Sustainable Development Goals for 2016-2030. The objectives of the policies of our

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Government, in terms of economic development, is based on granting greater value to the natural resources of Djibouti. Djibouti must become a commercial platform for services in the region in order to ensure employment, a creation and a reduced poverty. There is a very high unemployment level, especially in terms of youth unemployment. In order to create jobs and to speed up development, the Government has launched an ambitious programme that is called Vision Djibouti 2035. The aim is to create 200,000 jobs by 2035 and to bring down the unemployment rate from 48.2 per cent to 10 per cent. In addition to the strategy that underlies this vision, the SCAPE has established five-year plans that focus on the following sectors. Transportation, logistic, public works and construction, telecommunications, and the catering industry. This year, in terms of gender equality, there has been great evolution in Djibouti. In 2018, in the month of February, the number of women in Parliament has been brought up to 25 per cent, i.e. from 7 members to 17 members. The country therefore aims to appropriate itself with the main international instruments to protect the rights of women in Djibouti. The message of the ILO of the promotion of Decent Work has been well heard in the country. The Minister of Labour has adopted a text that will fix minimum wage to \$200 a month for public and private sectors. In terms of social protection, Djibouti has expressed its wish to launch a large social project in 2014 in order for universal healthcare to be established. This has also been extended to the refugees in Djibouti. There is indeed a great challenge in Djibouti. We need to remain a peaceful and stable country in a region that is affected by conflict and crises. Without peace there is no social progress. I would like to thank you for your attention.

**Mr El Asmar**

## **Worker (Lebanon)**

Mr Director-General of ILO, Your Excellencies, Ministers and Ambassadors, dear members of the delegations, dear participants, ladies and gentlemen, Mr Chairman of the Conference, one year separates us from the 100th anniversary of the birth of International Labour Organization. This noble and pillar organization that is tripartite in its representations whereby which you have the workers that are being represented. It has long played a leading role, not just in terms of labour and work and also in terms of world peace and security by striving to guarantee decent work in all societies. I salute this noble organization and its history, and we encourage it for further work for social justice and world peace. Dear friends, we have thoroughly read the Report of the Director-General about the social dialogue and the situation in the Arab-occupied territories and all what was titled in the report and also under the title of the initiative for the work of women, moving towards equality. And this is why we highly salute this approach, this methodological approach, and that included all the analysis and the conclusions of the reports, especially Chapter 5 and the paragraphs relating to women empowerment and the recognition of the value of their work and by making women more heard and more represented. We have thoroughly considered all what came in the report about the social dialogue. We strive for further work in order to institutionalize this dialogue and to have equality between all its parties, and we need to translate this into practical programmes that serve the national interest and not just one single party. And based on all these considerations, we signed, we and the employers and the State in Lebanon, under the auspices of ILO and its contribution, the National Programme for Decent Work 2017-2020. It includes many of the objectives that strive at being fair and equal for women. We will cooperate with the ILO in Beirut in order to achieve this ambitious programme.

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And on the other hand, and in the context of the discussion taking place about violence in the place of work, we as a federation, we consider that we need to sign a Convention and not just adopt a Recommendation with regard to the method. Ladies and gentlemen, we are addressing you, and we come from a region that has long experienced, since 70 years, terrorism, organized state terrorism in other words, since the creation of the Zionist entity, since 1948, at the expense of the Palestinian people that is the owner of these territories. And we can name the massacres that were perpetrated by Israel against the Palestinians in Gaza, and they are not just the first. All those who try to demonstrate and they wanted to just exercise their right to demonstrate. So we come to you and address you from a region where we have terrorists that are operating, they come, tekfiries, be they tekfiries or whatever they do, they come, they slaughter people from Lebanon, from Syria, in Iraq, in Egypt, Libya, Yemen and you name it. And all these gangs are just hidden under their slogans of religion, and they have moved us backwards in order just to exercise control on the expertise and the potentials of all these weak states. These gangs, these groups, are striving to get rid of all the ambitions and aspirations of the peoples. In Lebanon on 25 May, in Lebanon in particular, we celebrated the anniversary of the liberation of the Lebanese territories and the end of the Israeli occupation, and this had never occurred since the celebration of the establishment of the Zionist entity. We actually were victorious, and we won over all the aggressions and the destruction of infrastructures, and Lebanon managed to resist thanks to its resistance and to its army. As a result of this, we managed to face and resist this aggression, and we started concentrating on development and decent work for our workers and for our youth, and we are now concerned with the future of the young generations. And we believe, dear friends, that ILO, that was established after this World War I and that announced its objectives and it developed after the Second World War, has always operated for the struggle of all peoples in order to liberate all territories and to get rid of all kinds of colonisation. [vgr INTERRUPTION 0:57]

**Mr Dhakal**

### **Employer (Nepal)**

Excellencies, distinguished delegates, ladies and gentlemen, it is indeed a great honour for me to address on behalf of Nepalese Employers in this plenary session of the International Labour Conference here in Geneva. Let me begin by congratulating honourable Chairperson and also express my great appreciation to the ILO Director-General for his important report. This year we have several encouraging aspect that will definitely contribute to promoting the employment industrial relation and productivity for the national economic growth in Nepal. Mr Chairperson, it is exciting to share that we have a newly elected government in place at the federal, provincial and the local levels. It is a great sign of political stability after a long political transition in Nepal. Legal reform for the labour market governance is another significant achievement that we made recently in our common understanding. We have revised the Labour Act and developed the contribution-based Social Security Act, which are the key milestone for promoting industrial relation and workplace cooperation. We believe the social dialogue is a key mechanism for industrial relation. There is a provision of Central Labour Advisory Committee with tripartite representation, which we would like to replicate in the provincial and the local levels to promote the culture of social dialogue. Employment promotion and inclusive economic growth are our main priorities in Nepal. However, I believe the sustainability of the enterprises and their extension is very important

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both for job creation and economic growth. It is a hard fact that growth alone cannot materialize social justice unless share of the growth reaches to the grass-root level. Therefore, sustainable enterprises, growth and the appropriate policy measure are significant for social transformation. We are strongly committed to contribute in global agenda Sustainable Development Goal, particularly on decent work and economic growth. Mr Chairperson, capacity building for the employers' organization and its member enterprises is very important, particularly for women entrepreneurs to bring them in the business leadership. We want gender equality and free from any type of harassment in our organization and workplace. We are also restructuring our federation in line with the new governance system in Nepal, in which we'll need the further capacity to address the industrial relation, enterprises, promotion and job creation in order to address the need of the skilled manpower. We would like to provide the market-based training for our young people entering into the labour market. Responsible business conduct is our strong commitment for social cause. ILO technical and social support in this area would be great support for us in Nepal. Mr Chairperson, I am proud to share that overall business environment is significantly encouraging in Nepal, followed by political stability and the legal reform. Therefore, I would like to have advantage of this important gathering to appeal all international business community to explore for possibility of the new project investment in Nepal. We have several potential area such as tourism, agriculture, infrastructure development, mining and cement, digital technology, hydropower, including production in the service sector. Our federation will be happy to offer the necessary support and collaboration in these regards. Finally, we are excited to celebrate the 100 years of ILO establishment in next year. Let us consider sustainable enterprises for employment promotion is one of the key aspect for this special celebration. Thank you.

**Mr Orda**

## **Worker (Belarus)**

Distinguished delegates of the Conference, I would like to greet the participants of this 107th ILC on behalf of all of the 4 million members of the Federation of Unions of Belarus. Over the last 115 years, it has been a main principle of our union to ensure the fairness and the equality of all workers. Hence, here it is of key import for us to discuss the subject which has been put forward by the Director-General, Women at Work, struggling for equality. The main indicator of employability of any worker should, in our view, be professionalism and not gender. Our country has made significant progress in this area, and it's mainly been thanks to joint efforts of the Government together with unions and civil society we've been able to tackle a lot of issues. For unions, what is of key import is that our country does not have any female employment challenges. In fact, the level of employment of women of the working age in our country is more than 82 per cent. Amongst those who are unemployed, there are only 35 per cent who are women. This is the result of continuous work to ensure equality in all areas. It is unquestionable that parental leave should be assured, and is assured in our country, to men and women together, paternity or maternity leave, and this lasts for three years. It's also key that in our legislation people who take this maternity or paternity leave may return to their previous post. Also, employers must extend employees' contracts, if the employee wishes, up to five years of age for the child. Moreover, women who choose to take maternity leave have the right the retrain, re-educate themselves, re-qualify, and they also have insurance. And this holds true for women who are members of unions, and it helps to ensure women's

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place in the labour market is less precarious, and this maintains a balance in society. However, we do, of course, share the view of the Director-General that today we cannot just be content with existing instruments for equality on the labour market. We must look further to the future, and we must understand how the economic paradigm, which is inevitable, will impact female workers. When considering how we can ensure the labour rights of women, one must look at everything in concert, everything together, the challenges and the opportunities of the future of work. In this connection, I'd like to underscore that the Belarusian Federation of Unions aims to contribute to the reflection on this subject. In 2017, an international forum was organized under the aegis of our Federation of Unions. This forum was entitled Unions and the Future of Work, and we had representatives from some 30 different countries of the world. We considered such issues as how to look at changing forms of employment, how these changing forms will impact the economy, and the IT breakthrough. And just a short time ago, a unions and green jobs forum was held in Minsk, and we had representatives from some 38 different countries. So this is one more step that's been taken by the Federation of Unions to ensure a sustainable future of work for each and every one of us, and this is important not just for us but for the international community. Every single day we see armed conflicts arising, and let's be honest, the main cause of these conflicts is a fight over energy resources, and so that's why social partners need to put their heads together and think about how we can assure a transition to a green economy so that we reduce the risk of new conflicts over resources arising and that we have a fairer economy. It's clear that the technological boom, as well as the transition to a green economy, they represent opportunities for employment for people, but they will also change what professions are needed. And that's why, at an international level today, we need to thoroughly consider which professions will become obsolete and which will be needed. And today we only have scattered data to help answer that question. It doesn't really paint a full picture of what will happen in our common future, and it's certainly not a basis for future decisions. In order to understand how we can create a strategy for vocational training, for education, for retraining, for people's employment, we need to have strategic recommendations from international institutions and organizations. We must understand how we can protect people, those working in non-standard forms of employment, and we need to do this in a rapidly changing world. For our part, our Federation of Unions will do everything to ensure that it can make proposals on this subject and will put it to your consideration in the near future. Thank you very much, sir.

**Mr Callichurn**

## **Government (Mauritius)**

Allow me Mr President to congratulate you and your Vice-Presidents on your well-deserved elections. The ILO is indeed at a momentous time in its history heading to its centenary celebrations next year. Our challenge of the day and the years ahead remains the rapid transformation in the world of work, and in this regard, Mauritius welcomes the ILO initiative on Future of Work and is ready to support ILO initiatives on Future of Work. As it enters the next century, we hope that the Global Commission on the Future of Work will seek, in its recommendations, to factor in the well-being of the people, taking into account their different and uneven levels of development. The Director-General, in his report and his statement on Monday, has underlined the need to promote social justice for decent work, new instruments to eliminate workplace violence and harassment, and innovative actions to close gender

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gap. He also called upon the ILO tripartite constituents to act together to bring about continued improvement in the world of work. His discourse needs our urgent heed in view of our shared and collective commitment to the 2030 Agenda for Sustainable Development. Mr President, my delegation also attaches great importance to the issue under discussion during this session, and we look forward for fruitful outcomes on social dialogue and tripartism and the ILO development cooperation. In Mauritius, social dialogue has always been instrumental in the domain of policy-making. In fact, social dialogue is conducted at the highest level by the Honourable Prime Minister who presides over the National Economic and Social Council, which seeks, first up, consensus building on economic and social issues of national importance among social partners. The Government of Mauritius recently took the bold decision to set up the national minimum wage. Here I wish to emphasize that this has been achieved through our sound and solid social dialogue and tripartism. You may also wish to note that we are framing our national employment policy, and this has been possible through the social dialogue. Mr President, in line with the Sustainable Development Goals and ILO applications of standards, I wish to reiterate the strong commitment of the Government of Mauritius in creating decent jobs, advancing the cause of workers and reviewing the existing labour legislations with a view to further consolidating the fundamental rights of workers. In this context, we are envisaging to introduce a Wage Guarantee und to protect workers of the private sector from loss of employment without wage and indemnity following winding up of their enterprises. We are also in the process of formulating the second generation of Decent Work Country Programme. The country priorities identified by the social partners are promotion of employment across all sectors through innovation and productivity, and improvement of working conditions through protection of rights at work. Mr President, Mauritius has an ageing population and also a declining population due to failing fertility rates. This constitutes a great challenge for the future of work in our small economy. We have to shift our sustainable employability through reskilling, training and using new technologies. Mr President, Mauritius, like many small island developing states, has lately witnessed several climate phenomenon. Climate change affects, among others, the future of work. This situation calls for concerted action at regional level. We, as members of ILO, must continue to rise to these challenges and come up with pragmatic solutions. With these words, Mr President, I wish once more to reaffirm that Mauritius is strongly committed to the ideals of ILO. We are equally committed to pursuing ILO founding mission that social justice is essential, universal and lasting peace. Thank you all for your attention.

## **Mr Enaam**

### **Worker (Morocco)**

In the name of God, the Merciful, the Compassionate, Mr President, Mr Director-General, ladies and gentlemen, on behalf the Moroccan Workers' group that is represented by serious national trade unions who had a pivotal role in defending the just causes of the working class, I am honoured to extend to you, Mr President, and through you to the members of the bureau, congratulations upon your elections and to the organization with all its constituents, to thank you for the excellent organization and all the effort that is deployed all through the year in order to achieve the noble objectives for which the global trade unionist movement has fought bitterly. The topics chosen this year stem from an adequate diagnosis of the situation. Crises, combatting trade unionist freedoms, violence, discrimination, stumbling blocks in

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the social dialogue and other variables that definitely will be leading to a new forms of work that will transform the concepts long considered intrinsic to fundamental rights and social justice. Mr President, the subjects under discussion in this session are considered the core concerns of the trade unionist movement in Morocco, and they are the basic tenets of ILO because we have launched a dialogue for seven years. However, the Government and the Employers' group did not come up to our expectations, and neither accepted to improve the wages nor to improve the legislations and social protections. On the contrary, the Government took unilateral actions such as transferring the law on industrial actions to the Parliament without consulting with us, and their attempts to change also the labour law to be in favour of the Employers' group. However, we cannot compromise or renege the legal and democratic gains achieved after an arduous struggle by the Moroccan people. Ladies and gentlemen, the abuses and violations faced by the working people at the workplace is becoming violent in many places, which means that we need to adopt an international convention to eliminate this phenomenon. We also must find true will and true means to protect women and allow them to reach the work market on an equal basis. The last Report of the Director-General, and its conclusions on the Palestinian territories, will remain ineffective unless Israel is compelled to pay the accrued wages in its position which it owes to the Palestinian workers and to cease from further crimes and violations against the Palestinian people. The Moroccan trade unions would also like to categorically reject the decision taken by the American president of moving the embassy of his country to East Jerusalem. This is the final blow that has aborted the peace process, which would have led to peace and stability in the Middle East had there been peace. Ladies and gentlemen, Mr President, one cannot speak of a visible role for the ILO in development without the availability of the basic conditions needed globally and nationally, which is security and stability. In my country, terrorist attacks coming from the Sahel region and the Sahara will impede any development in the region, hence the responsibility is upon all of us to fight the trafficking and people gangs, the drug gangs and the smuggling gangs and all forms of terrorism spread in vast areas that remain out of control. Lastly, I should like to renew our thanks to the Director-General of the ILO and through him to his staff and the experts wishing this session every success and looking forward to next year's centenary celebrations for more social justice, for more trade unionist freedoms. And thank you for your attention.

## **Mr Kipefa**

### **Government (Papua New Guinea)**

Ladies and gentlemen, let me at the outset acknowledge and commend the Director-General for his leadership in spearheading the ILO's strong footing in the area of decent and productive work through sustained collaboration with global groupings and in the United Nations. The issues raised in the Director-General's opening statement that aim to make the ILO more effective and efficient, hence ultimately increasing its influence in promoting social justice in the world where it is badly needed, is strongly acknowledged and supported as it comes at no better timing than on the eve of organization centenary. Mr President, Papua New Guinea responds to this statement, and the agendas put before the Conference is centred on three main areas of concentration of a lot of relevance and value to our national context. Firstly, the challenge of inequalities at the workplace was given the highest recognition at each level, and Papua New Guinea fully support the initiative by the ILO to zero down on the issues of women participation at the workplace and push for equality.

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We concur with the current premise of the ILO's role in equality that whilst the ILO's record is good, achieving the goals set remains far-fetched, and the road to achieving outright equality is slow and uneven. Papua New Guinea values the equality of opportunity notion and will support any efforts that aim to cap all forms of discriminations, harassment, violence, deprivation of opportunity and inequalities at the workplace that threaten our very existence and agenda to develop a nation inclusively. Furthermore, Papua New Guinea sees value in the ILO and UN's effort in having gender equality and women's empowerment as one of the SDGs in the UN SDG 2030 Agenda that aims to achieve social justice. Secondly, Mr President, at this time of heightened tension, the call to improve and the extension of social protection coverage must come to the fore. There is an uneven playing field that has left sectors of the population vulnerable to calamities and misfortunes. In support of the ILO's call for greater interaction among the tripartite partners, we would like to extend this call to be more deliberate and target-orientated to address the issues of unemployment, exclusion, disabilities, genders. And thirdly, Mr President, Papua New Guinea offers its strong support to the recognition of the ILO as an agency for change in the world of work. In this era of difficulties, complexities and deepening tensions, the ILO's mandate, unique system and process of collective responsibilities, tripartism and social dialogue becomes ever more relevant when it become increasing harder to talk to, listen and to weigh the merits of each for the compromises and win-win outcomes. Mr President, at the national level, efforts are being made to ensure that equality to achieve amongst all woman and men in workplace. The country has also in place and institutionalized its Gender Equity and Social Inclusive Policy to make gender equality a priority in all government agencies and ultimately eliminate all forms of discrimination, inequalities, harassment against women in the workplace. To further strengthen the overall achievement of social justice, in December, Papua New Guinea will once again put pen to paper with the ILO next week Monday, 4 June 2018, and sign off its third Decent Country Work Programme for the period 2018 to 2022 here in Geneva. This tripartite signing signifies our unrivalled commitment to achieve social justice at the country level. Thank you.

**Mr Goodino**

## **Government (Libya)**

In the name of God, the Clement, ladies and gentlemen, it is a pleasure and an honour for me to address this august assembly at the 107th Session. Sir, I would also like to thank the office for its trust. I do wish the ILO the best of success in directing this Conference. It is an honour for me today to be able to express my gratitude to Mr Guy Ryder, Director-General of the ILO, with his aim to improve working conditions across the Arab world. The aim is to guarantee decent work. The Arab group sees this subject matter as very positive. The issues raised at this 107th Conference are very important to us, i.e. Women at Work, amongst others. There are many solutions that are proposed. It is true that the international community has done a lot to try to improve the situation of women in the world. However, the efforts that are made across the globe are asymmetrical. They are done at different speeds, and that is why it is important for us to really try to guarantee gender equality. We also are pleased of the work carried out by the Committee in order to fight harassment and violence at work. Indeed, this is a guarantee and a fundamental principle, according to which the decent work will be guaranteed. There are new forms of work that are appearing, and women work in the informal sector. The Arab group supports the contents of the report issued on this matter. We will not stop at any effort in order

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to face the challenges that we face as well as the ILO. These challenges are the fight against poverty and violence and harassment against women. My group will firmly strives to attain the SDGs by 2030. Ladies and gentlemen, despite our commitments to meet the challenges and to fulfil the SDGs, we cannot ignore the situation of both male and female workers in the Palestinian territories. They are still deprived of their rights and live subject to Israel. We would like to support the cause of the Palestinian people. It is a just cause, and this population has been deprived of its rights, and we need to restore those rights. We would like some help for the establishment of a road map so that Palestinian workers may have decent jobs and can recover their rights. We would like the ILO to help us do so and create a fund for Palestinian workers. Ladies and gentlemen, we would like to thank all the delegates here present as well as the President. Thank you.

## **Mr Joseph Pitchay**

### **Worker (Malaysia)**

Mr President, Director-General and the members of the President's delegates, on behalf of the Malaysian workers I bring fraternal greetings for everyone. We are at a time in history where a shift is seen in the political, social, cultural and economic landscape. The people are revolting in many different ways. The political and economic status quo had deprived the common people of the world, that is the 99 per cent. We need to examine as to what is causing this revolt. The answers are not difficult to find, but they are being conveniently ignored. The global economic system has degenerated to a point where wealth and income inequality has been institutionalized. The rules are written in favour of the 1 per cent while the 99 per cent work to deliver for the benefit of that 1 per cent. The global financial crisis was thought to have taught the world a few lessons. It actually did and only that the lessons have been ignored. Taxpayers' monies were used to bail out banks where speculative practices caused the collapse of not just the industry but also the global economic system. Mechanisms were put in place to prevent the problem from reoccurring, such as Dodd-Frank Wall Street Reform and Consumer Protection Act in the US in 2010. Today, the banks are lobbying ferociously to reel back on the provisions that would have to protect recurrence of the same economic fiasco. There is an imbalance in the global system of governance today that needs to be redressed. Globalization has failed the masses. It has resulted in the rise of the precarious employment practices, the dilution of trade union and collective bargaining rights, and many more. This has been institutionalized and is today a global phenomenon. It is the mainstay of the neo-liberal agenda that has taken over the system of global governance. Nation states have today less power than the major transnational corporations. CEOs are being positioned as leaders of the world, when in fact they do not represent the interests of the cross-section of the society and are mostly interested in profits. Institutions that are supposed to protect the poorer countries, such as the World Bank, has effectively strayed from its objectives. In a recent World Bank report, it is said to be promoting the ease of hiring and firing workers as a way forward to manage through the new economy. These global institutions have failed workers and the common people of the world. Trade unions need to play a more effective role and work towards reviving trade union activism. There is a need to fight against the institutional injustice, and it must be done at a global scale. ILO must look at ways and means to exert pressure on global institutions such as the World Bank and IMF to ensure that, as part of any economic agenda, the rights of the workers and the common people are safeguarded. Wages and trade union rights

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are being depressed through the process of globalization, and that has to be reversed. Regulation is the answer. Trade agreements have to incorporate labour chapters that would facilitate greater employment opportunities, prevent employment abuses of all kinds and increase the standard of living of people. This cannot wait, and the time to act is now. ILO mission to promote social justice for universal and lasting peace must not be at the expense of workers, as the imbalances and the inequality are widely visible among the 99 per cent. It is sad that, on the eve of the centenary, we are still disputing on regulating and negotiating for hours of work set out in the very first Convention, 1919, at the same we are contemplating to build the future of work. There is a need to revisit the existing mechanism in ILO. As we meet annually here, our fellow workers on the ground are blatantly robbed of their legitimate peace in their daily life. There is always hope. In Malaysia, people power prevailed very recently where a government of 60 years was replaced despite the many obstacles put in the way of change. The move towards restoring power in the hands of the people is becoming irresistible. We must work to make it happen. Thank you.

**Mr Kudbiev**

### **Government (Uzbekistan)**

Dear Mr Chairman, dear ILO Director-General, dear participants of International Labour Conference, allow me first of all to express my gratitude. In Uzbekistan, employment and social and labour guarantees are one of the main priorities of the sustainable development of the country, which are defined in the Strategy of Action for the Five Priority Areas of Development of the Republic of Uzbekistan in 2017 - 2021, initiated by President Shavkat Mirziyoyev. This strategy provides for linking and growth of real incomes of the population. First of all of women, yes, as basis for ensuring the well-being of citizens and their families, ensuring employment of the population by creating opportunities for employable citizens to fully realize their labour and entrepreneurial activity, improving the quality of the workforce, expanding the system of vocational training, retraining and improve the qualifications of persons in need of employment. The practical implementation of these areas has found its expression in specific acts of legislation and actions taken in Uzbekistan recently. First of all, it's approved by a state programme of employment for 2018 providing for the mobilization of material and organizational resources for creation of more than 350,000 new stationary job places. In this regards, the Ministry of Employment and Labour Relations provides on the basis of a full analysis of the actual condition of the labour market formation of the state ordered for the creation of jobs and quotas for the employment of socially vulnerable sections of the population, as well as the active introduction of advanced information technologies in employment process. A fundamentally important and socially significant area of employment provision is active measures to stimulate the legislation of informal employment, organizing systematic work with temporary unemployment citizens, including view to a multiple increase in the financing of active measures in the labour market. In this direction, we plan the introduction of a multi-stage system of education, training evolution, selection and monitoring of employment by targeted employees, introduction of principles of public private partnership in the process of employment of the population, including abroad. Dear participants of the Conference, Uzbekistan notes the importance of the issues on agenda of the 107th Session of ILC, supports the initiative on the Future of Work, gender equality and just employment. In this regard, I consider that it's necessary to take into account the following specific proposals. First, providing advice and

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assistance in the ratification ILO Conventions designed to the legitimate interest of women and youth. Second, implementation of measures on employment of youth and women, the regulation of employment in the informal sector, monitoring of child and forced labour. Third, improvement of the activities of labour inspectors in the sphere of execution state control of observance of social and labour guarantees, including the field of implementation of forced labour. Thank you for your attention.

**Mr Shahla**

## **Government (Palestine Liberation Movement)**

In the name of God the Merciful, the Compassionate, may I start by bringing the greetings of the State of Palestine to this ILO International Labour Conference. This was the first international organization, now celebrating its centenary year, and this was the first one in its Constitution to declare justice, just and sustainable peace, and the idea that social justice is fundamental. And the ILO has never ceased to struggle to make sure that disparities between social classes should disappear, that there should be justice for all the workers in the world. And this organization has always been the organization where those who are witness to the violation of these rules can come and bring their complaints. And this is the case of Palestine where there is injustice, where there is suffering for the children of the Palestinian people. And this is the 70th anniversary of the Palestinian Nakba, the occupation, on top of the decades which have passed since the blockade of Gaza began, strangling our people, and now we live through this occupation which is illegitimate, and the Palestinian people are paying a heavy price. It is they who are paying the price, particularly those who dare to have peaceful protests against these unjust practices, who advocate liberty and advocate the right to exercise their rights and their sovereignty over the territory of the State of Palestine with its capital in East Jerusalem. Israel continues to despoil our sacred places, to attack our clergy and to carry out violations of all our rights, and this has become even worse after the illegitimate and illegal annunciation of the American administration when they said that they would declare East Jerusalem as the capital of the State of Israel, and that they would take the American embassy and move it to East Jerusalem. Our Palestinian people protested, and the UN General Assembly also denounced this decision along with all the various summits. The Istanbul Islamic Summit, the Arab Summit which took place in Tehran, the European Union, the African Union Summit, the Non-Aligned Movement, they all denounced this decision, but Israel continues to kill Palestinians, the people of Palestine, their children, their elderly people, their women, their handicapped. Israel continues to hit out against Palestinian institutions and Palestinian enterprises. We cannot move freely with checkpoints and roadblocks everywhere. So ladies and gentlemen, remember what happened on 14 May, this month, 116 martyrs were killed, 3,000 people were injured. Women, children, workers, and they continue to be ill, badly injured. And there is all the administrative tension, the reconstructions that have been imposed upon freedom of movement for Palestinian workers. All this is to be found in the Report of our Director-General because, thanks to the direct contact mission, which finally was able to come to Palestine, all this information is now available, and I'd like to offer our thanks to the Palestinian Regional Office and the ILO itself for all the valuable support which they provide us. The Director-General came to Palestine last month, and a set number of agreements were established to provide social security for decent work, and we are trying therefore to uphold the hopes and aspirations of employers and of workers. There is 45 per cent unemployment in Gaza, 35 per cent in Jordan and in this respect, may I thank all stakeholders, all friendly

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countries, all brother countries for the help that they provide us, and this means that we are able to have a set number of programmes, including those proposed by Arab countries, to build capacity among the workers. Thank you for your attention.

## **Ms Restrepo Gallego**

### **Government (Colombia)**

Thank you, President. Good afternoon everyone. On behalf of my Government, and in my personal capacity, I wish to congratulate you on your appointment as Chair of the Conference, and of course, a warm welcome to all of your officers of this Conference. Furthermore, I'd like to note that the Conference for our nations, for workers and employers, has represented a great opportunity to reflect on work-related issues and to make an impact on important issues for our society. At the outset, I wish to express my appreciation to the Director-General for his report demonstrating the ILO's firm conviction to supporting gender equality in the workplace. As a woman, and the Minister of Labour for Colombia, of course, as a mother and as a civil servant, I wish to call for women's rights. World governments have come together to support women's opportunities in the workplace, ensuring greater opportunities for them, wage equality, equal pay for equal work and equal access to the workplace. Now this is a commitment for all of our governments. We've demonstrated that women are ready to step up to the plate. We have made progress through our work. We have built spaces where, day in and day out, we have demonstrated the importance of this very significant issue for us and for the ILO. Now in Colombia, we have made great progress in terms of quotas for women in the workplace. We have made significant headway on all issues, including women. Of course, work remains to be done, but we are promoting women seeking equal opportunities, which are so important for all of our nations. Now I'd like to note that these dynamic public policies have allowed us to work with the United Nations and the ILO in Colombia promoting an agenda called the *Equipares*, or Equality Agenda. This has allowed women to have better opportunities. Companies are committed to working with women to promote this very important initiative. The Ministry of Labour has also made progress on work-related issues when it comes to women. We have made improvements to working conditions. We have overcome wage gaps and ensured equality in the workplace. Greater and greater equality every day, ensuring that every person can be represented in the workplace. I now wish to refer to violence against women. I wish to underscore governments' commitments, especially the commitment of ILO Governments, to the issue of violence in the workplace. Today, the ILO is carrying out a very important and necessary debate, one which is necessary for women worldwide, and we wish you every success. Now I'd like to describe some progress in the workplace in Colombia. We've made progress in terms of oversight and inspection, significant progress in our country. This through a serious Labour Ministry commitment and agenda ensuring better conditions. Social dialogue has been a priority for our Government, and this is why I wish to thank the trade union federations here today and the employers who gave us the opportunity to truly build based upon consensus, building agreement and ensuring opportunities. Now that's not easy, but we are doing our utmost to ensure that this is possible. Now the peace process is a great opportunity to promote work-related agendas. We are working hand in hand with workers and employers to build an agenda based on better conditions, and this is especially relevant in Colombia. We have high levels of people working in the informal economy. We have the highest levels we've seen in 17 years in terms of employment in rural environments, and I wish to underscore the commitment of our Government,

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our trade union federations and our employers, a commitment to decent work for all, which will allow us to promote labour peace in the country. Thank you very much to each and every one of you. On behalf of Colombia, I wish to thank you for supporting our peace process, and I encourage you to come here tomorrow for the statement to be delivered by the President of the Republic. Thank you very much.

**Mr Kadri**

## **Worker (Syrian Arab Republic)**

Mr President, ladies and gentlemen, let me start off by congratulating the President of the current session of the ILC, and on behalf of the Syrian workers we look forward to the upcoming era of the ILO, and we expect more hard work to accomplish the goals and missions of the ILO included in the Declaration of Philadelphia into a world of justice, social equality and social peace. Ladies and gentlemen, this session, the 107 Session of the ILC is taking place at a time of increasing threats and challenges facing labour workers, nations and peoples in general. Many of these dangers result from the efforts of nations and forces that want to keep the world under their control and act in various ways and means to perpetuate exploitation and abuse of human dignity, which has led to many serious and aggravating consequences of unemployment, social exclusion, famine and unregulated and indecent work. These matters have hindered the achievement of a just and equitable international order that would guarantee social peace, international security and safeguard the independence, sovereignty, dignity, rights and freedoms of states. Serious enemies have adopted terrorism as a way to invade our homeland. Over the past few years, hundreds of massacres have been committed in the midst of a suspicious international silence. When we confronted the terrorism and were close to achieve victory over it, western countries intervened militarily, and in mid-April launched a triple military aggression by the USA, France and Britain. They did this under false pretexts and fabrications made, as usual, by the so-called White Helmets that are masked by humanitarian clothes to fabricate lies against the Syrian Government in service of terrorist organizations. This blatant aggression was an attack on an independent state and a violation of the legitimacy of the United Nations. It is an aggression that continues daily with the presence of the US, France, Turkey in parts of Northern Syria with sanctions, embargos and unilateral actions, media war that aims at distorting facts and misleading public opinion about the reality of what is going on in Syria. It occurs in a clear blindness of what is happening in Syria. It is a war between the Syrian people and its Government. [vgr INTERRUPTION 3:09] Ladies and gentlemen, this war of aggression has left serious consequences for the Syrian citizen. We, in the Syrian working class have been targeted in our lives, facilities, workplaces and labour cities by terrorism. We have lost ten thousand martyrs and wounded workers. Thousands of our workers have become disabled or injured. Millions of workers have lost their work and their jobs in the private and public sectors. Millions of our national professionals and competencies have left the country because of fear of being hanged by terrorist groups. When we fight terrorism and aggression we exercise a legitimate right, guaranteed by the charter of the United Nations. We do so in self-defence of our nation and on behalf of all humanity because terrorism has become a danger to all. Those who finance and those who arm it should realize that it is a danger to all. In this context, our brave Syrian army is achieving more achievements in its fight against terrorism. The victories of our Syrian army have confined terrorist organizations, and we will be able to eradicate them with the support of our people. Ladies and gentlemen, last year has witnessed positive

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developments in our country in terms of restoring stability and security to large areas of the Syrian territory that were under the control of the armed terrorist organizations that were supported and financed and trained by colonial and reactionary powers. Thanks to the wisdom and foresight of our military leadership headed by President Mr Bashar al-Assad [vgr INTERRUPTION 5:05]. We have been able to accomplish many national reconciliation processes without bloodshed, restoring liberated areas to the authority of the state and the law, and in order to achieve what we have achieved in the eradication of terrorism and its final amputation. The Syrian State has given all legal guarantees for the return of those who were employed in terrorism, once they give up terrorism, to be engaged in the social society in peaceful efforts while we are optimistic that our army will continue to fulfil its security to protect the nation and unity and sovereignty of the people. [vgr INTERRUPTION 5:47]

**Ms Mukwaya**

## Government (Uganda)

The President and Vice-Presidents of the Conference, the Director-General, Honourable Ministers, the social partners, ladies and gentlemen, Mr President, whereas International Labour Conferences are always held as a requirement of the ILO Constitution, each of the 107 conferences held since the founding of the ILO in 1919 has been different from the other in terms of focus and outcome. Some conferences have even had outcomes that are more outstanding, like the 26th conference held in 1944 is one such outstanding conference. It was at this conference that the Declaration of Philadelphia, which articulates the aims and purposes of the International Labour Organization, was adopted. The Declaration in part provides all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in the conditions and freedoms which with [vgr INAUDIBLE 3:45] of economic security and equal opportunity. However, the reality in the labour market remains a far cry from the aims and purposes of the ILO. For example, global unemployment is estimated at about 192 million people. The number of working poor in the developing countries stands at about 114 million people. Gender gaps are also a matter of concern. A woman is associated globally with 30 per cent less chance of being in the labour force and often being at the bottom of the economic ladder. Women continue to be paid approximately 20 per cent less than men per month across the world, even when they are engaged in the same work of equal value and pay. In addition, women are also more often subjected to violence and harassment at work. Unfortunately, although violence against women is widely acknowledged, few raise their voice. Others, because of conservative stereotype, see it as a harsh reality which has to be tolerated as part of life. I'm therefore pleased that the ILO is planting another pillar in history by having on its agenda an item for an international labour standard on ending violence and harassment at work. Uganda is also honoured to be the African spokesperson in the Standard Setting Committee on violence and harassment in the world of work. This honour, in our view, is in recognition of the many bold strides that our Government has taken in ensuring that gender equality is a [vgr INAUDIBLE 3:37] of meaningful national development. We look forward to ably representing Africa and to the overall fruitful deliberation in ensuring that violence and harassment at work ends. Let me also hasten to add that the international labour standard is important but not sufficient to end violence at work. Domestication and establishment of well-resourced and functioning institutions against violence at work should therefore follow standard setting. Furthermore, we must enable women to take

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their destiny in their hands through education, employment, creation and enterprise development. Let me also add that jobs do not simply happen. Jobs must be planned for. Governments therefore should mainstream employment creation in all their policies. Similarly, imbalances in asset ownership, especially land, should also be addressed. This is because when a male own and control land, access to finances will also be skewed in favour of men, yet capital is crucial for improvement of livelihood of women through enterprise development. In the same government, procurement is a lifeblood for the private sector. However, the majority of women are excluded from this business window. Governments should therefore give preferential consideration to women-owned enterprises in procurement as a measure of empowering women. Finally, Uganda welcomes the ILO initiative Women at Work, centenary initiative, which aims to better understand and deliver decent work for women in the 21st century. Thank you very much for listening, for God and my country.

**Ms Nonde**

### **Government (Zambia)**

The President of the General Assembly, Mr Samir S Murad, the Director-General of the International Labour Organization, Mr Guy Ryder, distinguished delegates, ladies and gentlemen, on behalf of the people of Zambia, allow me to join the international community in thanking the President of the General Assembly and the Director-General of the International Labour Organization for their inspirational address to the Conference. I also pay particular tribute to the speakers from the Employers, Workers and Government for ably highlighting the pertinent issues that require our collective resolve and determination to address and complement our efforts in sustaining what we have achieved over the years in the spirit of tripartism. I therefore reiterate the Director-General's call for delegates to show this spirit of tripartism, compromise and consensus, which, without doubt, as a condition of success for the Conference and of the ILO. Mr President, distinguished delegates, ladies and gentlemen, the Government of the Republic of Zambia wishes to place on record the importance that social dialogue continues to play in our development efforts. I therefore wish to stress that social dialogue gives people a voice and a stake in their societies and workplaces. The Zambian Government and its social partners will take this challenge very seriously by continuing to embrace social dialogue in its pursuit to implement reforms in the labour sector and in reviewing the attendant legislation. To make this happen we will require the continued support of the ILO in terms of sustainable development cooperation partnerships. Mr President, distinguished delegates, ladies and gentlemen, on workplace violence and harassment, the Director-General called on delegates to open the way for guarantees of workplaces entirely free of violence and harassment. This indeed is a welcome development. My Government is in full support of the call to make our workplaces safe and free from all forms of harassment and discrimination in line with the country's laws as well as values and principles outlined in the Constitution. In this regard, Zambia has a clear and comprehensive legislation that deals with all forms of violence and harassment in various situations including the world of work. The key legislation is the Anti-Gender-Based Violence Act of 2010 which provides for the protection of victims of gender-based violence, established of the Anti-Gender-Based Violence Committee and the setting up of the Anti-Gender-Based Violence Fund. I'm aware that consensus building is currently under way on a number of issues including concepts and definitions relating to violence and harassment in the world of work. These need to be debated thoroughly. Mr President, distinguished delegates,

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ladies and gentlemen, allow me to acknowledge the ILO Director-General's outlook of the future of work, which he said also means the future of the ILO. It is gratifying to note that the ILO has placed emphasis on *The Women at Work Initiative: The push for equality*, as part of the agenda for the Future of Work, which calls for innovative action to close the persistent gender gap. I wish all of you a good success, and may God bless this conference. Thank you.

**Mr Matuku Memas**

## Government (Democratic Republic of the Congo)

Mr President, Director-General, Ministers, ladies and gentlemen, it is an honour to speak to you today on behalf of the Government of my country, the Democratic Republic of Congo, as well as on behalf of the tripartite delegation accompanying me, addressing this august assembly at this 107th Session of the International Labour Conference whose main theme is Building a future with decent work. I take advantage of this opportunity to address you to pass on the greetings of the people of my country and its President, and that to all delegates in this hall. Mr President, on behalf of the Government of the Democratic Republic of Congo, and in my own personal name, I would like to thank this organization which every year does battle to promote justice throughout the world of work. And I would like to congratulate you upon your brilliant election as an officer of this conference as well as to congratulate the other officers and also Mr Guy Ryder, Director-General of the ILO and Secretary-General of the Conference, for his excellent report entitled *Report on ILO Programme Implementation 2016-17* as well as *The Women at Work Initiative: The push for equality*. Mr President, I focus very carefully on the questions in reports 1A and 1B of the Director-General because they have such an influence on the world of work. In 2016 and 2017, the Democratic Republic of the Congo, the Ministry of Labour, Employment and Social Welfare has benefited from the technical and financial support of this organization in drafting national policies for social protection and also assistance in promoting Recommendation 204 on the transition from the informal to the formal economy as well as education in the field of international labour standards. Our national social security fund also benefited from technical and financial support from the ILO in providing the support needed for the implementation of Law 16/009 of 15 July 2016, which enters into force in two months' time. As far as the Women at Work Initiative, the Constitution of my country, dated 18 February 2006, and which has been amended, has in Article 14 the principle of gender equality, and the authorities are required to ensure that all forms of discrimination against women are eliminated and also to ensure protection and promotion of women's rights. A special law and a piece of enacting legislation has been adopted and is being published in the official journal. Mr President, let me share with you some information of work we have done in my country in connection with the items on the agenda. International labour standards have greatly contributed to improving our national legislation. My Government is happy to announce that 16 implementing measures have been adopted for Law 16/009 of 15 July 2016, which establish the rules governing our social security system, and when I get back to my country I shall be convening a 35th Session of the National Labour Council to continue with further adoption of such measures. Moreover, I just organized, from 18 to 23 May 2018, the 34th Ordinary Session of the National Labour Council during which five implementing measures were adopted for ordinance 71-055 dated 26 March 1971, providing for provision of vocational training, and these are also soon to be signed and published in the official journal. These measures provide clear and

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structured information on existing certification, vocational certification, and that on the basis of standard criteria which serve both the interest both of the trainees who are striving towards such certification. It also serves the interest of those who design the certification and the training, namely all national authorities, certifying ministries, trainers, etc. In addition to this, three implementing measures relating to the law establishing the rules governing our general social security scheme were adopted. Mr President, the Democratic Republic of the Congo favours adoption of instruments ending violence and harassment in the world of work. In spite of the fact that our criminal code and our labour code both address the issues of violence and harassment, several cases have occurred, and it is difficult to remedy when such problems arise. These new instruments will help to improve national legislation in my country. My country, social dialogue and tripartism, we believe, are the best model of governance or mode of governance to promote social justice and equitable vocational labour relations and harmonious labour relations as well as to promote decent work. [vgr INTERRUPTION 6:17] I'm sorry, I cannot conclude without referring to our national plan for strategic development which was established on the basis of sustainable development aims for 2016-2022. And this national strategic development plan is currently being implemented.

**Mr Cherry**

### **Employer (Lebanon)**

Thank you, sir. President, members of the Governing Body, Your Excellencies, ladies and gentlemen, we are here about to celebrate the first 100 years of this organization, which has always lived and challenged the wars that have taken place and the very far-reaching changes that have taken place throughout the world. This organization has always been a part of this change. It has adapted. It has contributed, and it has faced up to huge problems and continues to do so right up to today. We see proof of this in the firmness with which this organization is playing its part, a part which is destined to deal with conflict, be it economic or social conflict. And it has succeeded so often in lessening the threat of war, be it national level, economic warfare or international, even, warfare, because of the fact that there are rich and poor economies in the world and because of globalization, which has become uncontrollable, and which has broken down the barriers between rich and poor, between strong and weak. And this has even affected the rich countries, as we see in the economic problems faced by even the largest countries, as happened in 2008. And it is only direct intervention by governments that has managed to cope with some of these risks, which is the opposite of globalization. And this intervention has been of primary importance with all the trade barriers erected, which have returned to our world, the absolute opposite of free competition. There is, of course, a new approach, but I wish to speak of something different, the global deal which is circulating in the corridors of this organization, which is an attempt aimed at achieving a tripartite approach, the very idea behind this organization, where the role of the state, the role of governments is a very important role because it is they who arbitrate between the social partners. It is they who lay down economic and social policy, and development and investment policy, too. And recent experience has shown that this state, this government I mention, is very important, not just for the economy but for the social life of a country, too. This social aspect is just as important because only through that can we prevail against conflicts and divisions. And on the labour market there is a huge difference between rich countries with their technology and the poor ones, and this has enlarged the divide between different countries. It's investment which is

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needed to combat unemployment, and in the poor countries, which have enormous problems with unemployment, particularly youth unemployment, marginalization of large numbers of people, and also immigration problem and migration problems, too. So when we look at the programmes of the organization they would not be complete if they didn't take into account mechanisms, programmes and dialogue for social justice in the development division where we need to bring experts from the different countries who understand the economies and who understand, as academics in their country, what is at stake. Now I would like to request that the Conference adopt my language as an official language because for the Arabic-speaking countries it is a very important issue in terms of population, geography and so on. The organizations of the Arab countries work with the ILO in its various programmes and this is yet another reason to respond to our request. When we see... [vgr INTERRUPTION 6:06]

**Mr Ibrahimi**

## **Government (Afghanistan)**

Distinguished Chair, esteemed colleagues, ladies and gentlemen, it's a great honour to have the opportunity of speaking to you about our points of view regarding the agenda of our ongoing conference. At the outset, please allow me to congratulate the office on the release of the Programme Implementation Report for the 107th Session of the ILC. I had an opportunity to review this very useful paper, and I associate myself with the guiding principles and the strategic directions set out in the report. We are especially encouraged by the emphasis in the report on context specificity, efficiency, accountability, sustainability, inclusivity and result orientedness of our partnerships and interventions in the world of work. Allow me share some of our achievements in these matters with you. First, the labour rights. Dear colleagues, this year we were able to present to the national Cabinet and pass eight major labour-related regulations. The regulations will transform the way we manage our labour market and our relations with our social partners, workers and employers. The regulations are also an effort to ensure greater job stability and security for women employees, improve legal environment and social protection and work conditions for all workers. Furthermore, work on revision of the labour law is progressing well. Second, in the area of social protection, a key mandate of my Ministry, our first ever Child Act, which addresses all aspects of life of our children and envisages some of the strongest protection mechanisms, is at the Parliament, and we hope it will be passed very soon. Important policy and legal frameworks that guide our work on social protection of children include early child marriage prevention, anti-human trafficking, child abuse prevention, child labour protection, protection of children at risk, child correction and rehabilitation centres are embedded in this law. Third, under jobs agenda, we have embarked on a national whole-of-government approach with our partners to improve our employment outcomes and create the conditions to address the crippling challenge of unemployment. We believe national economic growth must be job-rich, and it must lift men and women out of poverty. This principle is strongly highlighted in our five-year National Peace and Development Framework. Fourth, in the area of human capital development, female labour force participation, as His Excellency Guy Ryder rightly mentioned in his statement, is an important trigger of economy enhancement. Unfortunately, currently women participation rate in Afghanistan is abysmally low, only 29 per cent. The Government has launched our first ever women economic empowerment national priority programme, a long-term, comprehensive flagship

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programme of the Government, which aims to fundamentally transform the social and economic status of women. The six components of the programme are all aimed at economic empowerment of women, of which labour market participation is a key element. The programme brings together at least 12 key sectorial ministries and our development partners and provide a national platform for coordinated national action on women's role in the economy. The programme is already delivering in all important sectors such as education, health, rural development, agriculture and also in eliminating binding constraints that impede women's participation in the market. Recently a national law passed on prohibition of women abuse and harassment at work, which entails the creation of a favourable work environment for women. At the end, let me reiterate our commitment to the effective implementation of labour and decent work promotion agendas and to improving our performance on the application of the ILO Conventions and Recommendations, particularly those we have ratified. I end by conveying to you the sincerest wishes and greetings of my Government and my people. I thank you.

**Ms Pochinok**

## **International Association of Economic and Social Councils and Similar Institutions**

Sir, distinguished colleagues, thank you for this opportunity to speak and to say a few words about our view of what is happening at this session. In the world global market today, we have problems like not only youth unemployment but employment for people in the so-called third age. There is gender discrimination in employment. There are violations of what should be done by employers, conditions they should be supplying, illegal employment of migrants, delays in payment of wages and wage reductions, too. We find the old problems that used to be the case when the ILO was founded in 1919 are still existing in the digital age. Of course, they have changed, but by and large they remain the same in substance. In this context, an essential role belongs to social dialogue as an effective mechanism to overcome difficulties in the social and labour sphere, promoting social justice and minimizing negative effects of globalization. As always, we recognize the importance of the principles of tripartism to develop into subjective interaction on the labour market, including at this crisis juncture, and there are economic and social councils and similar institutions which have an important part to play as well. In Russia it is the Civic Chamber, which is a member of AICESIS. We are convinced that it's reasonable to use tripartite plus because this is the way in which we can encourage broader civic engagement, which would guarantee a balance of public interests. We are confident that this is what is required, and it fully coincides with the issue of labour rights protection. Now, when we're speaking of tripartism it is important to comply with the principles and standards of the ILO Decent Work Programme to increase the practical role of trade unions and provide comprehensive opportunities for small and medium businesses. Also, to finalize transitions from the informal to the formal economy, to implement innovative solutions in the field of social and labour relations. An example of such innovatory approaches in Russia is the so-called Open Government programme, which started in 2012 and has been prolonged to 2024. It is a system of mechanisms and principles providing effective interaction between government and civil society while accomplishing 15 steps towards the integration of public administration institutions into the modern digital economy. There is another innovative example, the International Ability movement, which organizes professional skills competitions for the disabled, providing people with disabilities vocational training,

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assisting their employment and integrating them into all the spheres of the life of society. For the past three years, this movement has blossomed in all the 85 regions of Russia. We are convinced that this Abilympics will significantly increase the number of disabled people who are economically active. The Russian State Social University, of which I am rector, is under contract to the State to develop the methodology and to organize events within the framework of the National Abilympics Championship, and we are delighted to share our experience with all our colleagues. On 7 May 2018 the President of the Russian Federation signed a decree entitled On National Goals and Strategic Tasks of the Development of the Russian Federation. This has many ambitious tasks including implementing the breakthrough scientific and technological social economic development for the Russian Federation, increasing the population of the country and improving the standard of living. Also, to create comfortable conditions for people to live in as well as the conditions and opportunities necessary for self-realization and for nurturing each individual's talent. This includes providing sustainable growth of real incomes for citizens, increasing life expectancy up to the age of 78, providing sustainable natural growth for the population as well as increasing the pension provision level above the level of inflation, halving the poverty level, improving living conditions for families, and providing an accelerated introduction of digital technologies in the economy and in the social sphere. All these initiatives cover various aspects of social development and ultimately focus on the active use of various mechanisms for international cooperation to build a sustainable society in which future generations will be able to have decent living conditions. Thank you for your attention.

## Mr Jennings

### UNI Global Union

Friends, I speak for UNI Global Union. We unite unions from 150 nations. Representing innovators, the skilled in services and sport. And looking to the Peruvian delegation, I am very happy to say, after the combined efforts of football unions and football unionists, that the captain of Peru, Paolo Guerrero can now play in the Russian World Cup. Thank you. We welcome the talks towards the Convention to stop violence at work. In this world we see too many fractures provoking political, economic, and indeed, corporate violence. This brings brutal economic injustice, the cannibalization of the wealth created by business through share buybacks stoking dividends and escalating CEO pay whilst wages remain stagnant. Economic violence against women with inequality in opportunity and pay. We want economic benefits for the many not the few. The political violence of closing democratic spaces, victimizing leaders and union members, and that is why we say, "*Lula libre.*" Crushing freedom of association, closing down collective bargaining, and employers here manoeuvring to deny the global right to strike. Populists feed on these fractures, feed the haters and the xenophobes and the union busters. Where they claim to help workers and get into office, they quickly betray them. This breeds violent political reflexes. This endangers peace. The Doomsday Clock stands at two minutes to midnight, and we say, "No justice, no peace. No peace, no justice." Over half the world's workforce are in vulnerable jobs. Once, to have a job and wage meant a decent life. Today we have the global disease of being in work yet living in poverty. On the eve of the ILO centenary, we have a chance to put things right. I am proud to be a member of the ILO's Commission on the Future of Work. This is a commission about the future of social justice. The digital revolution would add trillions to our wealth. A richer not a poorer world, but for who? Wealth must be invested to bring

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inclusive growth. A new growth model based on investment in people, where no one is left behind. Where all businesses, all members of the IOE, from businesses in Silicon Valley to Bangladesh garment factories, pass the due diligence test. Where we call time on Uberization. Give rights to all workers. Access to skills throughout their lifetime. Where workers have a voice. Where we see a society and community at work, with social protection for all. Zero poverty, zero emissions and zero tolerance of those busting rights and unions. A world where union organizers can do their job free from fear. Where union negotiators can secure a social contract in every workplace for a living wage and for learning for all. Where social dialogue, fuelled by ideas like the global deal, brings an era of respect for dignity at work. This conference, like the world this year, must stand up for human rights, for trade union rights, for collective bargaining, for sectorial collective bargaining and social dialogue. I have to say, Chairperson, this is unusual for me to say things like this, but I am dismayed at the International Organisation of Employers in opposing the global deal. You are not standing up for union rights. You're putting your head in the sand, your rear end in the air. And with all due respect to ostriches, it is not a pretty sight. I ask the IOE to think again, and also to understand the global agreements and framework agreements which we negotiate are the future of labour relations, and you should not be in fear of them. Our world congress is in two weeks' time in Liverpool. It is the city where you never walk alone, under the theme of making it happen. We need an ILO for the people, for social justice, for responsible business. You too must be making it happen in the spirit of the Declaration of Philadelphia. As the ILO enters its second century, an organization that was born out of war and the cruelties, the social cruelties of the industrial revolution, we must stand up for a stronger ILO as the bedrock of social progress and peace. Thank you. And all the best to Peru. Thank you.

**Ms Witbooi**

## **International Domestic Workers Federation**

Good afternoon everybody. I want to thank you for the opportunity and thank you all for being here. My name is Myrtle Witbooi, and I'm the General Secretary of the South African Domestic Workers Union in South Africa. I am also the President of the International Domestic Workers Federation, which includes migrant workers, urban workers and rural workers. So much has been said the last couple of days on violence in the world of work, but at looking at a domestic worker's rights, they find themselves open to abuse daily in the privacy of the employer's house. Many domestic workers are isolated away from their families as they have to work to provide for their children for education. However, that does not mean that domestic workers should be abused by their employers. Therefore, the International Domestic Workers Federation, together with other organizations, should lead a strong campaign to stop the gender-based violence for all workers in the world. Our presence here is to make sure that the voices of the domestic workers are heard, that the pains of the domestic workers are felt. And we feel that it will touch your conscience, that you cannot refuse to vote for the Convention with strong Recommendations. This will show domestic workers that they are recognised as workers that contribute to the economy of the country. This is why we need a strong Convention accompanied by Recommendations. We don't need watered-down Recommendations. We want strong Recommendations, to address the abuse of workers in the world, including those working in the private homes, such as domestic

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workers. Just as 2011 was history for domestic workers, with Convention 189, let 2018 be the start of freedom from abuse of domestic workers. I thank you all.

**Ms Prenger**

## International Young Christian Workers

Dear ILO delegates. Thank you very much for giving me the floor. I am speaking to you on behalf of the International Young Christian Workers. Thanks a lot also to all actors who are involved in the process which is described in the report of the Director to achieve dignified working conditions all over the world. Thanks a lot for this. However, in our daily grass-root experience, young workers do not have the impression that our working conditions get better. We experience flexibilization and precarization of work, as well as growing youth unemployment. Here I have just two voices of young workers from today, but they reflect situations of thousands of young workers. "Every day I go to an employment agency to find a stable job. I am now working with day contracts, but sometimes it is not even a day contract because I only work for three hours. Sometimes they inform me one hour in advance that I have to work. I would like to work somewhere where I also have rights such as vacation and free time." That is from a 24-year-old from Belgium. "My name is Mario, and I am 19 years old. I work for a company that does house interviews in the Dominican Republic. It is a semi-formal job. I have a contract and also a fixed work schedule, but I don't have social security. I have been working for a month and a half, and I still did not receive my first salary, and I don't know, actually, who is my boss, in order to claim it. There are people who tell us where to do the interviews, but it is always different people, and they move regularly." So, young workers in the world face informal and precarious work. Currently, even new forms of work arise that increase even more the precariousness. The consequence is an immense insecurity in our lives. Simultaneously, we experience huge inequalities, and they are based on gender, nationality, ethnic and social background. Social protection is lacking as is also said in the report. About 55 per cent of the people worldwide are left unprotected, including the young. Social protection lacks, and even where it used to be strong, it is gradually decreasing due to austerity and precarization of work. Experiencing all this insecurity, we keep hearing everywhere that money would be lacking. There is not enough money to ensure just salaries. There is not enough money to ensure sufficient labour protection. There is not enough money to employ young workers who are needed in so many fields today, and there is no money to ensure social protection for all. So since we are hearing this we are actually wondering where the money is? The world needs the equal distribution of wealth and the respect of all human rights. Young people need job security. No young worker must be replaced by machines. Our founders strongly defended the human dignity. Young workers are not slaves, no animals, no machines, but persons and children of God. It is following this message that IYCW is acting today. So, seeing these aspirations and this reality, and seeing this huge gap in between, we keep wondering about many questions. And some of these questions I mentioned here, for the discussion by the duly respected Governments, trade unions, Employers' association and NGOs in the platform of the ILO and the UN. We ask them also in relation to the SDGs, since we are living connected in all this globalized world, why don't we have a global minimum tax on assets? The income could contribute to social protection for all. Why there is no tax for digital enterprises in the countries where they are operating? And how can the respect of all labour rights be guaranteed in every country? So this includes the question how to guarantee the concrete implementation of all the ratified ILO

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Conventions in every country, and even at the base, and even at the grassroots? Together with you, we act in order to achieve just work, equality and dignity for all young workers, and thanks a lot for your attention.

**Mr Alonso**

## International Catholic Migration Commission

Good afternoon Mr President, delegates. Let me start by thanking you for this opportunity. International Catholic Migration Commission (ICMC) is honoured to deliver this statement at the 107th Session of the ILC in response to the Report of the Director-General. ICMC is a registered non-profit organization providing direct humanitarian and other services to uprooted people and advocating for and with them. It coordinates a network of Catholic Bishops Conferences worldwide and has staff and programmes in over 50 countries. ICMC's mission is to protect and serve refugees, asylum seekers, internally displaced people, victims of human trafficking and migrants, regardless of faith, race, ethnicity or nationality. Furthermore, ICMC contributes to enhance sustainable development for refugees and migrants through vocational trainings and livelihood programmes. The organization plays a key advocacy role regarding refugee and migrants' rights, which is increasingly recognized by states and international organizations such as the ILO, IOM and UNHCR. For example, ICMC coordinates the global society contribution of 200 organizations to an important intergovernmental process called the Global Forum on Migration and Development (GFMD). Relevant issues currently invading the world of work are being discussed at the ILC this year. And we are particularly attentive to the following topics. Cooperation for sustainable development, violence and harassment at work, and gender-based violence. ICMC believes that effective and positive cooperation with the ILO, in support of the Sustainable Development Goals should be based on trust and collaboration from local to international level. We would like to share an example of effective collaboration, which is a global project called The Future of Work, Labour After *Laudato Si*. This proposal brings together different stakeholders, from international movements to local communities, as well as organizations from different religious traditions. This project is the continuation of a five-year collaboration at the global level related to the SDGs, and it will also aim to contribute to the ILO centenary and the Future of Work Initiative. In Malaysia, Pakistan and Jordan, ICMC supports local and refugee individuals and families who have experienced sexual or gender-based violence. As a case in point, since 2010 ICMC works within Burmese refugee communities to prevent and respond to sexual or gender-based violence, especially by improving access to emergency support services, safe shelter, medical care and counselling for refugee woman and children in Malaysia. Moreover, ICMC funds community-based organizations, including two support centres for Rohingya women to implement different activities to focus on raising awareness on this topic. In the context of the ILC, ICMC considers the following aspects to be of particular relevance in the present situation in regard to violence and harassment at work and gender-based violence. Number one, we are keenly aware and deeply concerned that women, despite their equal dignity with men, regularly are confronted with inequitable, discriminatory and stigmatizing policies and practices in the world of work, and in other socio-economic arenas without access to legal protection and complaint mechanism. Number two, we expect that the efforts of the ILC conclude with endorsement of an ILO Convention, accompanied by a Recommendation with a strong focus on the general dimension as a first step to change the narrative for women and men throughout the world. Number three, we

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are convinced that woman workers, especially those particularly vulnerable as migrant workers in the informal economy, should be placed at the centre of sustainable development policies and should be the first concern in the reflection and debate on violence and harassment in the world of work. Lastly, we believe that when it comes to global value chains, the responsibility of the business sector together with the advocacy of civil society organizations should be one of the main discussions. Companies have a responsibility to eliminate violence and harassment in the workplace in their own value chains, and governments should ensure that they enact and support programmes to tackle violence against women and men. Let us join forces and advance together to the future we want. Thank you very much, Mr President.

**Ms Sibanda**

## **StreetNet International**

Everyone, on behalf of StreetNet International, I would like to say all protocol indiscriminately observed. Thank you for this opportunity for StreetNet to speak on behalf of workers in the formal economy the world over. StreetNet International is an international federation of 52 organizations of street vendors, street hawkers and informal economy workers in 47 countries found in the continents of Africa, the Americas, Asia and Europe. It represents more than 550,000 members. My name is Lorraine Sibanda. I am from Zimbabwe, and I am the StreetNet International President. StreetNet represents one of the most vulnerable categories of workers who engage in the informal economy as a means of livelihood and survival in a world of increasing informality and precariousness of work as employment opportunities continue to shrink daily. This organized representation is a result of building collective voice to fight and address the ever visible challenges we face daily as informal economy workers, such as daily evictions and harassment by police and local authorities, lack of legal and social cover, and lack of safety and security nets, lack of decent working conditions, and lack of political will from governments to recognise us as workers. Working in the informal economy is not a choice. It's a need to survive. It is not a crime and informal economy workers are not criminals. Informal economy workers are the majority of workers across the Global South yet highly vulnerable to violence and harassment due to the high status of employment, non-regulation and lack of protection. It is important to also note that the informal economy is mainly women-dominated, which includes persons with disabilities and other marginalized groups in the sector. StreetNet believes that a Convention supplemented by a Recommendation which recognises and addresses all forms of violence and harassment in the world of work will be an historical achievement for the ILO and this International Labour Conference of 2018. Therefore, the instrument has to include provisions to protect all workers, formal and informal, to ensure zero discrimination. It's time for the ILO Tripartite bodies to show the world their commitment towards combating violence and harassment in the world of work without excluding the informal economy, to make sure that no one is left behind. StreetNet also commits to play its role to stop repeated violence and harassment against all workers at their workplaces, and we can definitely achieve it if we unite our strengths and work in cooperation with each other. With reference to adapting tripartite structures to become more inclusive, in the years since StreetNet was first accredited to attend the ILC in 2004 we have made many efforts to get recognition for the right of informal economy workers to be directly represented by their own democratically-elected negotiators in collective negotiations with the appropriate

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negotiation counterparts who hold power over their working conditions. And these are not employers but authorities such as local government authorities. However, our experience is that incumbent representatives of the traditional employed workforce are not yet ready to grasp the challenge of establishing new types of bargaining forums, which are more representative of the workers in the informal economy and new forms of work, least of all self-employed workers. The whole world is work is rapidly changing. [vgr INTERRUPTION 5:42] Thus this type of dialogue must equally adjust to the change. It is high time informal economy workers are found at the table and not on the table, and I would like to take us to the picture of the broken chair outside. The current set-up depicts the broken chair, which is a symbol of fragility and strength, precariousness and stability, brutality and dignity. It invites each one of us to denounce what is unacceptable. To stand up for the rights of individual... [vgr INTERRUPTION 6:20]

**Mr Abdelmoumni**

## African Union of Mutual Entities

Vice-President of the Governing Body, Director-General of the ILO, ladies and gentlemen, distinguished participants, it's with a sense of honour and legitimate pride that I stand before you again to give you an account of the challenges faced by the mutual fund system in Africa and say something about Africa's aspirations in this respect. We have the grand ambition of seeing this session establish a system in Africa which will provide the necessary preconditions for enterprises to be able to develop and grow, and also to contribute to improving GDP and creating jobs, which is the only way to combat poverty, exclusion and precariousness. It is self-evident that mutual entities represent, support and solidarity, along with mutual help, and they contribute as a pillar of the social and solidarity economy to increasing and improving the amount of cover citizens have. In Africa, exclusion from social welfare protection is particularly a matter for concern given the extent of our poverty. Successive economic crises have led to governments disengaging from the struggle, which means less public money going in to social welfare. The health sector's been one of those most effective and so often cover for all is not guaranteed. The service has to appeal to users to contribute. Bridging the gaps in cover is a major problem, and the ILO's figures show that 82 per cent of Africans live without any social welfare protections, which is a significant obstacle to eliminating poverty and reducing inequality. Ladies and gentlemen, I don't have to tell you that the desire for consolidation is part of this dynamic towards mutual funds promoted by NGOs working in the field, and this has meant that the African Union for Mutual Funds was set up with its headquarters in the capital of Morocco, Rabat. This organization is behind the drive to create a network for mutual funds organizations, entities, and in Africa this is an instrument for coordinating and offering such technical assistance as is appropriate. Our organization includes several mutual funds and federations belonging to 20 member countries and 12 signatories. One of the founder members, Morocco, is thanks to the visionary initiatives of His Majesty the King supporting this movement. And there are two regimes in the obligatory health insurance that was launched in 2005. There's the obligatory regime for full-time salaried staff and retired people, for students and freelance workers, and then there's the medical assistance regime, for the poor and those on very low incomes. Ladies and gentlemen, it's clear that mutual entities are at the heart of the welfare system, and they are one of main players in social and solidarity economy. However, mutual entities are living in an age of far-reaching changes, and they have to face these changes if they are to endure

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and prosper. Given this, and given the fact that they have to face such problems, the UAM, our organization, has been holding workshops on governance for mutual entities in Africa, like the one that took place on 1 and 2 December in Rabat in Morocco, and has adopted the Rabat Declaration on Mutual Funds Governance. Ladies and Gentlemen, extending medical cover is a priority for all nations, as witnessed in the SDGs for 2030, and also in the national Social Protection Floors of the ILO. Moved by the desire to reconcile the principles of fairness and social justice with economic development and to progress social welfare cover, the Organization of Mutual Entities of the Americas took the initiative, along with our organization, to create The World Union of Mutual Entities, which will be launched here on 5 June, at the United Nations in Geneva. These bodies have worked together since 2010 to develop and unify the mutual funds organizations of the world, and this is contributing to promote the social and solidarity economy and to provide good organization for mutual entities which are called upon not only to support the health sector but also in agriculture, fishing, tourism, education, micro-credit, and so on. All in all, it is important to stress that mutual funds are essential for the success of any social regional project in order to deal with geographical inequalities and to provide better connectivity between the different parts of our countries, which is important for solidarity within nations and geographical areas. Thank you.

**Mr Sigliano**

## Organization of Mutual Entities of the Americas

Thank you, Chair. Delegates, yet again, ODEMA, the Organization of Mutual Entities of the Americas representing the American mutual system has the opportunity to address this honourable conference to reiterate our commitment to the ILO's objectives as well as our endorsement of these objectives. Of course, I also wish to congratulate the Director-General for his excellent report. In line with the UN's guidelines on the Sustainable Development Goals, our organization, as part of its jurisdiction which is closely tied to the social and solidarity economy, has demonstrated its commitment to these essential objectives, such as decreasing poverty, gender equality, climate change and decent work. To this end, we have put in place a joint action strategy. We have set up specific working groups such as ODEMA Women, ODEMA Adults, ODEMA Native Peoples and the ODEMA Youth Network, which are all very relevant for the American mutual entities landscape. In 2008, the ILO adopted the Declaration on Social Justice for a Fair Globalization. Since then, reflecting the true nature of the mutual benefits system, whose solidarity makes it a lynchpin of the social solidarity and formal economy, ODEMA has embraced the four pillars of this statement. Indeed, we fully agree with its goals of ensuring a decent standard of living for all peoples all across this planet, which is the very *raison d'être* of the mutualism system. In the same vein, we endorse the steps to be taken to ensure social justice in all its forms. We note that, as regional and international organization, the ILO must do its utmost to promote decent work and compliance with labour legislation in every respect in the American communities. Likewise, we could note, and do note, that the mutual system is the epitome of effectively applied social justice, in light of the various services it provides to the families that are its members, which are paramount in ensuring decent lives for all people in these communities where mutual funds are active, promoting sustainable beneficial solutions. These views are based on the goal of promoting solidarity and embracing the concepts and principles of the mutual system which put human beings first and foremost, front and centre, with a view to serving society.

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ODEMA is attending this 107th Conference at a time where we've seen an unprecedented occurrence in the international mutual system. Indeed, on June 5, from 1 p.m. to 3 p.m. in Room 8 of the Union Nations in the Palais des Nations we will be holding the General Assembly of the UMM, the World Mutualism Union. Now this union brings together the bodies supporting mutualism from the far flung corners of the world, starting with Africa, the Americas, and Europe. I also wish to note the partnership dating back over a decade between the UAM, the African Union for Mutualism, and my body, ODEMA. Now these two bodies have similar views and, based on the UN's South-South cooperation programme, we have for the first time ever been able to address, or rather announce, the upcoming launch of the World Union of Mutual Entities in this very hall. Finally, on behalf of the American mutualism system, ODEMA wishes to reiterate it's firm commitment to promoting and advancing the goals and aims of the ILO. Thank you very much.

**Ms Hagemann**

## International Kolping Society

Mr President, distinguished delegates, I am grateful for this opportunity of speaking on behalf of the Kolping International. We have more than 400,000 members in over 60 countries, and I am very grateful for this opportunity to comment on the Director-General's Report. The majority of people all over the world work in informal, and sometimes extremely precarious, working conditions. The ILO debates on the importance of the informal economy in 2001 and 2002 helped to draw attention to this. It is therefore an excellent sign that this year's report mentions companies from both the informal and formal economy when it comes to presenting the employment potential and the corresponding employment policy. Decent work and poverty reduction must go hand in hand in the ILO's work. The ILO's initiatives on poverty reduction, on green employment, and now also on women in the world of work, bear witness to this. The ILO is on the right way, and this is also noticed by the public. It's important and it's right that the ILO has recaptured its way back to the negotiating tables of politics and business, and we must continue along this path. The negotiations on the rights of domestic workers were a breakthrough for the recognition of informal workers in the negotiations. These negotiations open up a window onto new ways of involving stakeholders who do not appear in the classical tripartism. Not all workers and not all self-employed people are represented by the social partners today. We welcome success achieved by the ILO over the past two years in strengthening social dialogue instruments in many member countries, as well as supporting governments, including by introducing dispute resolution mechanisms and promoting labour inspection for the implementation of ILO instruments such as R202 and R204 on Social Protection Floors and on the transition from the informal to the formal economy. The involvement of further stakeholders is rightly seen as necessary. However, we do miss a critical approach to the problem that social dialogue is being cut back in some member States, allegedly in order not to hinder economic competitiveness. This, together with the phenomenon of shrinking space for civil society organizations, is a cause for concern. As the guardian of tripartism, the ILO has to be careful at the negotiating tables of the UN, the Paris Agreement, the Global Compact on Migration, the G20, the WTO, Bretton Woods organizations, to ensure that these spaces for participation and company-determination don't become ever narrower. The Director-General's Report also highlights the ILO's efforts to enter into dialogue with others. We also expressly welcome this, especially as the joint international conference of ILO, Caritas Internationalis, and then the

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Pontifical Council *Justitia et Pax* on Sustainable Development and the Future Work in 2016, was an encouraging signal for us. The declaration of commitment with the action plan adopted on 5 May 2016 gave us an opportunity to combine the sustainability goal 8, Decent Work of the Agenda 2030, with the goal of overcoming social, ecological and economic crises of which Pope Francis is speaking. In order to meet the severe and dangerous challenges of the globalized economy and the world of work, further development of the social dialogue is necessary. A look at the FAO, which with its Committee for Food Security has established an advanced stakeholder approach, could help in this context. Tripartite social dialogue actors must also be aware of the benefits of civil society involvement. The legitimation and enforcement of the results of this dialogue will be greatly simplified. None of the three partners will be able to achieve the objectives of the Decent Work Agenda without, or even against, civil society. We expressly offer you cooperation. Use our common strength to implement and enforce the important labour standards. One of the global challenges is the violence at workplace, which is being discussed here. We expressly welcome the standard-setting process in this respect. Kolping International feels connected with other Catholic organizations in the willingness to be a dialogue partner in this process and in the future. Thank you very much.

**Mr Anró**

## Confederation of Workers of Universities of the Americas

Good afternoon ladies and gentlemen. Thank you, Chair. I speak on behalf of CONTUA, the Confederation of Workers of Universities of the Americas. This is a trade union organization bringing together 23 federations from 18 Latin American countries, organizing non-teaching staff, technical staff, administrators and service providers from Latin American universities. At this opportunity we are pleased to note that a new member, FATUN, the Argentinean Federation of National University Workers has joined us. Now, FATUN organizes 56 trade unions in the four corners of its country. Mr President, we are facing worldwide crises, a global crisis which especially affects those who has the least, workers and those who cannot find jobs. We are seeing a flare-up of individualism. We are seeing capitalism rearing its ugly head as individuals seek to maximise revenue with no view to just, social development. We are seeing unemployment rates on the rise, and we are seeing greater inequality between the haves and have-nots. Pockets of poverty are widespread and management is not providing answers. We are seeing crises of political representation that do not distinguish between developed and developing countries. Now we are discussing setting up an international standard on violence and harassment in the world of work today. At CONTUA, we are firmly in favour of gender equality. We support the adoption of a Convention and Recommendation protecting workers from all forms of harassment in the workplace. We also endorse all initiatives which promote equality and pay equity, which combat unfounded discrimination and which incentivize measures which boost greater participation of women and youth in the workplace. This generation of managers, our generation, has an opportunity to build a better future for the generations to come. If we manage to overhaul the manufacturing and consumption systems to combat the damages to our ecosystem due to climate change, and to promote a more just economy based on the ethical view of guaranteeing sufficient income for all people to guarantee, and decent conditions, then we will have made great progress. In the run up to the centenary conference, the Director-General called upon us to discuss the future of work against the backdrop of Economy 4.0. Now we must, in universities, engage in these

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discussions as supported by PSI. Now when this debate started, we were concerned. We hoped that governments and employers would bear in mind the seriousness of the global situation, avoiding frivolous viewpoints that might aim to solely focus on the impact of technology, computers and new forms of work. For the social sector, discussing the future of work also means discussing free, high quality public education, a distribution of income, decent wages, and labour rights. Chair, in Latin America the situation is rather gloomy, in fact we are seeing a wave of governments aiming to dismantle protective policies. We are seeing regressive political views, and this is reflected in increased poverty, decreased purchasing power and growing gaps in wealth distribution. These are examples which we can see in the Americas. A few examples are the freezing of education and public services budgets in Argentina and Brazil. Mexico is seeing risks of constant violations of human rights, especially labour rights, a latent threat due to the imposing of a labour counter reform, and in some cases, such as the Intercultural University of Chiapas, Michoacán, Querétaro and rural primary schools, we are seeing these institutions being eliminated. Now we extend our solidarity to all of these workers. Chair, in the upcoming days, we will hold the Regional Higher Education Conference in Latin American and the Caribbean. This is organized by UNESCO against the backdrop of the university reforms in Córdoba in 1918. At this time, CONTUA wishes to reaffirm our commitment to higher education as a public good, a fundamental human right, which must be guaranteed by states to ensure access for all on equal footing with equal opportunities. In 2019, the very same model shall be ours as we come before the UNESCO summit to share the views of workers, non-teaching staff. In conclusion, I wish to pay tribute to the students who bore the standard of reform in Córdoba in 1918. Their call for freedom lit the flame that shed light on all universities in Latin America as they called for progressive, structural changes at the time. Today, this call for rights and freedoms is more relevant than ever. In fact, we can see this summarized in the motto, namely, the pains that remain are the freedoms we lack. Thank you.

## **Ms Iglesias Escobar**

### **Women in Informal Employment: Globalising and Organizing**

Officers, delegates, members of workers' and employers' organizations. My name is Martha Elena Iglesias Escobar. I am from Columbia. For over two decades I have represented recycling sector workers in my country. Today I speak on behalf of the millions of workers in the informal economy worldwide. In fact, this represents nearly 70 per cent of workers in developing countries. We are those who most frequently see violence and harassment in our workplaces. As a result, in this conference, it is crucial that we be borne in mind in drafting this Convention and Recommendation. I represent the recycling sector workers. There are over 20 million such workers worldwide. We work in your streets. We work in landfills, and we remove glass, paper, cardboard, plastic, metal and other discarded objects from trash. Yet these objects support our families. Historically, society has discriminated against us. Many times, as we walk the streets passers-by have avoided us. Indeed, they associate us with crime, with poverty, or the waste that we handle. Worse yet, we have been abandoned and prosecuted by the authorities of our cities, and by our national governments, despite the fact that our work is beneficial for all, supporting our environments, our economies and our societies. In many countries worldwide our brothers and sisters working in this sector work in landfills that are run by

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mafias who impose working conditions for them. At times they demand sexual favours in exchange for a work permit. The situation is even worse if we are migrants, and you can imagine how bad it is if we are also women. We see violence and harassment in streets and in landfills, which are our workplaces. Many individuals are responsible for this violence. Though we are excluded, we know that as workers in the informal sector we are part of the solution to the problems that our societies face. In order to defend our rights we have come together in unions across the world. In Latin America we set up the Latin American and Caribbean network of recycling sector workers, including 16 countries in Central and South America. In my country we set up the National Association of Colombian Recycling Sector Workers. We have seen such shameful situations as those that took place in 1992 in Barranquilla. At the time, 11 recycling workers were brutally assassinated with the knowledge of staff from the faculty of medicine at the Free University of Barranquilla. Indeed they sold their organs and bodies for academic purposes. The State of Columbia was convicted for this massacre, yet the intellectual authors, the perpetrators of this crime, were never brought to justice. This led our sector to not only have to fight for their rights to life but also for their rights to work. This amidst neo-liberal policies, which systematically attacked our forms of organizing based on social and community principles. Worse yet, these politicians tried to hand over the source of our income, namely access to waste. They gave it to private enterprises, and they made our jobs criminal. For example, they have banned our free movement. They have stopped us from picking up waste in the public spaces, and through the police forces the State has become responsible for violence in our workplaces. Today, after 30 years of fighting in Columbia, we have seen seven verdicts issued by the honourable Constitutional Court defending our work. We must be recognised in every municipality in every city in our country as recycling sector service providers. Even better, we must be remunerated for these services. These successes should extend to all recycling sector workers worldwide. Regardless of where we are, we contribute to the health of our cities and provide a public service to our societies. Despite these successes, some local governments in Columbia, such as in Rionegro in the north of Antioquia have forced us to compete on unequal footing in the streets with private enterprises who are motivated by remuneration that they receive for the service we provide. As a result they have turned out into the streets. They have displaced us. They have taken away recycling, and they are kicking us out of our workplaces. Let us recall that rubbish is to recycling sector workers as land is to farmers or rivers are to fishermen. We believe that the potential Recommendation and Convention could serve as a mechanism to mitigate violence and harassment against informal sector workers. This also could represent an instrument to ensure that recycling sector workers worldwide, and those in Columbia can truly enjoy the rights which were granted to us by the honourable Constitutional Court. We call on national authorities... [vgr INTERRUPTION 6:43] Let us not forget, recycling without recycling sector workers is quite simply rubbish. Thank you very much.

**Mr Hemsani**

## **Latin American Union of Workers in Control Organisms**

Chair, brothers and sisters, I speak on behalf of ULATOC and the society as a whole, who, on the global stage, have called for protection for our citizens. Now we

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aim to fight corruption to ensure equal tax treatment and justice. These are basic pillars of trade union actions to promote a sustainable, fair, inclusive development model. This through defending decent work for workers, who are key stakeholders in improving the quality of institutions and governance. Our members are the first responders. They can optimize public management, avoiding damage to the state. Yet, as they do so, often they face harassment, simply because they are promoting the common good. ULATOC, my organization, alongside the ICJ workers' network, and in partnership with PSI, condemns corruption in all forms as it undermines trust in governments. It weakens public policies. It affects economic and social development and jeopardizes decent work for workers. It weakens democratic institutions and contributes to the greatest inequality we all face today. Our workers are whistle-blowers, qualified whistle-blowers who are simply blowing the whistle in line with their jobs. Now, as part of their jobs they have access to information related to management of public policy. As a result, they are in an excellent position to raise the alert and prevent any type of harm to promote efficient transparent management. Now, in this sector, workers face a kind of harassment we call objective workplace violent, OWV. This is a new form of harassment that we must address. Now, we define this as any type of psychological harassment, persecution, physical violence, moral or inequality. These individuals play a key role in fighting corruption, a lack of transparency, and promoting fair tax treatment. As demonstrated in PCI's report, *Checkmate to Corruption*, this violence is not specific to one region or culture, rather it is worldwide, and it directly affects 7 per cent of the global workforce. The results of this violence are felt first and foremost by these workers, but it also affects citizens as a whole because they receive poor public services, low quality services and indeed weak governance. Now we have brought this to the attention of this trade union alliance since 2009, and we've managed to really make this front and centre for the ILO. We promote and encourage them to carry out an international study on this. Now we have also put forward national legislation to include these protections to ensure an effective global standard. In fact, corruption and tax evasion are issues that affect the world as a whole, and as a result, they call for global measures in the form of an ILO standard. ULATOC, ISP and ICJ support these whistle-blowers. As a result, we set up a global alliance to promote these goals. Against this backdrop, the ILO can and must play a key role in stressing the importance of states, trade unions, and workers who must participate from the outset and defend the rights of whistle-blowers, setting up social tripartite dialogue and launching an initiative which serves as a standard setting benchmark in defending trade union and labour rights. Until such safeguards are in place, the violence that workers that face can truly weaken all other workers. At present, the ILO has no standards bearing in mind protection for these key workers, ensuring the efficacy and transparency of governance. As a result, it is of the utmost importance for such a standard, which safeguards good governance, to be put in place. This will protect not only decent work for these workers but society as a whole. If we are truly concerned about combating corruption and tax injustices, we must more staunchly protect these rights. We look forward to the ILO's centenary next year, and we note that this is an unprecedented opportunity to forge a new path and appropriate standards to ensure that workers worldwide can serve the public interest while working to build a better world. Finally, we also wish to express our solidarity to workers and trade unions here in the ILO trade union. Thank you very much.

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**Friday, 1 June 2018, a.m.**

**Ms Ritzberger-Mosa**

## **Government (Austria)**

Chairman, ladies and gentlemen, I am very pleased that the ILO, as it approaches its 100th anniversary, is giving priority to the quest of equality for women. The analyses in the report are in a large part true also for Austria. The proposal in Chapter 5 for the organization of the Century Initiative are also extremely relevant in terms of the problems we face in Austria. In Austria, too, we still have gender stereotype problems, and for many women it is very difficult to combine job and family. Often it is a question of childcare, and school does not last all day. Many women, therefore, work part time, and that is a very common phenomenon, but that does not necessarily provide a high standard of living, and of course it has an effect on pensions. The gender pay gap in Austria is still relatively high. The reasons for that are the very segregated labour market and the fact that women in a number of sectors are very badly paid, such as in the care professions. Social dialogue is therefore extremely important because collective agreements have to move away from their habit of concluding pay agreements for sectors which are regarded as typically for women. In Austria, we have anonymous income reports from companies employing more than 150 people, but since most Austrian companies are very small, more than half of the population are not covered by these provisions. Care work is in Austria carried out to a large extent, and this is also true of people from outside Austria who work in our country. It is necessary to make a significant effort to bring about more equal working conditions. It is primarily women who work in the care sector; there are relatively few men. Austria is attempting to change this and has introduced an income-dependent parental pay bonus and increasingly men are taking up this bonus, and this is a step towards achieving more financial independence and economic independence for women. In addition, innovative working conditions, both in terms of time and in terms of location, can help to close the pay gap between men and women. With regard to the involvement of women in decision-making, I point out that in Austria, since the beginning of this year, we have had a law which stipulates that 30 per cent of seats on works councils in large companies must be occupied by women. With regard to violence against women, there is a great deal of work to be done. Austria has a relatively good legal framework and has ratified the Istanbul Convention of the Council of Europe on prevention of violence against women and domestic violence. We therefore expressly welcome it that there is a standard setting initiative directed at violence in the workplace. Even though the ILO mentions the question of equality of income in Chapter 4 there is still a long road to travel. With regard to the provisions in Chapter 5 of the report, Austria supports the concept of time sovereignty, fair appraisal of women's work and also the measures for more decision-making and representation of women. With regard to violence and harassment, the ILO must concentrate on measures in the workplace and the discussion on domestic violence, which is very important, requires separate treatment. The major challenge for Austria is finding a way to a qualitative and quantitatively growing care economy. Even if we are discussing a model of universal care, we have to ensure that we produce well-paid and worthwhile work conditions. It is a long and hard road, but we must not give up the struggle to achieve equal rights and equal treatment for women. Thank you.

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**Mr Acevedo**

## Employer (Argentina)

I would like to start by welcoming, on behalf of Argentinean industry, the Director-General of the ILO and the President of the 107th Conference. This dialogue is a celebration of a debate which allows us to make firm progress on the agenda as it affects the world of work and the problems which we are facing. We all share a willingness to overcome the challenges currently facing the society of which we are all part. There are disruptive changes sometimes in the framework of new techno-productive and socio-economic formats. In that context, social dialogue is the key tool we can use to face these changes and work to resolve structural problems such as unemployment, the informal economy, improvements in productivity and the growth rate. Without dialogue we will be overwhelmed by the weight of the challenges we face. Moreover, this year we have the recurrent discussion on social dialogue in the framework of which the conference has drawn up an agenda of great relevance, which is the question of gender in the world of work and the progress which has been made by the constituents in developing instruments to promote equality. Achieving gender equality is a priority matter for the employers' sector. We are committed to a large number and great variety of initiatives to promote equal opportunity in the workplace. Improvements we have made in that regard show, for example, that there has been a reduction in the pay gap and a growth in involvement of women in the labour market. There is still a long way to go to ensure that we all proceed on an equal footing. This debate will have to consider the competitiveness of each country, and possible ways of developing SMEs. In the Argentine Industry Union we particularly promote tripartite dialogue. We believe that it is currently crucial to define a modern body of legislation in line with technological changes and the need to generate new forms of jobs and to deal with the formal sector. We are adapting to new forms of production and we are also moving with the changes which are taking place in productivity. Going along with the digital economy and the Fourth Industrial Revolution is not merely an option; it is the only way of facing the challenges in the future world of work. This necessarily means creating more companies and new productive activities. This agenda means that Argentina has a great opportunity. Our country has the honour and responsibility of hosting this year the G20, and the Argentine Industrial Union is at the forefront of the work of Business 20 with Daniel Funes de Rioja in the chair of this business forum, and we will be promoting the vision of the ILO at global level in that regard. We are working on matters which are very closely linked to the ILO agenda, technological change and innovation. Moreover, we continue to make progress on debating modern labour legislation in line with the emergent realities of the modern world of work, creating jobs and companies with an equal and reasonable tax burden, particularly for SMEs and regional economies. All of these objectives require that we combine three strategic objectives, which are education, innovation and the continuous improvement of productivity. The path to development means that we must redouble our efforts and pool our willpower. Industry in Argentina is facing this challenge. The future is shared capital which requires an input from everyone. Thank you.

**Mr Humaidan**

## Government (Bahrain)

In the name of God, most Merciful, most Compassionate, Your Excellency, the President of the Conference, ladies and gentlemen, it is my pleasure to convey to you

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the greetings of the people and the leadership of the Kingdom of Bahrain. I wish you all success in this ILC. It is also my pleasure to congratulate Your Excellency for your election as President of this conference. I congratulate you for this trust that has been placed upon you. I would also like to thank His Excellency the Director-General for the great efforts that he has made. I would like to thank him for having chosen to focus on the Women at Work initiative in his report, because we believe that equality and equal opportunities is very important in the world of work. This is a key issue that all countries in the world focus on, despite the fact that Mr Guy Ryder has said that we are still a long way from achieving the goal of equality. So despite this fact, I personally am optimistic because I have noted that most countries in the world are working in order to enhance the participation of women in the world of work, and this is something that we clearly see because these governments and countries have ratified, including my country, Bahrain, they have all ratified a number of international conventions and treaties that have to do with women, and mainly the convention on the elimination of discrimination against women. All these governments are working hard in order to fulfil their obligations under these conventions and treaties. The Kingdom of Bahrain has made great progress in terms of enhancing equal opportunities and in terms of increasing women's participation in labour markets. All these efforts are supported by His Majesty King Hamad bin Isa al Khalifa, the King of the Kingdom of Bahrain. His Majesty the King, back in 2001, established the Supreme Council for Women, which is a council that is presided over by Her Royal Highness the Princess consort of Bahrain, Princess Sabeeka al Khalifa, and this Supreme Council for Women supervises the implementation of all national plans aimed at promoting women in Bahrain, in all fields, and ensuring that they realize their full potential. Women in the Kingdom of Bahrain constitute 39 per cent of the working force. They also constitute more than 50 per cent of the working force in the public sector, and in some sectors, mainly the sectors of education and health services, women represent 80 per cent of the workforce. And according to national statistics and reports, we have noted an increase in the average income of women in the Kingdom of Bahrain over the past decade. This increase was by 100 per cent. It is thanks to a number of rehabilitation and training programs that we have implemented that we have managed to achieve this progress. These programs have also led to an increase in the integration of women in the labour market and to their integration and work in new fields without any discrimination in terms of wages, treatment or privileges. Women in the Kingdom of Bahrain also receive a number of incentives in order to facilitate and enhance their participation in the working market, and women now own 39 per cent of businesses registered in the commercial registry of Bahrain. Of course, in the Kingdom of Bahrain we will continue to make every effort in order to ensure that women obtain the social protection and the respect that they deserve, and here I call upon this organization to enhance programs aimed at promoting social partners and in order for all stakeholders to be fully aware of the opportunities available in order to increase the integration of women. And I would like also to refer to the Director-General's report regarding the situation of workers in the occupied Arab territories, in which the Director-General stated that there has been a clear deterioration in the conditions in labour markets, including a decrease in employment levels and a lack of job security and equality because of the stoppage of the peace process and because of the settlements that are built by Israel. And here I would like to say that the Kingdom of Bahrain stands with the Palestinian people so that they can achieve their rights. Thank you for your attention.

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**Mr Olsson**

## Worker (Norway)

Honoured delegates, ladies and gentlemen, for the world to progress people need to work. To enhance welfare for individuals, people need decent work and a living wage. I think we all agree about that, but yet I dare to say there are still those who are not so clear about it when it comes to women. Suddenly comes the argument that women should be able to work if they want to. No one says that about a man. Women are still seen by many as second-class workers, and in effect they actually are. Women are paid less even in well-paid jobs. Women are overrepresented in the informal economic. Women are overrepresented in part-time jobs but underrepresented in power and leadership. Therefore, I highly welcome the report from the Director-General. We really do need to push for equality between women and men. In the process, the Agenda 2030 and the Sustainable Development Goals are essential. To achieve Goal 8, sustained inclusive and sustainable economic growth, we need work for all, including all women. Equal pay for work and of equal value must become a reality once and for all, and we need decent work where all workers feel safe and secure. This of course brings me to the crucial issue of violence and harassment. Fighting violence against women has been at the core of the women's movement since its beginning, yet the #MeToo campaign has ushered an unpredicted impact. Women across the world have finally realized enough is enough. In this situation we have at the table a proposal. We cannot afford to miss the opportunity now to tackle the massive issue of violence and harassment in the world of work. We need a strong Convention backed up by a Recommendation. This is important in itself, but it is also a crucial step on the way to enable women's full and equality participation in working life. This in turn will give them the ability to support themselves and become economically independent. Representing the trade unions of Norway here today, I also feel an urgency to make a note on the situation of workers in the occupied Arab territories. In the appendix to the Director-General's report on this matter we can read how Israel's occupation is contributing to the highest unemployment rate in the world. Worst affected are women. In Gaza, the unemployment rate among women has reached nearly 69 per cent. Recent research also indicates that the prolonged blockade and absence of economic opportunities is a central driver of gender-based violence in Gaza. Renewed efforts must now be taken to put an end to over 50 years of occupation. Honoured assembly, gender equality is at the heart of this conference. Women's rights are human rights. There is no reason why women should be left behind anymore, and there is no better time for the ILO to take new steps than now. Thank you.

**Mr Daoason**

## Government (Iceland)

Mr President, Vice-President, ladies and gentlemen, on behalf of the Government of Iceland, it gives me a special pleasure to address this 107th Session of the International Labour Conference. First, let me thank the Director-General and his staff for the outstanding preparatory work they have done in order to facilitate the work of the conference. Ending violence and harassment in the world of work is one of the main tasks of this year's conference. As we have learned last winter through social media, in relation to the #MeToo movement, sexual assault and harassment is widespread through our societies, especially in the workplaces. Violence against women and girls is rooted in gender-based discrimination, social norms and gender

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stereotypes. Given the devastating effect violence has on women, efforts have mainly focussed on responses and services for survivors. However, the best way to end violence against women and girls is to prevent it from happening in the first place by addressing the root and the structural causes. Prevention should start early in life by educating and working with young boys and girls, promoting respectful relationships and gender equality. Despite year-long international programmes aiming to end child labour and modern slavery, we are still facing that millions of children across the world are engaged in child labour. We are also watching men and women and children being victims of modern slavery each day. One thing is for sure, we may not give up in our battle ending the violence against human beings. It has to come to an end. We need to continue our good work in doing so, for example with the projects taking place within the ILO. The Nordic labour market is well organized, with strong organizations of employees and employers whom negotiate terms and conditions in collective agreements. I welcome the tripartite dialogue between the governments and the social partners taking place here at this conference on this important issue. Together we all have to send a clear message to the world of work of zero tolerance of violence. We are also concerned about gender equality at workplaces. After years of struggling that women and men should have equal pay for equal work, the Icelandic Government and the social partners together made the special equal pay standard. According to a new Icelandic Act entering into force in January 2018, the companies and institutions employing 25 or more employees on an annual basis will be required to obtain equal pay certification of their equal pay system. The Act will be fully implemented by the end of 2021. We are hopeful that this new system will eliminate the gender pay gap on the Icelandic labour market and can be used as best practices in this field. I would also like to inform you that it is now under consideration that the other Nordic countries will use the standard as a tool to eliminate the gender pay gap in their countries. The future of work is one of the most popular topics these days. There are many questions coming up in this respect as what will be the impact of artificial intelligence and automation on work. We are also seeing changing models for work and work structure, including increasing use of temporary contracts, along with a growing prevalence of freelance workers. The Nordic government's close cooperation with Nordic social partners started in 2017 a multiannual project that focuses on the future challenge in the labour market, with the aim of analysing how the Nordic working life might look like in 2030. Researchers from the five Nordic countries, under the leadership of the Norwegian Institute for Labour and Social Research, will study how the ongoing transformations of production at labour markets will influence the future of work in the Nordic countries. As part of the project, there have been several conferences, one in Helsinki, another in Oslo, and now in May in Stockholm. The final Future of Work conference will be held in Reykjavik in April 2019 with the title Shaping the future that works for all. The results will be communicated in presentations made by researchers prior to the ILO anniversary 2019. Intermediary results from the project will feed into Nordic debates on how to contribute to the Future of Work Agenda that is to be adopted at the ILO centenary anniversary 2019. It is our hope that this project will produce input in our deliberations on future direction for the International Labour Organization for the years to come. Thank you for your attention.

## Government (Cameroon)

President, ladies and gentlemen, first of all I would like most sincerely to congratulate on behalf of my country, Cameroon, the President of the Conference as well as the members of the Bureau for the brilliant election and the way that which the work is being led on the very eve of the ILO's centenary dedicated to the initiative of Women at Work. I would also like to congratulate the Director-General, Mr Guy Ryder, for his extremely comprehensive report on the achievements of our organization, and we would like to assure him of the full support of the delegation of Cameroon for all possible improvements in future. Women in Cameroon are indeed the victims of gender-based discrimination, which does not enable them to develop fully. However, in my country a legal framework of protection relating to their rights has been set up, and this also covers the ratification of the eight core Conventions of the ILO, as well as those dealing with maternity. The results of the implementation of these standards are tangible: equal access to work, a free choice in their professions, elimination of discrimination when taken on at work, equality of remuneration, the right of association, maternity protection, and the adoption of a national gender policy, and a creation of a ministry on promoting women and families. This ministerial department in particular follows that the equity policy based on gender is reflected in the budget of all the ministries. In practice, a woman heads the TUC in Cameroon, 11 women are members of the Government and over 30 per cent of women are represented in Parliament in the National Assembly and the Senate, and they occupy already high-level posts in the prefectures. In the executive authorities of my country, we see that there are many women mayors and deputy women mayors in each commune in Cameroon. The Government also includes representative of women's associations within the Committee on Social Dialogue, and they can express themselves freely to put forward the point of view of women workers. There's also perfect equality when it comes to the governmental delegation that I head at present during these sessions. However, in spite of the significant progress propelled by political will, which was clearly expressed by President Paul Biya, a great deal remains to be done. In particular the creation of quality jobs, the promotion of women's associations, improvement of a legal framework, protection of maternity, and support in the struggle to counter violence against women in all its forms. In order to achieve this, the ILO and its constituents have to do more to ensure that women remain in charge of their time so that their work is recognized properly, and in order to strengthen means of expression and representation of women, at the same time putting an end to violence and harassment. We think that any form of violence needs to be severely repressed and sanctioned. Ladies and gentlemen, the implementation of the Decent Work Country Programme is being continued in my country, and the Government is very much involved in it. When it comes to social partners, we are setting up appropriate legislation which is better adapted when it comes to the representation of trade unions in Cameroon. I have no doubt, ladies and gentlemen, that the various interventions and contributions in our discussions will enable us to improve ILO's action and thereby also to improve the daily lives of our population. Thank you very much for your attention.

## Worker (Sweden)

Yes, Esteemed President, on behalf of the Swedish workers, I would like to emphasize the following. Next year the ILO will celebrate 100 years of struggle for peace and decent work. The challenges that lie ahead for the next 100 years and the future of work comes in many forms: populism, hostile political agendas, precarious employment, extremely fragmented production. The technology may be new, but the struggle and challenges for decent work and fundamental rights are the same. The fundamental objective of the ILO since the establishment of the organization has been to strive for peace and to fight all kind of unrest. The road to success goes via decent work, equity, democracy, gender equality, freedom and security. For that reason, a strong and forceful ILO is more relevant and critical in 2018 than it has been for a very long time. The Director-General's report emphasized the key role the ILO must play in taking on the fight against unfair world of work for women. The ILO must be in the forefront to make a strong push for equality. The global #MeToo movement bore witness to the millions of women who are victims of harassment and violence in their daily lives. This discrimination is apparent everywhere, but it clearly shows that most of the harassments occurs in women's workplaces. It is time to stop talking. Now we need action, and that's why we workers of Sweden urge governments and employers to meet our demand for new Convention together with a Recommendation against harassment and violence against women and men in the world of work. Social dialogue is a cornerstone of the ILO. We welcome the recurrent discussion on social dialogue. Respect for the constituents is a precondition for creating a world of work based on decent work. The ILO recently demonstrated that countries like Sweden, with strong social partners and respect for workers' rights, including the right to strike, are better prepared and are more resilient in the event of financial and social unrest, and research clearly state that they score the highest when it comes to productivity and equality. Two years ago in the UN General Assembly, the Swedish Prime Minister launched a concept of Global Deal. With more than 90 affiliated unions, businesses and governments, the goal of the imitative is within reach. For states, the Global Deal means ratifying and respecting the ILO's core Conventions, including the right to organize, the right to negotiate, and the right to strike, as well as recognising social dialogue as an essential part of the democratic form of government. For employers and companies, this means respecting these rights in practice, taking their social responsibility and being prepared to negotiate agreements locally, regionally and globally. And for trade unions it means cooperating and taking social responsibility when they negotiate, but also contributing to the overall development of companies. The Swedish workers, together with the ITC would like to encourage the ILO and employers to not only contribute but also step up their efforts to endorse the Global Deal in the ongoing discussion here at the conference, in link to a discussion of development and Agenda 2030. And President, on behalf of LO and TCO, I want to express our profound solidarity with the working men and women of Palestine. The Director-General's report about workers of the occupied Arab territory demonstrates that the decent work deficit in Palestine is alarming. We share the hopelessness and the urge for immediate change to address the reality of the ongoing development. We, together with the global trade union movement, strongly condemn the extreme violence conducted by Israel last week. The violence and the killings must have a stop immediately. The ILO was formed to preserve the development of peace. The action taken by the government of Israel is in direct conflict with that goal. The occupation

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must end, the trade blockade must be terminated and the daily harassment of civilians must be stopped. The workers of Palestine can no longer be denied the right to decent work and a better future. We welcome the Swedish Government's recognition of Palestine as a state, and we believe that it will support the progressive forces, both in Palestine and Israel, to act towards achieving a two-state solution. We want to reaffirm our support to finding a lasting solution that will lead to Israel and Palestine living side by side in peace and security, but today all we can see is an unfair occupation leading in the opposite direction ... [vgr INTERRUPTION 5:13]

**Ms Mugo**

## Employer (Kenya)

Mr President, Vice-Presidents, I welcome the Director-General's informative report. We consider it important to assess progress on the implementation of the four ILO strategic objectives, namely employment, social protection, social dialogue, and tripartism and fundamental principles and rights at work. Employment creation remains a key factor for Africa's development. The ILO should support both the development of employment policies and strategies and commit resources for their implementation. Although ILO has aggressively pushed for the improvement of the welfare of workers in Africa, it has lagged behind in advocating for a conducive environment for business and conditions that will support the creation of quality jobs and the transition of informal jobs into decent ones. Initiatives to support enterprise development and sustainability should be a key component of the ILO Decent Work Agenda, hence employers require ILO to provide enhanced support in promoting enterprise growth and creation of decent jobs. On social protection, I agree with the report that, despite the commendable strides made to enhance the coverage and benefit, a lot still needs to be done. There are no quick fixes or a one-size-fits-all solution to the social protection challenge. However, ILO can help the tripartite constituents to put in place social protection frameworks based on best practices. ILO constituents need to work collaboratively to find practical solutions to enhance the social protection coverage and benefits. However, this should be done without increasing the cost of doing business and pushing heavy regulatory burdens on employers as proposed by some governments in the developing world. Social dialogue and tripartism are important for proper functioning of the labour sector. There should be a close correlation between the state of social dialogue and tripartism and the state of industrial peace and harmony. Strengthening both formal and informal social dialogue structures and tripartite institutions should be a priority of stakeholders in the labour sector. In this regard, the role of social partners and their right to represent and speak for their members should be recognized and respected. Efforts by some governments to oust social partners from tripartite labour sector institutions, such as social security boards where they play a key role in driving changes to improve the conditions of work, is ill-advised and counterproductive. The support of the ILO is needed to create awareness and protect freedom of association of both employers' and workers' organizations. President, the Director-General's report indicates that few women have made it to the top of the corporate ladder. In addition, women continue to occupy low paying jobs and are more likely to suffer violence and harassment at work. We agree that to achieve gender equality in the changing world of work there is need to bridge the gap between women's aspirations and the labour market reality. It is interesting to note that the majority of both women and men across the globe want women to work in paid-for jobs. This calls for us to equip women with the right skills and competencies that will enable them to access

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better jobs. A number of employer federations in Africa are implementing programs such as the Female Future Programme aimed at building the capacity of women to take on higher-level roles in the corporate world and other spheres of society. Under initiatives being done by employers globally include fair recruitment, compensation and promotion policies, flexible working arrangements and workplace support structures for young mothers. The ILO should support these initiatives and programmes in the developing economies to enhance the employability of women and reduce inequalities in this area. Employers believe that this is a shared responsibility and that the governments have a role to play. A strict legal approach which increases regulatory burdens and shifts responsibility to enterprises should be avoided. Governments and public authorities need to design incentives and policy mix that support employers' efforts. The initiatives by employers are likely to fall short unless governments also play an effective role in breaking down structural, social, cultural and legal barriers in providing access to meaningful employment to women. I thank you, Mr President.

**Ms Mathys**

### Government (Benin)

President of the Conference, President of the Governing Body, Director-General of the ILO, Ministers, Heads of delegations, ladies and gentlemen. The Report of the Director-General of the ILO which speaks about the initiative of Women at Work, a push for equality, reminds member States very appropriately on the need to take initiatives in order to limit constraints placed on women in work throughout the world. This report states directly that women are subjected to major constraints in the workplace. Among those, we could mention the long hours that they work and inequality of treatment in their professions, the matter of the low representation of women when it comes to distribution of quotas for shares of responsibility and the power that relates in the workplace, sexual harassment that they are subjected to in their enterprises, in public services, etc. President, the delegation of Benin feels that the constraints that women labour under are very real. The initiatives taken by States and international institutions when it comes to policies and strategies in the field of employment, vocational training, representation and participation of women in legislative, communal, presidential elections. My country, Benin, is the land of Amazons, *ex-Dahomey*, who have demonstrated their bravery from the seventeenth to the nineteenth century, and Benin is well aware that when women are given the opportunities and the means they can deploy their full potential and are able to carry out great feats of courage. And so the Government of Benin, together with the support of their technical and financial partners, have set up programmes to promote women and their autonomy. And so in the period 2016-2021, in a programme of action, Benin revealed there is a programme to promote the economical autonomy of women and the gender parity and allocated appropriate resources as well as a follow-up strategy for the benefit of thousands of women. There are also other programmes that are set up with many different objectives and operational fields in many different domains. President, when it comes to the problem of harassment of women in the workplace, Benin adopted a law on the 5 September 2006, which aims to sanction the perpetrators of sexual harassment and to protect victims. President, the situation of women based on decent work, and that's one of the Recommendations that is included in the Report of the Director-General, this can contribute significantly to the momentum of gender equality. To ensure that women are better able to manage their times is a very pertinent and laudable measure. It has to take into account the many

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different situations of women in the workplace and the level of development in each country. President, as we see it, recognizing the work carried out by women properly means that any intervention taken to promote this remains to be welcome. It is imperative that other standard setting measures are taken in order to tackle the various influences that bear weight on them. President, the social and economic problems, together with the problems of youth employment, graduate unemployment, the informal economy and the development of it, the worst forms of child labour, social protection, social dialogue, collective bargaining, all this must not be affected as the result of insufficient funds allocated to them by the international community. President, we very much welcome the achievements of our organization, the ILO. It is recommended, when it comes to the change of paradigm in the ILO for the coming centenary, that it takes into account contemporary realities in the field of work. We would like to thank the Director-General and his assistants for the technical and financial assistance given to us as member States including my country, the Republic of Benin. Long live the International Labour Organization. Long live social peace throughout the world. Long live Benin. Thank you very much,

**Mr Choubey**

### **Employer (India)**

Mr President and distinguished persons who are always behind me, delegates, advisers, my friends from a strong team of India, ladies and gentlemen. It is an immense pleasure for me to speak before you in this plenary session. I have got a special gift for all of you that is a good message from 1.25 billion people of India, the land of Mahatma Gandhi. We compliment the Director-General for his powerful opening remark and the report of *The Women at Work Initiative: The push for equality*, which had really prescribed the [vgr INAUDIBLE 1:23] of our social dialogue and tripartism. India is on a fast moving trajectory of economic development. The present GDP is \$2.5 trillion, which is expected to grow to \$6 trillion by 2030. Only the last quarter saw 7.7 per cent growth rate, which is the fastest economy in the world today. The initiative and the agenda for the Government of the people of India are in line with the ILO, and that is decent world of work, green initiative, security, safety and health for the working staff, migration of labour, environment protection, healthy climate, gender related equality, skill development and development of micro and medium industries. Sir, the emerging global market of economy are bound to lift the global economy as such. Sir, the employment growth has been the full agenda of ILO, and so of India. You will be surprised to know that global unemployment crossed 200 million in 2017 and is expected to grow to 212 million by 2019. Sixty-one million employment has been lost by the year 2008, which was economic meltdown. ILO report shows that though global unemployment had been stabilizing, still there is a big gap between unemployment and deficit of clean work, decent work, all over the world presently. Sir, India's Decent Work Country Programme 2018-22 has focused better on quality jobs and social protection, transitional to formal employment and other. Indian employers are committed to meet this objective. Sir, green jobs in different sectors require different skill sets to create employment of workers. India can do much better and so development countries much better if the policy of protectionism is reviewed. There is a need for migration of labour from one country to other, particularly from developing country to developed country. You allow labour force to move like a migratory bird, and I can assure, give them place to stand, they will turn your economy. Sir, a skill development and a skill and knowledge are the drivers of

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economy in all lessons. India National Policy of Skill Development and Entrepreneurship 2015 targets 400 million by 2022. Vocational training has been introduced in more than 2,400 schools, improving about of 2.5 lakh students all over India now. Promotion of small and micro industry is on priority, and the employers are committed to it. Gender equality has been the core issue of integral part of human rights. There is a need to be more cautious on sexual harassment. It affects the world of work, the productivity as such. India has passed legislation and has declared it a criminal offence. Sir, India is together with ILO in combating all this menace which we are facing, and we ensure you that we are embedded to development. Thank you very much for listening. We wish the centenary celebrations all success. Thank you. Long live ILO. Long live India.

**Mr Pyi Thyit Nyunt Wai**

## **Worker (Myanmar)**

Thank you Chair. In referring to the 332nd Session on the GB and included in number nine of the report of the Governing Body up to March 2018, CTUM is very proud to say that as a country we will not have to submit reports of forced labour to the Governing Body. It took the trade unions and ILO nearly 30 years to stop forced labour in the country, and for that we needed international expertise, logistics which was combined with the political will of the people. We admit that there still exists some forced labour, but we getting closer to eradication. In 2011, the Labour Organization Law drawn up with the help of the ILO Labour Law and Reform Unit was passed. The Labour Organization Rules was passed in 2012 and as FTUB we returned back in 2012. In 2015, only after four years of passing the Labour Organization Law, with the help of the ILO, the National Tripartite Dialogue Forum was established. The Technical Working Group for the Labour Law Reforms, Social Protection Law, the Decent Country Work Programme, migrations, were established gradually from the social dialogue forum. Myanmar has been working as a tripartite approach. The second cycle of the national minimum wage was established through a tripartite process. The process mentioned above fulfils the ILO standards for a Decent Work Country Programme, a fact that the Minister of Labour, the employers represented by the UMFCCI and the workers represented by us, took a lot of time and effort to establish in a five-years period, a very short time frame, and all in sync with the political changes within the country. Through the tripartite process the needed amendment within the Labour Law reform were developed. Even though we are in a democratic movement environment, if legislators keep their eyes closed to change, keep saying we have to work according to the Myanmar way, which did not work for the last 30 years, we will always be in a conflict with the international norms, the changing work styles, and then due to our own actions international investment will not be coming in. The judiciary will not consider the changing styles of work, even though the business is a multinational enterprise, the workers are taxpayers. Myanmar workers on that offshore platform launched an appeal at the Supreme Court on the basis that when the 1951 Factory Act was drawn this type of work was not in place and the effort that this law doesn't include these workers. These are Myanmar citizens paying tax. The Thai offshore company celebrated its silver jubilee and has been giving tax. Both legal entities, and yet for production of Myanmar workers who are Myanmar citizens, the judgment refers to a law drawn up while these types of work are not around, and our workers are not protected by this law. This avoidance of responsibility by the authorities is what undermines the industrial peace. When the law not is specific, within the dispute settlement

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mechanism, the Arbitration Council is the highest body. Yet, when the Arbitration Council decides for the reinstatement of a dismissed worker, the employer has a loophole to pay a penalty of \$1,000 and avoid reinstatement. This undermines the trust of the workers in the arbitration system. Freedom of association, the foundation for the Decent Work Country Programme, social dialogue or even better industrial relations, is still badly being understood but all stakeholders as well as by the legislators. Myanmar workers again requested ILO to open an FoA office and raise the social dialogue awareness thoroughly with all stakeholders. The need for an FoA office in Myanmar was expressed by the Myanmar Minister and the Worker's delegate both in their speeches at the 106th Conference. The right to peaceful assembly and peaceful procession law and its amendments, combined with the Labour Organization Law, Article 50, denied the workers and the trade unions any place to assemble and make public their grievances. Just a few days ago, the Education Ministry denied any kind of political lectures, seminars or talks at universities and colleges. Denying peaceful assembly, denying university students the right to political discussions indicates a single party trend. These together with the weakness in the laws and enforcements undermined the investment community, making them wonder whether the country's dark days have returned. At this 107th ILC, discussions are centred on the new platform type of work, gig economy, and the fourth industrial changes. These types of worker entering Myanmar, for example, Uber, Grab and online marketing, while we still do not have the new laws in place, or old laws amended by tripartite structures, for on-demand economy. Recently, we had over 100 Grab drivers protesting against a company and no jurisdiction under the labour law. The Myanmar workers also request that the memorandum for the Decent Work Country Programme, which was endorsed by the National Tripartite Dialogue Forum, is not signed at this 107th ILC. We request ILO to have a dedicated awareness-raising programme in Myanmar for the human resources of labour disputes settlement mechanism. This could be done if the ILO supports an industrial relations institute in Myanmar that will help develop the social dialogue awareness. We are a country in a democratic transition, and to develop a strong social dialogue mechanism, just like during the forced labour era, Myanmar needs expertise from the ILO so that all social dialogue partners and the legislators understand the issues, topics, approaches at the same level. Thank you very much.

**Mr Alhalwachi**

## **Worker (Bahrain)**

In the name of God, the Merciful, the Compassionate. At the outset, I should like to extend my congratulations to the President for having elected him, and you are up to the job, sir. Mr President, distinguished delegates of the conference, at the outset I have to applaud this organization, which represents the labour parliament of the world as it approaches its first centenary next year, 2019. As Mr Guy Ryder, the Director-General, has said, we will be making history as we will be celebrating the 100th anniversary of this time-honoured organization, which has always been a forum for social dialogue between the production partners. It has made many achievements and is facing many challenges, which it has to confront with the greatest spirit of tripartism, since that spirit is the most precious value this organization possesses. Under item five of its agenda, our conference is discussing the adoption of an instrument to end harassment and violence in the world of work. Our federation strongly supports the adoption of a binding instrument, namely a Convention supplemented by a Recommendation to ensure protecting men and

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women from being subjected to any form of harassment and violence and being protected from any hostile work environment conducive to such conduct. At the domestic level, we would like to remind the distinguished members of the conference that the tripartite agreement between the three partners in Bahrain has completed its fourth year in its supplementary version, signed on 10 March 2014, between the three production partners under the auspices of the ILO. That agreement was a template for cooperation between the production partners. However, unfortunately today we are witnessing the disruption of the implementation of such an agreement, the disruption of the meetings of the tripartite committee responsible for its limitation, which means that the dismissed workers will be exposed to poverty and want, them and their families, without any hope for an end to their suffering. We call upon the organization to play the role it has been enshrined in the agreement through the committee of experts, since the governing body of the organization in its 320th Session of March 2014, adopted a resolution stressing the role of the organization in providing a comprehensive full and effective supervisory role of that agreement, so as to ensure the reinstatement and redress of those workers, who have been dismissed for more than seven years, as well as to ensure the implementation of the other items of the agreement, compensation of social securities and back pays and not dismissing them again on the same grounds. It is important to indicate the memorandum of understanding between the three partners on the implementation of the Decent Work Country Programme in Bahrain has not been implemented, although it has been signed in 2010 it deprived the three partners of developing their potential and skills in achieving their goals of decent work based of social justice and human dignity. While we see the organization advancing today, its vision for the future of work, we are at a standstill calling for the implementation of the pioneering programme in Bahrain of decent work. Our General Federation is calling upon the organization to play a greater role for the implement of this MoU, since signing a memorandum is not a goal in itself if not coupled with implementation. In conclusion, Mr President, I would like to note the Report of the Director-General on his visit to the occupied Arab territories. He has lifted the veil on a grave tragedy experienced by the workers here, conditions of violence, exclusion, unemployment which made records, which makes it incumbent upon the organization of this conference to work seriously and urgently to find the solution to this grave tragedy. In his statement before the Workers' group, the Director-General has said we have to move from words to deeds. I would be remiss here if I did not mention that the workers in Bahrain reject the decision-making Al-Quds, Jerusalem, the capital of Israel. The Palestinian people have the right to a state that carries its name, that expresses its identity with the holy Al-Quds as its capital. May God's blessing and mercy be upon you. Thank you.

**Ms Sanjaa**

## **Government (Mongolia)**

Mr President, delegates, ladies and gentlemen, it's a great honour for me to have an opportunity to make a statement on behalf of the Government of Mongolia at the 107th Session of the International Labour Conference. This year marks the fifth anniversary since Mongolia became member of the International Labour Organization. Over the last five decades Mongolia has ratified 20 Conventions including the eight fundamental Conventions addressing core aspects of labour relations. Mongolia highly values its cooperation with ILO and appreciates its support in developing social dialogue in Mongolia, strengthening tripartite consensus mechanism, the reform of labour laws, social insurance systems as well as reducing

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unemployment. In 2016, the Parliament of Mongolia voted Mongolia's Sustainable Development Vision 2030, which set out national goals in attaining Sustainable Development Goals, such as ending poverty, gender equality, decent work and inclusive growth, and reduced inequality among others. With the view of achieving Sustainable Social Development Goals, by increasing decent work set out in Mongolia's Sustainable Development Vision 2030, the Government of Mongolia has recently adopted a state policy on employment. The Government of Mongolia strongly supports Future of Work initiative, initiated under the leadership of the Director-General. Today's world of work is facing many challenges, including technological changes, climate change, income and gender disparities, reduce labour force participation, changing in demographic structures. In this regard, the Government of Mongolia is undertaking actions aimed at increasing public awareness of decent employment, introducing market-research-based employment policy formulation coherent with development policies, promoting decent work in remote and low economic development regions, and ensuring equal participation of people with disabilities and women in the labour market. In this context, the Memorandum of Understanding of implementation of the second Decent Work Country Programme was signed 6 December 2017, between Ministry of Labour and Social Protection of Mongolia, Confederation of Mongolian Trade Union, Mongolia Employers' Federation and the International Labour Organization. The aim of this Memorandum of Understanding is to create decent employment opportunities, effective implementation of the ILO Conventions. Considering the private importance of gender equality and the empowerment women and girls and the implementation of global goals, as well as to ensuring the implementation of the Law on Gender Equality that was adopted by Parliament in 2011. The government of Mongolia recently approved the National Programme on Gender Equality that addresses issues such as labour exploitation, discrimination and sexual harassment in the workplace, and equal pay for work of equal value, and green jobs. Within this context, the current draft of labour law that is being discussed at the Parliament of Mongolia also includes specific provisions dealing with the basic principles such as freedom of association, non-discrimination, as well as abolition of child labour, the elimination of forced or compulsory labour, and harassment. Also under the current reform of labour law, the preparatory works are underway for ratification of the Labour Inspection Convention 81 and 129. Taking this opportunity, I would like to express Mongolian support of the ILO's work on international standards on the prohibition of the violence and harassment at work in the form of Recommendation. I wish very success for conference to all. Thank you very much for your kind attention.

**Mr Kollie**

## **Government (Liberia)**

Mr Director-General, fellow delegates, I bring you greetings and felicitations on behalf of His Excellency President George Manneh Weah, the Government and people of the Republic of Liberia for the invitation extended to us on the occasion of the 107th Session of the ILO. Moreover, we are grateful to you Mr Director-General and your able lieutenants and are deeply moved by the very cordial and stimulating welcome you have extended to us. The history of Liberia as a country that was plagued by a 14-year civil crisis is universal knowledge. Therefore, as a people, we are cognizant and remain resolute in looking towards a better future by consolidating the gains and dividends of peace, which characterize a post-conflict and fragile state.

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In this regard, Liberia has embarked upon a programme of recovery subsequent to the inauguration of the newly elected Government in January 2018. As part of our progress of this recovery, we have endeavoured to ensure the maximum implementation of Liberia's Decent Work Act of 2015, as well as forging to meet international best labour practices, standards and procedures. We also realize that we live in an era largely dependent on business and industry, the success of which contributes to the peace, progress and prosperity of our individual nations. Because of this realization, upon our ascendancy as Minister of Labour, we undertook a series of initiatives to surmount the numerous challenges confronting the labour sector in Liberia. Some of our cardinal initiatives include: giving workers a measure of social protection ensuring their participation in institutions and processes of social dialogue, establishing a regulatory environment which facilitates and promotes the attainment of decent work in Liberia, gave credence to obligations incurred by Liberia as a member State of the International Labour Organization, the ILO, reducing obstacles to efficient competition by business through the promotion of economic development and growth that can be shared throughout Liberia. To ensure the successful implementation of our initiative mentioned supra, it will be a matter of exigency during my incumbency to strengthen the National Tripartite Committee, the body that advises the Minister on employment and labour market issues. The Government, employers and workers are the components of the National Tripartite Committee, the NTC. It is also our intention to convene a National Labour Conference to review the labour code and the institution of a reform agenda for all labour organizations and trade unions in Liberia. We also intend to create a post-conflict context, a culture of social dialogue, foster peace and to contribute to social stability through the promotion of good governance within the labour sector. To achieve this, Government, workers and employers must work harmoniously, recognize that successful social dialogue is a potential to resolve critical economic and social issues, advance social and industrial peace and stability, and promote economy progress. It is our belief that a promotion of consensus building and democratic involvement of all stakeholders within the labour sector will ultimately assist in maintaining the agenda of the ILO worldwide. In conclusion, let me emphatically state that we are forging ahead with the struggle to give our people a greater measure of freedom, prosperity and happiness. Therefore, we wish to assure this assembly that going forward we portray two intentions. Firstly, we will continue to engage players within the labour sector to enable us to collectively resolve the problems besetting the labour sector in Liberia. Secondly, to fully comply with and implement the conventions, treaties and protocols of the ILO at optimum. We are gratified by your invitation, and we grateful to be here. I thank you.

**Ms Kadri**

## **Government (Syrian Arab Republic)**

Mr President, Excellencies, Ministers and Heads of delegations, ladies and gentlemen, the Syrian Arab Republic was keen to participate constructively and effectively in the sessions of this conference and for constructively dealing with the issues that are set on its agenda and has always committed to the constitution of the ILO and its conventions out of its belief in the tireless efforts to achieve development, human dignity and justice for all of humanity. My country has faced many challenges. Over the past seven years there was a ferocious and unjust war of terror raging against my country, funded by foreign countries that foster terrorism, who mobilized in the war the most dangerous terror groups, and they have also

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implemented unilateral course of measures against the Syrian people in complete disregard to international legality. They directed their tools of terrorist organizations to implement systematic plans to undermine the production and services infrastructure, which were built by the same people over the decades. We are steadfast in regaining our stability and safety and providing decent living conditions for our citizens, which would enable their safe and expedited return to their jobs. We have started the economic reconstruction process and development. We launched a development project for Syria in the post-war period in a comprehensive framework, and we have dedicated a large part of it to enhancing the social living systems, including Decent Work Programmes and reactivating jobs and opportunities as part of this project. We are still speaking here, Mr President, while the occupied Golan is still living under occupation, and workers in the occupied Golan are still suffering from discriminatory policies against them, depriving them of them launching enterprises and economic projects in their lands. It is denying them decent work opportunities as a basic human right. The dedication of the title in the Report of the Director-General with regard to the situation of workers in the occupied Arab territories, under the title further integration of the occupied Syrian Golan, was not a lucky choice. It would have been worthwhile to mention clearly that there were arbitrary measures taken by the Israeli occupation entities and to the suffering of the Syrian workers in the occupied Golan. We would have liked to see also a mention of the practices of the Israeli authorities in Palestine, which are going against international conventions and legality and all related resolutions, and calling for Israel to stop its occupation and its crimes rather than mentioning the further integration of the occupied Golan. Mr President, we are revising our Decent Work standards and promoting them in our work and reinforcing the precepts of the Syrian Constitution, which guarantees equality and opportunities between the citizens in harmony with our commitments to the ILO Conventions, and we have the National Tripartite Dialogue and Consultation Committee, which has consecrated tripartite social dialogue in practice and in legislation. We are working on further employment for women and guaranteeing the necessary safety elements, and also we have developed many practices in the labour market in order to achieve labour market [vgr INAUDIBLE 4:21] system, and we have implemented a number of targeted bundles to reorganize the labour market, which focused on answering the needs for the recovery of the industrial sector through training and also through fostering small and micro enterprises and enabling persons with disability to integrate to the job market. We in Syria view positively the initiative launched by the ILO, especially the Future of Work initiative, which can help draw the outlines of a fairer world that takes a greater care of human rights in the world of work. Also, the *Women at Work initiative: The push for equality*, which is on this session's agenda, we support the DG's report in this regard in calling for further equality and relentless striving for better standards to combat violence and harassment at work. Syria, despite the challenge, has been using best efforts to achieve SDG's, especially CG 8 with regard with decent work in economic development. In conclusion, we renew our wishes for this conference to achieve its best and to the return of the ILO to Syria after an almost complete absence over the past few years, and we renew our wishes for this conference to achieve the best outcomes. We are glad to announce our signing during this session of the Memorandum of Understanding with the ILO office in order to implement a plan to fight the worst forms of child labour, and we look forward to an effective return of the ILO to Syria. We renew our wishes for this conference to achieve the best of outcomes, thanking and appreciating the presidency of the ILO's

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and ILC office staff for all those who are committed to preparing this session's proceedings. Thank you.

**Mr Puga**

## **Worker (Panama)**

Thank you very much, Mr Chairman. The Worker's delegation of Panama recognizes the great importance of the ideas set out in the memorandum of the Director-General on the initiative on women at work, the push for equality. At the same time, we welcome the view of the ILO of the importance of social dialogue and tripartism set out in Report 6 of the 107th International Labour Conference 2018. You cannot achieve social justice in our countries without equality in the world of work and in society, where the involvement of women in the labour market in Panama is 30 per cent less than is the figure for men. These inequalities persist in Panama to the detriment of sectors of population such as women and young people. Most of the labour force still do not enjoy freedom of association, collective bargaining and other labour rights. Gender inequality persists in market practices, which discriminate and deny rights to women, do not consider their work as equal and consider it rather as a product which is more subject to the laws of supply and demand, but you cannot continue paying less for work of equal value. Their work is in fact is made more expensive because they bear children and have domestic responsibilities. It's not easy to overcome these problems because many of them are deeply rooted in society and result in values which permeate a large number of companies and public and private organizations. We, therefore, need a huge awareness-raising campaign to combat these problems, at the same time as promoting more energetic labour inspection. We can no longer accept a situation where in Panama one in five private sector workers and 70 per cent of female domestic workers pay no health and social security contributions, which means they risk exclusion from retirement pension rights. In Panama, freedom of association and collective bargaining is an illusion for more than 80 per cent of salaried workers, and that's particularly true in key sectors such as banking and the public sector where there are serious infringements. Both in the state and the private sector there is a social debt to workers because the language which is used is often a way of weakening the legitimate aspirations of workers and exhausting the social partners by promoting undesirable practices which are borderline democratic and which go far beyond the formal statements of good intentions, which need to be converted into a process which has proper results. Two years ago was adopted a tripartite agreement, which was an initiative to recognize the rights of workers in the public sector, and despite that, there is still no approved body of legislation. Workers in Panama continue to hope for a spirit of commitment from the state, so as to achieve compliance with the eighth UN development objective and to move towards inclusive and sustainable economic growth, including full employment and decent work for all. Panama has seen increasing economic growth during the last decade and is now the second country for the worst distribution of wealth and income in Latin America, and rural poverty affects more than half of people, particularly in indigenous areas. In society in Panama, it's important that we establish wealth redistribution and that requires an effective commitment of the State to society to establish development policies which are a way towards major social justice. The workers of Panama reiterate our commitment to dialogue so as to construct a more prosperous future for all and a more decent equal society for all, and we repeat that at the beginning of the

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celebration of the ILO's centenary, which will see a renewal of our commitment to achieve social justice in the world. Thank you very much.

**Mr Al-Saadi**

## Employer (Iraq)

In the name of God, most Merciful, most Compassionate. Your Excellencies, ladies and gentleman, the representatives of workers' and employers' organizations, ladies and gentlemen, let me start by congratulating you Mr President on the upcoming 100th anniversary of the ILO. I would also like to congratulate all my colleagues present here today, and I would to thank you for being present here so that we can discuss the Report of the Director-General and the different initiatives of the ILO. This a very serious task that we need to embark on in order to overcome the challenges facing the world of work, given the developments that we are witnessing in the world, these developments which impact productivity and impact welfare in the world. We would like to thank the ILO for the support it has provided to us and for helping us review our by-laws and our standing orders, so that those by-laws and standing orders are improved and so that we can provide the best service as possible to employers. Now when it comes to the Director-General's report regarding the situation of workers in the Arab occupied territories, we would like to condemn the decision taken by Government of the USA to move its embassy to the Arab city of Jerusalem. In clear defiance of the feelings of Muslims and Christians alike, this move will impact the business environment of Jerusalem and in the entire region, and we call upon the international community to provide more support to Palestinian employers because they are shouldering a very heavy burden under these exceptional circumstances. Ladies and gentlemen, the entire Middle East in general, and Iraq in particular, have witnessed over the past 25 years a number of conflicts and crises, starting with the Iraqi-Iranian back in 1980, and onto the 2003 war in Iraq and then to these attacks and aggressions by ISI. All these crises and conflicts have led to undermining life in our countries. They have destroyed our infrastructure, and they have left many women widowed and many children orphaned. It is very important for us to tackle the destruction that has been brought about by all these crises. Amongst the effects of such crises is the high unemployment levels in the Arab world, which currently stands at 10.2 per cent, that is to say double the world level. Our labour markets are very unstable because of the reduction in oil prices and because of instability and lack of security. Our Governments have had to provide a lot of funds in order to tackle these issues, and we have worked very hard in order to help those regions that were previously controlled by ISIS, because we have seen an increase in the informal economy in those regions, especially amongst young people, young people who constitute 19 per cent of the work force in Iraq. I would also like to say that unemployment amongst women is very high in Iraq because the labour market cannot provide appropriate job opportunities for women. We believe that it is very important to focus on the private sector to unleash its potential and to draft long-term policies in order to revive this private sector. This should be done in cooperation and coordination between workers and employers alike in order to respect their interests and also in order to take into account the different initiatives undertaken by the ILO. We in Iraq work in partnership with the Ministry of Labour, and we help that Ministry implement the National Employment Policy, which is a policy that we have helped update over the past period. The Government of Iraq has also ratified Convention 87 on the Freedom of Association. It has also drafted a strategy in order to promote the private sector. However, despite all these efforts, we believe that we

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need more concrete and comprehensive measures, a more concrete and comprehensive development plan, so that we can achieve decent work in Iraq. Decent work is a national need, and it is a precondition for achieving the Sustainable Development Goals. We also need better labour market governance. We need to reform our vocational training systems and to enhance social security coverage in order to increase the productivity of the private sector. We also need a national policy that takes into account the needs of the private sector, and also we need to tackle the increasing informal economy. Ladies and gentlemen, the National Development Plan that was drafted by Iraq for the period 2018–2022 was drafted in cooperation with the private sector. We hope that the private sector will be able to lead development efforts in the future. Iraq has also adopted a new mechanism in order to promote the diversification of our economy and in order to attract more investments, because we believe that investments is necessary, especially given the austerity policies implements and the lack of funds that we are witnessing in Iraq. The Government of Iraq has tried to attract as much investment as possible. It has attended and held a number of international conferences in order to attract investments and in order to provide more job opportunities. One of these conferences was the one held in Kuwait back in 2017, which aimed at preparing Iraq for the post-ISIS era. The private sector in Iraq is still hoping for a wider international response and for more international investments in Iraq so that the situation in this country would improve. At the end of my speech ... [vgr INTERRUPTION 6:51] So we look forward to more cooperation with the ILO. [vgr INTERRUPTION 6:57] Thank you for your attention.

**Mr Kasaila**

## Government (Malawi)

Mr President, ladies and gentlemen, firstly, I bring to the 107th Session of the International Labour Conference fraternal greetings from His Excellency the President of the Republic of Malawi, Professor Mutharika, and all of the people of Malawi, the Warm Heart of Africa. Mr President, let me congratulate you and your entire bureau on the well-deserved election to steer the deliberations of this important conference to successful conclusion. I would like to also to congratulate the Director-General for the well-researched and thoughtful reports. The Malawi delegation welcomes the reports. These will help us in dealing with salient issues including the structural reality that women remain marginalized at work. The Director-General's Women at Work Initiative report, the ILO centenary initiative on the Women at Work and the conference agenda item to address violence and harassment at work are all key in our quest to circumvent obstacles to gender inequality. Mr President, tackling gender inequality is at the heart of my country, Malawi, and we do recognize that gender equality is a basic human right, essential to having or achieving social justice. We have thus created enabling policies and legislations to promote gender equality. These include the Constitution of the Republic, the National Agenda Policy of 2016, the Gender Equality Act of 2013, Vision 2020 and the Malawi Growth and Development Strategy III. The aim is to ensure that Malawi becomes a more equal and fairer society, particularly for girls and women, and the agenda is mainstreamed in the national development process. The Gender Equality Act promotes equality, equal integration, influence empowerment, dignity and opportunities for men and women in all functions of society. It prohibits and provides redress for sex discrimination, harmful practices and sexual harassment, and provides for public awareness and promotion of gender equality. Other than gender specific instruments, Malawi has developed other useful tools such as a Youth Policy and a National

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Employment and Labour Policy to facilitate creation of decent employment and entry of young men and women into the labour market. Mr President, despite the enabling policy environment, gender inequality continues to manifest itself in many forms including wealth, health, education, employment and politics. It is for this reason that Malawi is one of the countries still ranked low on the UN Gender Inequality Index. Achieving women participation in the labour force is one of the critical issues that is of concern in my country. Unemployment among women is higher than that of men. We have therefore started to formalize the informal sector to create more space for decent job creation and to increase women's access to social security. Regarding the issue of gender pay gap, Mr President, we will have challenges to quantify the economic value of women household chores. It is common, therefore, to regard women's contribution at home as insignificant. Government of Malawi recently launched the 50:50 campaign to accelerate equal representation of women and men in decision-making positions in all areas of economic activity. Gender equality and women's empowerment is being mainstreamed into all developments efforts, including education, health, and we ensure that the budget is gender sensitive. I am particularly pleased by the employers' efforts and workers' cooperation to ensure increased women in decision-making positions. We have achieved positives outcomes regarding girls' access to training through community colleges established under the country's flagship programme. We have also made strides in girls' access to the reproductive health, schooling, and participation of women in economically productive activities. We have also started addressing gender-specific vulnerabilities due to climate change. To enhance awareness, we are scaling grassroots advocacy through collaborative work with all stakeholders. In conclusion, Mr President, I once again thank the Director-General for the elaborate reports and take this opportunity to call upon the ILO to continue providing technical support to member States, including my country Malawi, to achieve gender equality. Mr President, delegates, I thank you for your attention.

## **Mr Mailhos**

### **Employer (Uruguay)**

Mr Chairman, delegates, ladies and gentlemen. The importance and relevance of the subjects dealt with by this International Labour Conference call for some input from the point of view of the employers' sector in Uruguay. The first one refers to the memorandum of the Director-General on *Women at Work: The push for equality* promoted by the ILO. In Uruguay, as in other countries, the position of women at work is different from the general thrust of the memorandum from the Director-General. If we look specifically at the wage gap, for example, we find that in Uruguay the law expressly prohibits any type of discrimination based on gender, which obviously includes pay. If we look at the statistics for the salaries of men and women in our country, and we take into account working time, we find that the gap is significantly reduced and therefore much smaller than set out in the memorandum, and that in fact there are sectors where women's salaries are greater than those of men. These statistics from the Ministry of Employment show that the wage gap is only of the order of 6.1 per cent. We also need to look at the importance of university education. University education at present is a precursor of better employment conditions, and in our country almost 70 per cent of students at university are women. We know that there is still a great deal to do to promote the rights and dignity of women, but we believe that we are on the right road. These examples are a way of pointing out two things to the ILO. First, the global activities of the ILO must be

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designed with sufficient flexibility to give priority importance to those situations which are unacceptable for women and situations in which many women find themselves. There are countries where the role of women, and indeed there are many such countries, the role of women is increasing in importance, and that is a challenge that we are still facing. It's necessary to bring about qualitative and quantitative improvement in the data available so as to have a better grasp of the reality and to be able to frame the best policies. Mr Chairman, the second point we wish to raise is related to the social dialogue and tripartism, which was the subject of the Director-General's memorandum and is the subject of a special committee of the conference. We are aware of the benefits of tripartism and how it can be used as a social tool for building social peace. We also know that it's a very difficult job to achieve genuinely tripartite agreements, and that is clearly a feature of the tripartite bodies of which we are a member. We must remember that the tools are there to do the job, and we have to ensure that we deal with the most representative organizations, and we have to work with those organizations which take into account the interests of workers and also of employers. We therefore have to remember that in procedural terms what we're driving for is results, and we have to remember that there are still tripartite proceedings of the ILO in Uruguay, particularly under Convention 908, and it's been nine years now that we still fail to find a solution or a way of resolving these complaints from the ILO monitoring bodies in the case of 2699. We hope that this is not tantamount to paralysis, and it's appropriate to remember that Convention 98 has not been the subject of any new proceedings or inquires against Argentina. We hope, therefore, that the ILO will help us to find an effective solution to this case and that we will continue to play our full part in this organization. We hope, Chairman, that governments, workers and employers will continue to pursue the spirit of tripartism in their policies, in their speeches and in particular in practice. Thank you very much.

**Friday, 1 June 2018, p.m.**

**Mr Giuma**

**Government (Libya)**

... giving us greater equality. Of course, there have been many questions raised about women at work. The report shows that the women's participation rate in the world of work is at 30 per cent, and of course, women are paid 20 per cent less per month than men. These are figures which show us that women are still discriminated against in the world of work. The report concludes that millions of women in the developing world, especially in rural zones, are in low-income situations. Infrastructure, communications and roads, as well as activities to encourage them into work which are well organised, are severely required. This would lead to decent work for women. We have taken the initiative to adopt legislation in my country to improve the participation rate of women in the world of work and respecting women's needs, especially in terms of maternity. At the national level, we adopted Resolution 210 to encourage women into the world of work through specific policies, whilst respecting their economic social rights. Mr President, ladies and gentlemen, the Libyan delegation supports the statements made by the Director-General in his report and calls upon the ILO to create workshops and seminars in its programme in order to encourage equality between women and men in countries such as Libya. Mr President, ladies and gentlemen, during the 103rd conference, the Director-

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General's report was on the subject of migration. We have worked hard to improve the situation for workers in the formal and informal economy. We are a transit country for many migrants. We must not forget the tragedy in the Mediterranean because of the tens of thousands of migrants who illegally cross the sea to get to Europe. We are a country which sees large numbers of migrants transiting. We have provided food and lodgings for these migrants. However, we do not have enough staff or resources to cover the large flows of people. Other countries around us are also trying to help these migrants. Of course, we understand the reasons that people leave their homeland, poverty, conflict, and other countries need the manpower, but as a consequence, the international community must increase its regional and international efforts to bring an end to this phenomena and its deep root causes. They should finance development programmes to bring an end to poverty and the situations which affect a large number of people who become migrants. With the assistance of the ILO for sustainable development, Mr President, ladies and gentlemen, for the second consecutive year Libya is on the individual list in the commission on the Application of Standards. We gave information in the last session, so we are surprised to see our name on this list again. Of course, we are going through a very difficult transition period. We count upon the support of ILO rather than a calling to account. We stand firm with those countries who would like to see reform in the Committee on the Application of Standards in order to ensure transparency and the tripartite structure of this organization. Thank you. We would also like to talk about the situation of workers in Palestine. They are stripped of their right to organize and their civil rights are violated.

**Mr Al-Sudani**

## **Government (Iraq)**

Excellencies, ladies and gentlemen, President of the Conference, I shall like to congratulate the President and also the Vice-President on your elections to this important conference which is being held here in Geneva at a complicated time, which includes a number of violations and acts of provocation which the people of the world are victim of. There is the issue of the [vgr INAUDIBLE 1:02] occupation against Palestinian civilians and, indeed, this constitutes a genocide that has negative consequences on the labour sector and also on economic activities. The world is getting ready for the centenary initiative which will be launched in 2019 by the ILO during its 109th Session. Of course, the Director-General underscored the importance of supporting the labour market and the digital initiatives to support employment policies to reform the labour market so that it takes into account training and teaching and skills upgrading training. In this context, the development plan in Iraq is focused on strategic objectives concerning good governance and also the economic reform of the country in all of the fields and, of course, the rehabilitation of our country after the act of terrorism that our citizens have experienced. We have also invested in various sectors, namely the economy. We have updated programmes to deal with unemployment, to deal with poverty and to increase our development indicators and also to strengthen decentralization. The development programmes that we have updated through our Government seek to tackle poverty, unemployment, marginalization and violence, and, of course our armed forces have been able to end the atrocities carried out by the criminal groups of Daesh and active terrorism. Of course, we have updated our plans to deal with acts of terrorism, and we have also adopted a recommendation on dealing with disasters and poverty and to update development whilst respecting sustainable development and fundamental human

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rights. Consequently, we highlighted our needs for the post-Daesh period for the rehabilitation of our country for resilience and resistance and for decent work and for cooperation. First of all, rehabilitation of infrastructure is vital in the liberated zones. We also need to guarantee youth employment. We need to find solutions to child labour. We need to reconstruct businesses, and we also need to form social partnerships in order to ensure that sustainable development can be achieved, and we also have an investment period for the post-conflict period. Of course, the social dimension of development is very important. We have updated programmes concerning the liberated areas to guarantee coverage for 5 million citizens, and also we have a conditional aid programme for one region. We have deployed great efforts in terms of social coverage and social protection. Of course, we try to cover new groups of workers in the informal economy, and we have also tried to cover entrepreneurs who can sign up to social security on a voluntary basis. We pay tribute to the regional office in Beirut, and we analysed the labour market in Iraq to deploy efforts in keeping with the relevant Conventions of the ILO. I thank you very much.

**Mr Pedraza**

### **Worker (Colombia)**

Madam Chair, on behalf of the workers of Columbia, we welcome the calling of the 107th Session of the International Labour Conference, and we would like to positively comment on the initiative of Women at Work as an initiative, a push for equality, and we would like to thank the Director-General for this august assembly. The report reflects on the situation of women at work. There are significant efforts that need to be made, and the report explains which Conventions and Recommendations promote equality, especially in terms of equity of gender around the world. Despite this, it has not been possible to overcome fully discrimination, violence and exclusion, which have deep causes in the history of humanity. In Columbia, we are living a very crucial and cross-cutting stage of our history which relates directly to the Director-General's report linked to human rights. The ILO's Constitution recognizes work as a fundamental human right and rejects that this become an item for barter. The right to work, over time, should be strengthened but with specific emphasis on women. In November 2016, the peace agreement was signed between the Columbian Government and the FARC Guerrillas. After 50 years of violence, different expressions around the world, different institutions declared this to be exemplary. The workers of Columbia agree with this statement, but we continue to call upon the international community and the world of work to continue to build the conditions for this agreement to be respected and implemented fully, but in the same vein, that this process of dialogue be respected at a national level. We also call for a state policy, which is serious and binding, to overcome definitively violence in our country of criminal gangs which have claimed, and still do occupy, areas of territory which fall outside of the peace agreement. With the success of the peace agreement, despite this, we are still living through and we must overcome the true building of peace through the elimination of physical and psychological violence against women, discrimination. Despite their rights existing on paper, they must exist in reality in the world of work. Tripartism is extremely important and must continue to build the road to create a place for women in the world of work, in economic life and in public political life. Finally, our call goes beyond this. We want to see the conditions in the world of work and changes in working culture so that women can adapt to the world of work that was built for, and by, men. We call for the end of aberration and violence against women. Of course, we need to overcome the idea

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that women look after families and men bring home the bacon. In the same vein, people, women and men, must be agents for change, and the ILO will be able to celebrate its 100th anniversary. The ILO should work from the principle that the future of work that we want to see has no future in violence or harassment against women or anyone and that there is no space for inequality because of gender. Thank you very much.

**Mr Mpozeriniga**

## **Government (Burundi)**

Madam President of this meeting, delegates, on behalf of the Government of the Republic of Burundi and on behalf of the tripartite delegation of Burundi, it is a great pleasure for me to address this august assembly to express my views on the projects that my country is implementing in the field of decent work for all. First of all, I am very proud to be able to join my previous speakers in conveying my sincere congratulations and thanks to the ILO, and especially to the Director-General and his governing body, on the marvellous work they have done throughout the world and which transpires in the documents and reports submitted to the ILC. Madam President, ladies and gentlemen, delegates, in collaboration with the various departments of the ILO, the various technical and financial partners and the social partners, specific actions have been undertaken and are still being undertaken by the Government of Burundi. Indeed, with a view to improving and modernizing our legislation on labour, the Government of Burundi, together with our social partners, continues the process of revising the labour code in order to make it more modern and to adapt it to the current context and to make it in line with the other codes in the country and to make it in keeping with regional regulation and in keeping with international laws and international standards and practices recommended by the ILO. After the adoption of a national policy on employment in 2014, and after its dissemination in 2017, the Government of Burundi has just finalised a national strategy and action plan for its implementation. The Government is committed to resolving the problem of unemployment, and appropriate measures are being taken, in particular the development of teaching and technical and vocational training in keeping with the demands of the labour market, and the establishment of mechanisms for socio professional insertion for graduates. In this context, legal texts that put in place a youth employment pool has just been adopted by the Government and the two Chambers. This youth pool will provide excellent opportunities and conditions for financing and assistance for job creation projects for young people. Along these lines, projects are being developed at a national level in sectors with employment potential. As a matter of priority, I am referring to the agribusiness sector, the energy sector, the public work sectors, ICT and tourism. In the field of social protection, we have made great strides forward. We have crafted and adopted a National Policy on Social Protection, and we also have a strategy for its implementation. A standing Executive Secretariat for social protection has been established. It is now up and running. It takes action in favour of the population. This is a reality in our country. Now turning to aspects of gender equality in the world of work, the principle of quotas with regard to representation for women in various institutions has been established in our country and women must represent at least 30 per cent of the workforce. In terms of social dialogue, after signing the Charter of Social Dialogue between the Government of Burundi and the social partners, backed up by the establishment of a national committee on social dialogue and with its standing Executive Committee, this body has already produced tangible results in the field of

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prevention and the resolution of labour disputes, both within the public sector and within the private sector. President, ladies and gentlemen, delegates, in conclusion, with this, working in collaboration with the ILO, drawing on its experience, drawing on its expertise, support and its assistance of a technical nature, Burundi intends to have achieved positive results in improving the labour conditions of its citizens by the celebration of the centenary of our organization which we will be celebrating next year. In addition to the topics that I have just mentioned, clearly we will be talking about the progress made in terms of our implementation on our national policy on wages which is based on the cultivation of jobs and functions, which is a document that we are currently putting together. I thank you very much.

**Mr Hinojosa Rodriguez**

## **Government (The Plurinational State of Bolivia)**

Madam President, first of all let me, on behalf of the Plurinational State of Bolivia, give our regards to the 107th International Labour Conference. This is a space for reflection in order to achieve a world without physical walls, legal walls or mental or invisible walls, a world without discrimination and racism, without violence and without war. We are, of course, severely concerned by what is happening in Syria, Palestine, Venezuela and Nicaragua where the pain of these people, through the violence that they suffer by foreign powers, is painful to all of us. The topic of this conference is an impetus to push for equality for women in the world of work. Without the liberation of women, there is no social liberation. This is why our Government is developing rules and policies in favour of women, having put together social protection laws which are effective for women through changes in our state, political constitution and through the entire legislative framework, which includes the concepts of protection, equality and democratic equity for women. Amongst the advances we can note those that have been made to guarantee women a life without violence, without harassment and without political violence and against human trafficking. We must also say that Bolivia is the second country in the world to achieve gender equality in the political sphere. However, we must continue to work to bring down the patriarchy. Bolivia is amongst the 20 best countries in the world in terms of gender inequality, as shown by the World Economic Forum in 2017. The Plurinational State of Bolivia also forbids anyone from holding public office if they have a history of domestic violence against their wife or any member of their family. The result is that the Bolivian State promotes full wage equality between men and women as a way of bringing down the patriarchal system through strengthening the benefits granted by law to ensure maternity leave, by creating mechanisms and policies to bring down infant mortality and the death of women in child birth. The State is guaranteeing women rights, life, health, education, maternity leave and working conditions of equality. These achievements are part of the revolutionary transformation which has improved the conditions of the lives of all Bolivian men and women. Our development model is our own. It is sovereign and independent, and its results are clear. Gross domestic product has increased since 2005 by \$9.5 billion to more than \$37 billion per year. Gross national product per capita increased from \$1,037 in 2005 to \$3,393 in 2017. That is an increase of three times. There is stable growth of businesses with 116,855 registered in 2010, increasing to 295,829 in 2017. That is an increase of more than 180,000 businesses in eight years. These are all contributing to create decent and sustainable jobs. Extreme poverty has reduced from 38.2 per cent to 17.9 per cent, lifting 3 million Bolivians into the middle class, constituting 30 per cent of our population. In 2005

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the minimum wage was 440 Bolivianos (BOB). That's \$63. At the moment it's 2060 BOB, or \$295. It's increased four-fold, but it is still not enough for some family needs. In Bolivia, the unemployment rate is currently at 4.48 per cent, which is one of the lowest rates despite the fact that many countries are experiencing increasing rates. Bolivia in the international community can be seen not only by its optimistic economic outlook, but also because of its economic stability and social and political stability. [vgr INTERRUPTION 5:55] however, economic depression and political backsliding by brother countries. We will continue to make efforts to improve our development ... [vgr INTERRUPTION 6:11]

**Mr Shitindi**

## **Government (United Republic of Tanzania)**

Mr President, ladies and gentlemen, at the outset I wish to join the others who have spoken before me in congratulating you, Mr President, Vice-President and all other members of the Bureau, on your well-deserved elections to preside over the deliberations of this session. I have no doubt that you and your entire team will steer the work of this august gathering into fruitful conclusions. Mr President, I also commend Mr Guy Ryder, ILO Director-General, for a detailed report on the *ILO programme implementation 2016-17*. The report encourages and it provides a positive direction to the member States in promoting and improving the implementation of Decent Work strategies. My delegation is of the view that these reports have clearly depicted achievements, lessons learnt and challenges encountered by the Office and member States in the realization and promotion of Decent Work Agenda and the gender equality at work in particular. Mr President, despite the achievement mentioned in the reports, as a result of the significant resources deployed to member States, still there are labour market challenges in terms of youth unemployment, low social protection coverage, weak environment for social dialogue and the compliance to labour standards. The situation suggests that the achievements in terms of launching labour market policies and plans into strategies are not sufficient enough to address the labour market challenges, in particular, youth unemployment and other decent work deficits. There is more to be done in terms of implementation of policies, plans and strategies. In this context, it is therefore imperative for the ILO, at all levels, to mobilize more resources to support the implementation processes of the policies, plans and strategies. Mr President, I wish to report that the Government of the United Republic of Tanzania and the Revolutionary Government of Zanzibar are committed to continue working with the ILO in addressing decent work deficits in our country. Our focus has been on developing and implementing plans and strategies on skills development, child labour and social protection, to mention a few. In the last financial year, 2017-18, with the ILO technical assistance, through our national skills development programme more than 11,500 disadvantaged youths acquired skills through internship, apprenticeship and recognition of prior learning. As a majority of them have been able to secure decent employment. Mr President, in order to address the social protection challenges that include governance, low benefits, low coverage and sustainability of the schemes, we have recently enacted Public Service Social Security Fund Act of 2018. Among other things, the Act merged the five pension schemes that exist in Tanzania mainland into two schemes: one for private and informal sectors, and another one for public sector. On the other hand, the Revolutionary Government of Zanzibar remains with the one social security fund which covers both public and private sectors. The merging process was tripartite and

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inclusive in nature, and the same has also been reflected in the composition of the body of trustees of the newly formed schemes. Mr President, the Fifth Phase Government of Tanzania, under the leadership of His Excellency, Dr John Joseph Magufuli, has embarked on the industrialization process. This is informed from the fact that Tanzania is an agriculture country where more than 80 per cent of its people depend on for their livelihoods. Adding value to its products is imperative in the creation of sustainable employment opportunities. ILO is better placed to support Tanzania in this endeavour in order to reduce unemployment rates. Mr President, in conclusion, I wish to reaffirm the Government of the United Republic of Tanzania in our tripartite partners' commitment to adhere to labour standard principles with a view to achieving decent work to ensure no one is left behind. I thank you all for your kind attention.

## **Mr Al-Bawi**

### **Worker (Iraq)**

In the name of God, the Most Holy Compassionate, Excellencies, ladies and gentlemen, Head of delegation, Mr Director-General of the International Labour Organization, Madam President, ladies and gentlemen. I have the pleasure of giving you the regards of the people of Iraq, and we wish you all the very best of success to ensure that the Conventions and Recommendations of this conference are able to overcome the dramatic situation which workers in conflict zones, especially in the occupied Arab territories where there is a genocide taking place by Zionist occupiers. Madam President, we have discussed with the Minister of Social Affairs as well as the Iraqi Federation of Industry and we work together in a framework of democracy and social dialogue. We have a work policy which has been put into place with the social partners and this for the post- Islamic State Daesh era after the crimes committed by this organization built on peace and stability. Of course, our trade unions have adopted policies to move forward. We have also taken part and improved our labour legislation, as well as labour inspections and social security. Madam President, ladies and gentlemen, our Federation in 2018 has cooperated with the Government, which has updated a resolution in order to improve the implementation of a Convention which was adopted by the Government and this in order to bolster union work and unions and their place in social and economic life. The principles and fundamental rights at work and its framework are very important. We have taken measures against child labour, against forced labour. Of course, has seen principles adopted to put into place a tripartite structure, which is extremely important within the ILO, in order to organize the labour market. This will allow us to implement the principles of health and safety at work. The Director-General's report mentions the rights of women at work and the importance of adopting an instrument against violence and harassment at work. In conclusion, our delegation would like to wish you all the very best of success. Thank you very much.

## **Mr Camara**

### **Employer (Guinea)**

Madam President of the 107th Session of the International Labour Conference, ladies and gentlemen, Vice-Presidents of the Conference, President of the Governing Body, Director-General of the International Labour Office, ladies and gentlemen, distinguished delegates of governments, employers and workers, ladies and gentlemen, President of the Governing Body. On behalf of the private sector in

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Guinea, I shall like to congratulate you on your election to the helm of this session, and I shall like to wish you every success in discharging your duties. The employers of Guinea have analysed and considered very carefully the various topics on our agenda which look at the concerns and relations between partners in the world of work. The employers of Guinea endorse the conclusions of the report of the President of the Governing Body and the Report of the Director-General. We encourage them to establish more follow-up and evaluation mechanisms that are vital for their implementation. Now, whilst all of the topics have indeed grasped our attention, the topic on the effective action of the ILO for cooperation and support of the Sustainable Development Goals, the SDGs, and the topic on violence and harassment against men and women in the world of work grasp our attention in particular. They will therefore be at the heart of our action in the future. However, allow me, ladies and gentlemen, to draw your attention to one major difficulty that the organization that I am representing has been facing for a decade now. Indeed, my confederation, as the most representative employers' organization in Guinea, is facing one incomprehensible circumstance. Namely, the fact that we are not members of the International Organisation of Employers, IOE. Now, with regard to the appropriateness and convergence between the various services that it provides to its members and the needs of Guinean employers, it is our resolve to join the IOE, and this resolve is strong and legitimate. It is vital to record here that during the last quarter of 2015, the Government of Guinea, in a bid to highlight the work done on the ground by the employers' organizations, carried out an evaluation involving all of the employers in Guinea. The results speak for themselves. This makes our organization the most representative one in Guinea, and we have seats in all of the tripartite commissions and organizations in our country. Madam President, Director-General of the ILO, ladies and gentlemen, you will understand clearly that our major concern is to allow thousands of employers who guarantee social protection to thousands of workers throughout the world to benefit from the largest employers' network, to benefit from technical cooperation, participation in conferences, workshops, seminars, interactive platforms, etc. I should like to reassure you that we are determined to become a member of the IOE to make a contribution to the world of work. We hope that this advocacy on the part of the Guinean employers will finally be subject to an objective review of our situation, and, therefore I should like to reiterate to you, distinguished delegates, ladies and gentlemen, the readiness of my confederation to always make a modest contribution to the initiatives and the efforts deployed to make the world of work the safest way that leads to the enjoyment and flourishing of human rights. I thank you very much.

**Mr Badoura**

## **Government (Lebanon)**

Your Excellency Madam President, Lebanon is proud of its membership in ILO since 1948. Lebanon is determined to fulfil its commitments under the 50 labour Conventions it has ratified, and this is based on our belief in the lofty goals for which this organization was established and in order to preserve the fundamental rights of workers without which no sustainable development can take place. We commend the ongoing cooperation between Lebanon and the ILO Regional Office in Beirut that includes many projects. Namely, the Employment-Intensive Infrastructure Programme and the Decent Work Country Programme 2017-2020. A Memorandum of Understanding was signed lately, but we are still in need of funding from donor countries, and we should like to recall another important programme, which is the

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National Action Plan to Eliminate the Worst Forms of Child Labour, that covers all areas in Lebanon, which started with a survey and led to the amendment of national legislations in line with labour Conventions that are relevant to combating child labour. An annex about the situation of Syrian refugee children has been prepared as well. Lebanon is faced with tremendous challenges that prevent the strengthening of social justice and securing decent work conditions, the most tragic of which is the repercussion of a regional crisis that imposed a million and a half Syrian refugees on Lebanon. This has a negative impact on infrastructure and on all sectors, particularly the unemployment rate and informal labour. Lebanon has reached its breaking point, and there should be more international tangible support to Lebanon. The Cedar Donor Conference was a milestone in this regard for the strengthening of the economy of Lebanon and its stability. Many loans and assistance were pledged during this conference to fund investment projects over the next five years. In this regard, we appreciate ILO's assistance to Syrian refugees in Lebanon, but we reiterate the principled position of Lebanon not to integrate or resettle refugees in host societies. A long-lasting solution for the refugee crisis would be the return of those refugees to safe zones in their countries of origin. The Lebanese Government is determined to secure social justice. To this end, the technical assistance to support promotion of social dialogue, a project was launched under the supervision of the Ministry of Labour and in cooperation with the social partners, and it is also funded by the European Union. In line with the agenda of ILO, Lebanon gives gender parity utmost priority and deploys extensive efforts to combat unequal pay. The laws governing work in the public sector do not discriminate between the sexes in labour. We are working on overcoming some loopholes in legislations for the private sector. In this regard, we should like to recall that a draft bill was submitted to the House of Representatives by the Minister of State for Women Affairs on December 19, 2017 in order to amend some of the provisions of the Social Security Act to secure gender parity. As for sexual harassment, the Ministry for Women Affairs is preparing a draft bill to punish sexual harassment in the workplace, and the House of Representatives is about to enact it. As we meet here today, unprecedented violence and escalation is taking place against the helpless Palestinian people. We have viewed with a great deal of concern the Report of the Director-General entitled *The situation of workers in the occupied Arab territories*, which shows the extent of Israeli violations of the rights of Palestinian workers. Ignoring these breaches will only lead to more oppression, and we call on this conference to adopt firm and bold stances to oblige Israel to restore the legitimate rights of Palestinian workers. In this regard, we should like also to recall the suffering of Lebanese workers and farmers who live in areas adjacent to Palestine, who are in danger of unexploded cluster bombs due to the Israeli aggression on Lebanon in 2006 and also are threatened by the stationed Israeli forces near the borders, and this leads to instability. In conclusion, this ILC coincides with the 20th anniversary of the adoption of the 1998 Declaration on Fundamental Principles and Rights at Work. I should like to recall the cornerstone of this declaration which is synergy between the four main categories of principles that constitute decent work. One cannot be achieved without the other. Thank you very much, Madam President.

**Mr Huarachi Quispe**

**Worker (The Plurinational State of Bolivia)**

Thank you, Madam President. This is the first time that I have been here, and I am very happy to be here, but I'd like to express the thinking and the feelings of the

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workers of Bolivia. It's very important to understand the history of the workers' movement in Bolivia. In 1950, our female comrades did not have the right to vote. In 1952, a large manifestation of workers showed their opinion, and for the first time, women were allowed to vote and could exercise their democratic rights under the state Constitution, but through the twists of time, women have always been treated badly with de facto dictatorships. They have been massacred in mining camps where many workers, women and men, have paid the ultimate price. It's also important to recognize, thanks to the organization of workers and of the ILO, to see them acquire rights through armed struggle when necessary. We can now see women joining unions and creating a true tool in the workers' movement. For we, the Bolivian workers, it is important to stand firm and to highlight who suffers around the world in different labour sectors. It is unfortunate to see, and we regret to see, the various expressions of pain that we have heard today, and we stand shoulder to shoulder with those people. The great transformation that Bolivia has gone through, and the progress and the experience that we are experiencing, is thanks both to our struggle and to the organization of workers in our country. In the next decade, there will be many privatizations, but there were people who were living in the street but they fought and the women fought alongside them. In 2003, there was the great fight for gas. One comrade gave her life in the street. She was brought down by the de facto Government at the time. She was shot in the area of Patacamaya. Throughout history, women have been a very important part and a constant part of the transformation of Bolivian society. They have allowed us to consolidate a new Constitution in our country. Today, Bolivia is still going through struggle, but it is seeing this transformation in the construction of a new political constitution which incorporates women to ensure that they are part of the political structure of the Government, part of the unionist structure and in all areas. We would like this progress and experiences that we have lived, and are still living, to continue, but it is not enough. There is the need to keep working, to keep struggling and to keep passing laws, both within the politics of the state and at the same time, there is the need certainly to continue to incorporate women comrades into various different political spheres as well as the unions. I think the experience that we are sharing with you today shows you that comrades can earn their rights, and they can achieve the rights that they are due. We have achieved stipends for women who have been abandoned. It is an economic support, and it also helps them support their families. We've been working alongside women to achieve this, but this has not been our only struggle. We've also been fighting for children. We've also been fighting for students. [vgr INTERRUPTION 6:07] These are the achievements that we have made as workers, and that's not all. No, the workers' struggle is permanent, and I would like to reiterate ... [vgr INTERRUPTION 6:26]

**Ms Resaka**

## Government (Madagascar)

Madam President, it is an honour for me to take the floor before this august assembly on behalf of the Government of the Republic of Madagascar and my delegation. I should like to congratulate the President on his election to the helm of this session. I should also like to congratulate the Director-General of the ILO for the quality of his report. I should like to express to them our trust, and they can rest assured of the frank collaboration of my delegation as they discharge their noble mission. I would like to take this opportunity today to tell you about the major efforts and worthy efforts of Madagascar since the advent of the Fourth Republic of

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Madagascar, as we strive to promote decent work in the country, and this in a special partnership that we enjoy with the organization. Indeed, as set forth in the National Development Plan, and within the framework of our Economic Reform Programme, the country has undertaken great efforts to promote decent work, which is a major goal in the promotion of inclusive and lasting development and in the fight against poverty. Despite the negative effects of the current dual crisis, Madagascar continues to implement its Decent Work Country Programme, DWCP, together with the ILO. In this context, the promotion of social dialogue at a tripartite and bipartite level is at the heart of our ambitious project in a country that is currently ranked amongst one of the poorest in the world to do so. Our National Labour Council has recently been reactivated through a decree to re-establish, to promote and to encourage effect of social dialogue. At 70 per cent, all of the tripartite and bipartite structures in the world that work in Madagascar are currently up and running and operational to better address the issue of underemployment, unemployment and informal employment. Our Government is investing on an ongoing basis in various promotions, and we are focusing on private investment. We are focusing on PPPs. We're focusing on self-employment and on decent incomes. We benefit from a governance project with the ILO, and this project has enabled us to promote assistance that is sorely required by microenterprises, SMEs, etc, within our country. Moreover, our Government is striving to take appropriate measures for workers and their families. On the one hand, to improve the minimum level of services provided by the Health Service and also to improve social protection. And on the other hand, we are progressively extending the same services to categories of people who do not enjoy coverage. Given the scale of the poverty situation, given the scale of a lack of decent work, given the scale of the informal economy, which is gaining ground in our country, our goal is to develop decent work, decent work that respects regulations and the rights of all. We are making particular efforts, and we're doing so on an ongoing basis with a view to making more effective our labour legislation and improving our social legislation in general. Training and capacity building for labour inspection agents has been an issue we feel strongly about. Our labour inspectors have met on several occasions to exchange views and have met in workshops in order to discuss the issue of the informal economy and to develop and adopt appropriate intervention methods. Particular attention is, of course, given by our inspection agents to the dissemination and effective and progressive observation by these actors of the Fundamental Principles and Rights at Work. Of course, the various measures we have taken in Madagascar have duly taken into account the provisions of Recommendation 204 of the ILO. We still have a great deal of work to do in this field, but the first results are significant, and indeed they've already been achieved when it comes to the fight against informality, when it comes to appropriating the Fundamental Principles and Rights at Work, when it comes to the promotion of decent work. By way of conclusion, and in the hope of having a better world, with your indulgence, allow me to wish success to the work of this session. I thank you for your kind attention.

**Mr Eshrah**

## **Employer, Egypt**

In the name of God, most Gracious, most Merciful, Your Excellency President of the ILC, Your Excellency Director-General of ILO, Excellencies, Ministers, Ambassadors, Members of delegations in the 107th ILC, peace be upon you all. We meet in this august assembly as representatives of our societies and groups, and we are cooperating for the well-being of our countries and the world as a whole, looking

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forward and hoping for peace and prosperity on earth. The choice of subjects for the technical committees this year, namely violence and harassment in the world of work, social dialogue and tripartism development cooperation, is a very timely one. Our societies are faced with many problems linked to these issues. It is high time we reconsider them, we discuss them and this in an attempt to adopt Conventions and Recommendations linked to them. The Arab world and the Middle East is marred by many problems created by the enemies of peace and prosperity and stability on the false pretext of democracy. These abject forces cooperate with terrorism and it supports its objectives and its agendas, and my country, Egypt, was fortunate enough to overcome terrorism that sometimes comes in the form of religious, political or confessional arguments, but all these are lies. Employers and workers should support their governments in ridding their countries of this scourge so that peace and security can prevail. Ladies and gentlemen, Egypt is amongst the first countries to join this organization and the United Nations. We are committed to participating in the meetings and conferences of this organization, and we disassociate ourselves from any act of aggression or interference in the affairs of others. We respect treaties that we sign. As one of the most ancient civilizations in the world, Egypt is [vgr INAUDIBLE 2:55], an Arab, an Islamic, a Christian and Afro-Asian, a Mediterranean and a Middle Eastern country. No country in the world can boast such diversity and as many identities. We, as employers, are active members of the General Union of Arab Chambers of Commerce and Industry. We are members of the Islamic Chamber of Commerce and Industry, and we are founding members of the Union of African Chambers of Commerce Industry Agriculture and Professions. We are also members of the Association of Euro-Med Chambers of Commerce. All these are part and parcel of our efforts in order to be fully integrated in the international business society and form more relationship between peoples of the world for peace and prosperity. In the words of the late Egyptian President Gamal Abdel Nasser, "Egypt is a country that protects, does not threaten." It upholds justice for itself and for neighbouring countries within its capacities and reach. In conclusion, I should like to remind you that there is a people suffering from the worst type of racism and occupation at the hands of a bunch of lowlifes. This is the Arab Palestinian people, and we would like to reaffirm that there will come a time when this injustice, this aggression, this occupation will end. The night is darkest before the dawn. Until we meet again, I bid you farewell. Thank you for your kind attention.

**Mr Costache**

### **Employer (Romania)**

Director-General, dear friends and colleagues, structural change in Europe over the last few years are a reality and nobody can deny it. The current situation puts us in a position where we must concentrate on what makes up actually half the population of the European continent, namely women, and their role in the labour process. Far be it from us to conclude that there is legislation or a single European practice in the way that women are treated, both as employees in businesses and in public administration. There are a few cases where women and men are given equal treatment and where their competencies are taken into account. Obviously, in Romania, all these situations are well known and efforts are being made to try and make things work effectively. As an employers' confederation with an important role in a national area, we do what we can to try and find tripartite solutions, including having our role to play in legislation when the Government introduces it. We also are wanting to ensure a competitive and stable and predictable economy. In our opinion,

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the implementation of these objectives mean that we have to bring in women in work at all levels, not only working but also at decision making levels. In this context, we have to find solutions to take account of the social legislation which exists and to deal with matters which are of major importance. We are sure that technological development is such that we cannot always follow the work in such a way that we can take account of the victims of unfair treatment. At high levels of technology, we have to do what we can to ensure that suppliers are given the necessary education. We have to take account of the difficulties that our continent has gone through and that workers do not know how they can increase their revenue. There have been no increases in salary in some cases for more than a decade, so we have to take account of all this in what we do when we look at our own generation and what we are doing to try and increase the possibility for fair conditions for all. We have to take account of the characteristics of work and social legislation in place. We are trying to take account of the situation, and we as employers realize that we're not only those who criticize them, we are, of course, part of the problem as well. We have gained a lot of experience over the years, and we really have to ensure that we make sufficient efforts to play our role in ensuring a future for Europe so that we can be a model of progress and wellbeing for the world as a whole. Thank you for your attention.

**Mr Weerasinghe**

### **Employer (Sri Lanka)**

The Employers' Federation of Ceylon extends its highest consideration to the Vice-President presiding, congratulate the Director-General for his report, and place our appreciation to the Employers Activities Bureau for its continued support. Excellencies and distinguished delegates, as the EFC celebrates 90 years of service to employers in Sri Lanka, we take pride in having implemented proactive measures to prevent industrial disputes, promote social dialogue, as well as create an enabling environment for sustainable enterprises to thrive, despite many challenges. The EFC's commitment to tripartism is firmly rooted in the organization's value proposition and reflected in the interventions that we have supported over the years. This year, we extended our support to successfully complete Sri Lanka's seventh Decent Work Country Programme. The director of the ILO in Sri Lanka and her colleagues well facilitated this initiative. EFC members employ approximately 35 per cent of the total employed in the formal private sector. This number is much higher if you were to include our partners. The Secretariat continues to offer portfolio services, and new services include a Diploma in Employment Relations, launched in collaboration with in the ITC campus in Turin. We remain a source technical expertise for employers' organizations. The EFC is at the forefront of formulating progressive employment policy and have a zero tolerance policy against all forms of discrimination and abuse at the workplace, including violence and sexual harassment targeting women. We continue to promote these values through codes of conduct and intend in launching gender audits as a new service benefiting employers. It is incumbent upon us to accommodate new trends of employment, including diverse forms of work. Steering employers to successfully transform businesses and take full advantage of opportunities offered by the digital economy, is of paramount importance. In doing so, accommodating work-life balance values is equally important. As a believer in the principle that no one should be left behind, we have extended our cooperation to workers and their representatives to work on the challenges that we are likely to contend with during any transition. Similarly, we have commenced offering meaningful services to our regional partners. The MSMEs

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is a segment that contributes approximately 54 per cent of GDP, and many of these entrepreneurs are in a transitional phase. A recent EFC initiated deliberation on the informal economy has given us much needed insight on how we should approach in assisting those operating in this sector. We are also working with National Institute of Occupational Safety and Health to promote the universal adherence of workers standards in the country to a certification that will be of value even to micro and the self employed. Similarly, the EFC has positioned many interventions directed at achieving Sri Lanka's Social Development Goals. Our support for the National Skills Programme, promoting certification of recognition of prior learning, based on the NVQ system, is a good example. The proposed introduction of a skills passport will facilitate the recognition of skills as well as enable workers to benefit from better work opportunities locally as well as overseas. The EFC supports the Global Compact on Migration and have also called on authorities to facilitate greater EO to EO cooperation, in receiving and sending states, to strengthen national initiatives and ensure orderly migration and create better working conditions. We are committed to work in partnership with stakeholders, both in public and private sector, in promoting sustainable and inclusive enterprises. The Employers' Network on Disability of the EFC continues to assist persons with disabilities to enhance their competencies and to find jobs. The dedicated resource centre has been recognized worldwide as a model and now conducts services such as orientation and programmes and access audits for employers. The Employers' National Network on Youth Initiatives, which draws inspiration from the GAN, can be cited as another initiative aimed at alleviating the social economic conditions of vulnerable segments, especially youth. Having involvement in education policy setting is multipronged. Aside from sharing information pertaining to demand side and developing curricular, we guide young persons to take advantage of the opportunities afforded by the private sector. In conclusion, I wish to thank the IOE, all our overseas partners, including the ITC campus in Turin, Keidanren and HIDA as well as the Dutch Employers' Corporation Programme for their continued assistance in enhancing EFC capacity. I also wish to reminisce and place on record our appreciation for the contribution made by past CEOs, members of the council and the progressive membership that has shaped the EFC into a strong sustainable and resilient employers' organization. Thank you very much.

**Mr Mahmud**

### **Worker (Bangladesh)**

My name is Sukkur Mahmud, Jatiyo Sramik League, largest national centre in Bangladesh. Mr Chair, thank you for giving the floor. On behalf of the Labour Movement of Bangladesh, I would like to explain my gratitude to all the representatives of Governments, the employers and the workers of the different countries attending the conference. We all have gathered here with a view to discuss and to take decisions on the issues relating to the decent work, social justice for a fair globalization, Sustainable Development Goals, social dialogue and tripartism and harassment against women and men in the world of work. Mr Chair, today, right at this moment I would like to memorize our great leader, father of the nation, Bangabondhu Sheikh Mujibur Rahman, under whose charismatic leadership Bangladesh became a member of the ILO in 1972, just after our liberation in 1971, ratified 29 ILO Conventions in the same day. As of today, Bangladesh has rectified 35 Conventions, including seven of the eight fundamental Conventions. Bangladesh is an active partner of ILO's Decent Work Programme. For a long period, Bangladesh

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Trade Union Movement is struggling to ensure decent work for all. In order to achieve this, our demand includes further amendment of Bangladesh Labour Act, declaring national minimum wage, safeguarding the workplace victims and increasing compensation for the workers. The world community, including ILO, have been extending all solidarity support to the trade union movement in Bangladesh. For the last two years, Bangladesh Trade Union together with other partners, have been engaged in social dialogue to ensure the amendment of the Labour Act, especially to make trade union registration process simple and easier. Mr Chair, Bangladesh trade union movement is playing a vital role in promoting the principles of international labour standards and Decent Work Agenda in Bangladesh through better enforcement of the Bangladesh Labour Act. The trade union movement in Bangladesh jointly ... Trade Union rights in the labour laws of Bangladesh as per ILO Convention 87 and 98. Since that trade rights is the heart to ensure labour rights and labour welfare, we are continuously pressurizing the Government to ensure trade union rights in the EPZs and in formal sectors for workers. We also demand for increasing the amount of the compensation for all workers in Bangladesh. Mr Chair, I'd like to mention our labour friendly Prime Minister, Sheikh Hasina, under whose directives we have been able to ensure in workers' rights in Bangladesh, especially in upgrading labour-related laws and policies, upgrade the Department of Inspection and Department Labour with additional manpower, adequate budget and logistics. Under her leadership, the Government has taken some positive decision to simplify trade union registration. As part of the Tripartite Consultative Council, we are working closely with the Government to consider our other demands in the labour laws amendment. We feel there should be a comprehensive programme for injury scheme in Bangladesh. We strongly recommended the Government to step forward for introducing Employment Injury Scheme for the workers, for which the Government is working now. We request the ILO to come forward to support Bangladesh to implement the Occupational Safety and Health Policy and the Domestic Workers Protection and Welfare Policy adopted by the Government. Mr Chair, there is a provision in the Bangladesh Labour Act in Section 176(e) that at least 10 per cent of female members shall be included in the executive committee to the union and the establishment having 20 per cent of the total workers is female. Any incident or uncalled-for behaviour to the female workers in Bangladesh get protection from by the provision under the Section 332 of Bangladesh Labour Act 2006. However, we ask the ILO and the Government carry out intensive training programme and awareness raising the female worker. On behalf of Bangladesh trade union movement, we strongly urge an adoption of an instrument of violence and harassment against women and men in the world of work. Mr Chair, achieving Sustainable Development Goals, especially Goal 8 on decent work, is the highest priority issue for us in Bangladesh. We accept the Government ... [vgr INTERRUPTION 5:58] ... should ensure full engagement of the trade unions in implementing the national action of SDG in Bangladesh. We believe that the support from ILO and development partners skilled development programme for the workers contribute in making inclusive growth in Bangladesh. We hope this conference will bring a positive change in the lives of the workers. [vgr INTERRUPTION 6:27] Thank you all, united workers of the world. Mr Sukkur Mahmud, representative of the national largest centre in Bangladesh, thank you very much.

## **Worker (Uzbekistan)**

President, ladies and gentlemen, Uzbekistan has created all of the conditions to improve the status of women, to empower women and to intensify their participation in all transformations within our society. The rights of women are guaranteed in the Constitution, the Civil, Family and Labour codes of the Republic of Uzbekistan. The country has created a unique system for social protection for motherhood and childhood. Therefore, the Labour Code has a section entitled Additional Guarantees for Women and Persons Performing Family Commitments. In addition to the Convention of the United Nations on the elimination of all forms of discrimination against women, Uzbekistan has ratified also the ILO Conventions on equal remuneration for men and women for work, and also a Convention on discrimination, unemployment and occupation. The main rights of women are set forth in the Constitution of our country and our laws and is stemmed from international labour standards. Our labour legislation and the measures implemented to guarantee the rights of women to decent working conditions is fully in line with international standards, and on many issues they even surpass them. In particular, special benefits have been established to guarantee the employment of women, conditions have been created for decent work, additional parental leave is provided to parents, and various additional pay outs are provided for maternity. Currently, the social economic interests and labour rights of women is one of the priority areas of the work of the Federation of Trade Unions of Uzbekistan. Our federation brings together over 6 million members. Forty-eight per cent of our members are women. To increase the quality and effectiveness of the work of the trade union organizations to guarantee the social production of women, the Federation of Trade Unions of Uzbekistan has a Women's Council, and the sectorial and territorial trade union organizations also have commissions on work with women. The main area of their work is further strengthening the protection of the socio-economic interests and labour rights of women who work in businesses, organizations and establishments, regardless of their form of ownership. This work also entails creating decent and safe conditions for labour, and it also entails carrying out public oversights with regard to the implementation of these tasks. Now one of the most important documents in protecting the socio-economic rights and interests of workers, including women, is the General Agreement concluded between the Government of the Republic of Uzbekistan, the Council of Federation of Trade Unions, and the Chamber of Commerce and Industry on socio-economic issues. Accordingly, the country has over 100 sectorial and 14 territorial agreements, and within enterprises we have over 171,000 collective agreements. All of these collective agreements have a special section entitled Regulating the Work of Women. There are additional benefits and pay outs for women and persons performing family duties where we guarantee strength and social protection measures, equal opportunities for working men and women, and where we guarantee the observance of the principle of non-discrimination and equal pay for work of equal value. Therefore, the interests of women are guaranteed in our social partnership between the Government, the trade unions and the employers. On the whole, thanks to all of these transformations and changes, collective agreements have become a guarantee for women, allowing them to maintain their job with a stable wage, with safe working conditions and with rest periods. In addition to all of this, women in Uzbekistan today enjoy a number of benefits which allow them to combine their professional development with child rearing, and they also enjoy moral and financial support. In particular, through

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collective agreements, we ensure that pregnant women can have paid leave for medical check-ups and paid leaves are extended during pregnancy and labour. In addition to all of this, monthly pay outs are given to persons on paternal leave up until the age of two or three for the child. In businesses and organizations and establishments we are creating washing facilities, and special breaks are given to women so they can breastfeed their children up until the age of two. To guarantee true genuine equality, and this is something that trade unions will have to work on, together with trade unions, we feel it is useful and wise to continue our work to improve the legal basis by ratifying the Conventions of the International Labour Organization concerning work and social protection of women, and also, on the implementation of the relevant measures of Decent Work. Thank you very much.

**Mr Snead Villasanti**

### **Worker (Paraguay)**

Madam President, first of all I would like to congratulate you upon your election, and I would like to wish you all the very best of success with the work that you need to carry out. I am here as a Workers' delegate from the Republic of Paraguay, and as such, I would like to congratulate the Director-General and the Office for the topics which are being raised at this conference, especially the topic of violence and harassment against men and women in the world of work. We know that this occurs across the world. Our country is no exception to this situation. There are situations where workers' human rights and labour rights are violated, especially those of women. Often, they continually suffer violence and harassment which affects them directly. The ramifications of this can be seen throughout the economy and society. There are cases of people leaving work, absenteeism, or simply abandoning their jobs because of the psychological and physical damage suffered by the victims. Women are often invisible in the world of work and stopped from forming unions, such as domestic workers. Rural work and informal work is something which needs special attention. In the Republic of Paraguay, many women are the head of the household. Therefore, they are more vulnerable, finding themselves in situations of harassment by their employers, simply because losing their job would stop them being able to bring home the bread to their families. There are serious challenges to overcome. It's very difficult to show that harassment, either physical violence or psychological harassment, has taken place. Furthermore, there is often shame experienced by the domestic worker, and some women find it very difficult to go through a workplace hearing. Often those who complain against their employers are simply dismissed. This is why we would like to congratulate ILO on bringing up this topic. It creates a framework which will allow us, social actors, to give adequate protection to the women and men in their respective jobs. I would also like to mention the work of ILO preparing for its centenary that will take place next year. The Workers' delegation of Paraguay continues to count upon the support of the ILO within the framework of the 2030 Agenda for Sustainable Development, with an eye to reducing poverty and creating decent work for all. The unions are taking part in a discussion around the tables of social dialogue, and we are bringing proposals to that table to improve the lives of our comrades. Recently, we started to create professional training programmes which are important in our caucuses and in each sector. We understand that the fight against poverty is everyone's task, and we call upon the Government to redouble their efforts to eradicate it. Second of all, I would like to mention some issues which are challenges that lie ahead of us and our tasks for the workers, social defence, especially, in the right to organise. Currently,

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whilst there are a number of unions registered in my country, the registration system is doubtful, and we have serious concerns about it. The amount of bureaucracy sometimes seems to be used to hinder the process, and union leaders are often dismissed because of their union links by some business in my country. We call for the respect of labour rights and the fundamental rights and principles contained in the Constitution of the ILO. This is why it is important that the dealing and the registration of unions takes place with guarantees, fosters union stability and ensures that the workers can defend their interests. Thank you very much.

**Mr De Meester**

## Employer (Belgium)

Distinguished colleagues, I would like to thank the Director-General for his report on *The Women at Work Initiative: The push for equality*. It is very comprehensive, and it provokes great discussion on the topic of gender equality. I will reflect upon some of the issues, and I am going to add some extra food for thought. Overall, the report paints a rather negative picture about women in the world of work and emphasises the prevalence of unfairness at work and within social structures. Equality and fairness, the words are out. Equality is the state of being equal, especially in status, rights or opportunities. Equality has fairness embedded in it, but what is equal is not always fair, and what is fair is not always equal. Aristotle said, "The worst form of inequality is to try to make unequal things equal." Let that be a first lesson. It is fairness that prevails. My message here is, you have to be willing to dig deep. Don't be superficial. Go beyond the equal slogans. Look at the actual practices, intended and non-intended. Men are from Earth, women are from Earth; deal with it. There is no doubt that a lot still needs to be done to deal with double standards in dealing with men and women in the workplace, as well as general societal hypocritical attitudes and stereotyping, but we must guard against the generic negative painting of the situation. A lot of good initiatives have been taken, a lot of good practices exist. A majority, stemming from employers and employers' organizations. I will not further cite examples, as colleagues already did before me. There are many ways to address this challenge, but one thing I am sure of is that a mere legalistic, institutional or calculative approach is not an effective and efficient way forward. Shifting responsibilities to employers, institutions or even individuals is counterproductive. As the report says, "We are all responsible together." As I said, we have to be willing to dig deep. We have to assess the way we work. An integrated approach is needed. Recruitment, working conditions, work relations, competency development, talent and career management, the way we communicate our leadership, trust and respect, all of that needs to be assessed from a fairness and gender perspective. We also should provide individuals with self-assessment tools. A lot of what we do is non-intended unfairness or substandard use of capacities. Self-reflection is a critical component for creating awareness amongst people of his or her implicit unconscious bias. The topic of this report of Guy Ryder, links with other topics of this conference, and probably the most important one is the future of work. Although 'working in the future' is the more appropriate terminology. There is one important key element to make sure we will benefit from the opportunities that the future will bring, opportunities to create more and decent jobs. That element is to go for what I call all potentials. That means an approach that seeks at getting the best out of each and every single person in the world of work. This is about talent. This is not about more women in science, technology, engineering and mathematics or men in nursing. There is nothing wrong with women making a choice for a so-called

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female occupation, provided that that choice was a real choice based on talent, not the choice under pressure from culture, family or religion or out of economic necessity. A talent and capacity approach is also the best way to get women in the corporate world. But first thing's first, if deploying your talent does not result in sufficient income and or a decent job, you are stuck, and your choice is not a fair one. That is why we have to keep investing in the basics; Social Protection Floors, governance capacity, fight corruption, fair justice, etc. In this working in the future there is no space for violence and harassment against women or anybody else. Our concern should be how to bring that to practice. We don't need high-flying statements, hashtags, declarations and conventions if they don't result in effective prevention and protection. True equal treatment means holding everyone accountable in the same way, regardless of race, gender, religion, ethnicity or political ideology. Equality of treatment opportunities is a founding value of the ILO, and this concerns us all. Action not words. Thank you.

**Mr Visentini**

## European Trade Union Confederation

Distinguished Chair, delegates, working people are facing many challenges these days, and we are convinced that we can only make progress if we work together. The European trade union movement is working to promote ILO and UN goals to fight inequality and gender discrimination, to combat poverty, to protect our planet and ensure a better life for working people. We believe that Europe has a duty to show the way implementing the SDGs in the framework of the UN's Sustainable Development Agenda. Within this global agenda we have identified three key priorities: decent work and social progress including fairer wages for working people; just transition in the framework of climate change and environmental sustainability, digitalization, automation and globalization; democracy, justice and participative societies, including social dialogue and promotion of collective bargaining. We are calling on the European Union and its Member States, as are the ILO, to prepare national plans for implementing the SDGs, involving trade unions at every step through social dialogue. The European Union must place Social Europe at the top of its agenda. To that end, we have helped to shape the new European Union initiative called the European Pillar of Social Rights. We believe these social rights must be enshrined in legislation to make a tangible difference to peoples' lives. We want more security for workers. The European Union has proposed a directive on transparent and predictable working conditions. We believe this is a great opportunity for making social rights binding. These directives must tackle precarious jobs and protect all categories of workers, including self-employed and platform workers. These workers should have full disclosure of wages and conditions before they start, plus decent pay and guaranteed hours. No more zero-hour type contracts in the world. We want high levels of good social protection. The European Union promises to extend protection for non-standard workers. However, we believe the guarantees in the package proposed don't go far enough. Precarious work and poverty wages mean many workers can no longer make ends meet. Tackling non-standard and precarious work means also addressing the challenges of just transition and the Future of Work. We must make sure that no one is left behind and that all categories of workers can benefit from the same rights and protection. That is why the European Trade Union Confederation has been campaigning for higher pay across Europe and the rest of the world. While productivity goes up and economists insist the recovery is underway, workers have failed to get their fair share of profits. A pay rise would

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actually help to sustain recovery by boosting internal demand. Our pay rise campaign has highlighted the unfair salary differences in different European countries, east and west, north and south, which lead to social dumping. And we must also target the gender and youth pay gaps. Collective bargaining between the social partners is the best way to secure better pay. Political leaders have recognised that social dialogue is crucial to a strong economy but have done very little to facilitate social dialogue and collective bargaining. We urge all politicians, all public authorities, to do more to build social dialogue. Collective bargaining and social dialogue must be at the core of the ILO initiative on the Future of Work as they are essential for the implementation of the UN 2030 Agenda, of the Global Deal launched by the Swedish Prime Minister, and of the European Pillar of Social Rights. Dear delegates, this is our commitment to work with social partners and governments to secure a fairer, more inclusive Europe. A Europe that earns the support of its people by showing that it really can give them a better life. A Europe that can contribute also to strengthen social justice in the rest of the world. Thank you very much.

**Mr Shcherbakov**

## General Confederation of Trade Unions

Madam President, distinguished delegates, at the outset I should like to express my gratitude to the Director-General for his interesting and rich report where he invites us to discuss the ILO centenary initiative on gender equality. The issue of achieving gender equality is of key importance when it comes to the fight for social justice for the creation of favourable conditions for the implementation of the Decent Work for all agenda. We support the conclusions and proposals in the report. Guaranteeing gender equality in the world of work is one of the core tasks of the General Confederation of Trade Unions and its member organizations. I shall say from the outset that at a political level in our countries there are no clear factors or criteria for gender inequality. There is no shortage of instruments guaranteeing a legal basis for gender equality. On this account, we do have enough laws and by-laws and various other important state documents. Equal rights for men and women in political and economic life are guaranteed in our national constitutions, and in addition to this, we also have the relevant conventions of the ILO and the UN. The problem, however, is that between the laws and their strict implementation there is still a major gap, i.e. an implementation gap. Political decisions that are important for gender equality have proved insufficient to once and for all end cultural stereotypes and to overcome deep-rooted convictions. In other words, whilst there is formal equality, true, full gender equality has not yet been achieved. Discrimination on the basis of gender, directly or indirectly, is something that we are seeing increasingly frequently in the world of work and in labour relations, first and foremost on issues such as the difference in the levels and nature of employment between men and women and the informal sector, gender features within unemployment patterns. There is differentiation in the fields of work in which men and women are engaged, and there is also competition on the labour market, wage and income gap defining the economic contribution of men and women to family budgets. There are also differences when it comes to career advancements and opportunities and climbing the career ladder. There is an under-representation of women in high managerial positions in the economy, and indeed within trade unions, whereby I should like to point out that among the leaders at the lower trade union level women tend to dominate. According to surveys, one in three women in our region is facing prejudice from employers when it comes to gaining access to

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employment, and they are also facing harassment at work. Women make up over one half of our workforce, but their number in high-tech and high-paid sectors is not in line with this indicator. The majority of them tend to be in low-paid jobs and professions. With all the economic difficulties, with the winding down of manufacturing and with austerity measures, women are the ones who are the main victims of downsizing. Trade unions in our region are convinced that on the labour market women will lose to men as long as they continue to bear the burden of the task of combining waged work with family commitments, and family commitments are something that falls to women mainly. As a result of this, women are victims on the labour market. All of this leads to an under-appreciation of the contribution of women on the labour market. According to data we have in the region, women earn less money than men. In Belarus, Kyrgyzstan and Russia, they earn 23 per cent less, Armenia 34 per cent less, Tajikistan 40 per cent less, and Azerbaijan 55 per cent less. We are convinced that the best way to end this situation is to look for ways to generally improve the state of working people, including by taking a first step of increasing a minimum wage. At our initiative, there has been a campaign called 'A minimum wage no lower than the living wage.' The first country to achieve this minimum wage was Belarus, followed by Russia in May of this year. A key role in addressing this issue should be played by the ratification and respect for ILO Conventions on gender equality, and above all, the core Conventions in this sphere, namely C100, C111, C156 and C1A3. Whilst the provision of the first three Conventions have been broadly ratified, the ratification of the latter two does not fill us with hope. Only four countries of the region have ratified them. Today, in our region, reform is underway with regard to the social protection system, and we see our role in reflecting the gender factor in this process, so that through collective bargaining agreements, through other ways available to us, we are able to achieve conditions that are vital to ensure that men and women enjoy equality in the world of work. Thank you.

**Mr Cotton**

## **International Transport Workers' Federation**

Good afternoon Chair, distinguished delegates, thank you for this opportunity to address you today. My name is Stephen Cotton, and I'm here to represent the 20 million men and women transport workers of the ITF. At this year's ILC, the ITF has brought more affiliates than ever before. It is our sign of commitment to the ILO, our belief in the principles and values of this distinguished house, and our support for a better future. These are not empty statements. We are quite clear that when we work together collaboratively, we can achieve real results. We want to acknowledge the cooperation brought about by the ILO in respect of Qatar, and our thanks to the Labour Ministry and our partners there to improve the situation. Again, we would like to thank sector for the support in delivering an improved Maritime Labour Convention. We are participating in the technical committees, affirming our belief in tripartism, multilateralism and the rules-based system. The ILO's Committee of Experts and the Committee on Freedom of Association do fantastic work to support the underprivileged transport workers and workers of the world. It is a vital strand to fight for people's rights in a globalized world. But this year there are a number of critical issues impacting on the peoples of the world and our society. Violence and harassment plagues the transport industry, in particular gender-based violence. It's unacceptable, and it must stop. We need a Convention and a Recommendation from this house. The Standard Setting Committee has to lead and play a part in this future. The value of the ILO Convention cannot be understated. It will provide protection.

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It will give workers a voice. It will give a legal grounding of support to workers, in particular women. In the fight for dignity, human rights, decent work, security and freedom in the world of work, gender equality must be realised in all jobs, in all workplaces, in every country. In leadership, in participation, in paying conditions, in the future of work, every possible measure must be made. A message must go out to the world, and the ILO must be clear and steadfast, no more violence and harassment in the world of work. When we look globally, the ILO needs to be vigilant. In Panama we have been fighting against attacks by the Panama Canal Authority on the safety of vessels transiting the canal. Now the situation is reaching breaking-point. Our captains are being asked to work over 200 hundred hours bi-weekly, and the conditions are not acceptable, and we must respond. Again, in Iran we are fighting for basic union freedoms against imprisonment and oppression. So we welcome our colleagues from Iran. In Colombia, pilots representing our affiliate have seen their basic rights undermined by the national carrier, giving better conditions to non-unionised pilots. Last year's lawful industrial action saw strike-breaking pilots brought in and resulted in disciplinaries, suspensions and dismissals. We call on the Governments of those countries to respond to these labour disputes and do everything in their power to resolve them. As we look forward, the future of work, in particular in relationship to the automation and next year's centenary, the gig economy, informality and gender equality, it's vital that we respond to these issues. We have our congress in Singapore next year, and the women of the ITF and the young people will be leading our congress to create new opportunities to respond to the new working challenges. Part of that process will be setting out an agenda for the future, and as we reenergize our international and regional policy programmes, we are committed to working with the ILO to deliver those over the coming years. In conclusion, we want to acknowledge the tremendous work of Guy Ryder and his Secretariat, and we recognize that, in these difficult times, their leadership is absolutely crucial. And we also want to acknowledge the role of Sharan Burrows as the leader of the ITUC who has been fighting and struggling to make this world a better place and fight for social justice for the men and women of the union movement and society as a whole. So dear brothers and sisters, thank you for the opportunity. Let's look forward to work together and build a much brighter future. Thank you very much.

**Monday, 4 June 2018, a.m.**

**Mr Sordo Calvo**

**Worker (Spain)**

Dear President, ladies and gentlemen, the Director-General's report shows clearly and cruelly the paradox of a world where there is an extraordinary productive capacity together with an increasing inequality, poverty and social exclusion. The ILO must contribute to helping states and workers' and employers' representatives to rise to the challenges by leading a global economy on a path to sustainable development and growth which is fair. The reality to work is that it is constantly changing, and we must find different answers to new challenges. There is an increased process of globalization and increase of integration of areas of the economy in global value chains. We must ensure that social protection, the right to work and social dialogue are implemented. We agree that the ILO should reconcile the impulse to the initiative for the Future of Work and should lead the global debate

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on priority policies with the SDGs to reduce inequalities and end poverty. These objectives coincide with the trade union priorities. In Spain, we have seen a change in government following a range of reforms that have been based on internal devaluation. We have a slogan, 'There is growth without distribution', and we must reverse this challenge. Spain in 2017 increased its levels of production compared to the crisis of 2008. Nonetheless, we have only seen a 43 per cent increase of the working hours that were lost between 2007 and 2013. We have a perverse growth in terms of productivity. In 2017, there was recovery of benefits and dividends in companies. Nonetheless, there was wage devaluation. We need to ensure that there is greater job creation and an increase in salaries. This is something that has been said not only by trade union organizations, by the Commission, as well as the IMF and the European Central Bank. There are structural reforms that are making it difficult for us to increase wages. We need also to ensure that we reduce precariousness. We currently see 27 per cent of precarious employment in Spain, which is not reflected anywhere else in the Europe. We must not look at lifelong learning as the response to technological innovation when we see the number of temporary contracts, which are an average 55 days long and represent 90 per cent of all contracts. Labour regulation in Spain is an incentive, and we see that there is unfair competition between companies. In this context of inequality, we have also seen a clear gender bias. Women in Spain need to have a 28 per cent increase in their salaries to be on par with men. Though the difference between salaries between men and women explains the wage gap in Spain, new public policies require a new fiscal framework. The Programme for Stability for 2018-2021 would be based on reducing public spending in the Spanish economy of around 38.6 per cent. The trade unions in the county have taken into consideration this new reality, and we wish that the Government broaden its general budget as well as focusing on other fiscal policies. We need to ensure that economic stability and the redistribution and inclusive growth are compatible. We also need to ensure that there are changes in labour regulation and a collective negotiation to promote fair salary distribution. Spain would like to go back to the legitimacy of social dialogue and connective bargaining so that we can actually implement the changes which we believe are strategic. We need to anticipate how digital changes and technological changes will impact society. We also need to ensure that we value professional experience. These are elements that need to have a greater involvement of the social partners so that we do not have the conflict between tripartite agreements, bargaining space and labour relations and economic relations. We cannot have social cohesion and democracy in this kind of economic relationship. Thank you very much for your attention.

**Ms González Fernández**

## **Government (Cuba)**

Mr Chairman, Ministers and delegates, the ILO's commitment to social justice and to ensuring that the fundamental principles and rights in the world of work are respected is fully buttressed by the agenda and the documents that will be looked at during this meeting. We can agree with what was said by the Director-General in his report on the need to, and the opportunity for, giving a fresh impulse to gender equality at the workplace, bearing in mind the widely acknowledged and well-documented fact that in order to achieve such a noble goal, we still have a long way to go. In Cuba, since the Revolution triumphed, achieving gender equality has been a Government priority. A priority that is underpinned by the Constitution itself, and which is expressed through many legal provisions aimed at protecting women's

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rights, in particular in the field of healthcare, education, access to employment, equal wages, social security, and technical and cultural development. More than 50 years on from the Revolution, Cuban women now play a key role in our country's political, economic and social life, as can be seen if you look at the participation figures. Women represent 53.2 per cent of the members of the National Assembly of People's Power. They also represent 48.4 per cent of the members of the State Council. Three out of five of its vice-chairs and 35 per cent of ministers are women. Women also represent 48 per cent of civil servants, and within those 48 per cent they represent 78.5 per cent of public healthcare workers, 48 per cent of scientific researchers and generally speaking, they represent 66.8 per cent of the most highly qualified technical and professional workforce in our country. However, we continue to work on changing cultural habits so that family duties are shared between men and women more fairly. We are also working towards broadening and enhancing the institutional services for providing childcare and care for elderly citizens, as well as for protecting maternity rights and other measures all aimed at protecting and facilitating women's participation in our society. Our country has continued to improve its social and economic development with a view to building a sovereign, independent, socialist, democratic, prosperous and sustainable nation, and in order to improve evermore the quality of life, well-being and social justice within our country, despite the fact that the economic, financial and trade embargo against Cuba remains in place, and has considerable economic impacts which limit our development. Mr President, we consider that the ILO can continue to contribute to the fight for gender equality at work and within society by promoting projects that will foster the integration of the world of work with the multiple facets of sustainable development for all. For this we should build on positive experiences but also seek new and innovative approaches, as is mentioned in the report. We support this noble goal and would like to make our humble experiences available to you all. Thank you.

**Mr Acosta Javier**

## **Employer (Dominican Republic)**

Good morning to you all. The delegation of employers of the Dominican Republic is honoured to be here with representatives from across the world. We welcome the Director-General's report, Guy Ryder, and reaffirm the importance of the ILO in the United Nations system, given its specificity as being the only entity whose mandate focuses on industrial relations and where tripartism aims to achieve fair social agreements and which allows us to achieve sustainable development in an ever-changing world. COPARDOM acknowledges the contributions made by the IOE which refers to the role of companies in society, and we also expect the International Labour Organization to be effective, agile and to provide opportunities in its proposals, regulations and contributions. From our understanding, the greatest contribution of the ILO must ferment social dialogue as mechanisms to achieve tripartite consensus in the policies and provisions which aim to create more and better jobs and sustainable companies. The actions carried out by the ILO in this field will have repercussions on the achievement of the objectives that we have all set ourselves, such as is established in this International Labour Conference. The consolidation of social dialogue will facilitate effective cooperation, and this will drive us to achieve the Sustainable Development Goals. We have launched a push for poverty reduction. We are promoting actions to ensure corporate social responsibility, and we will contribute to change the profile of the population through quality education and vocational training for work. We aspire to the consensus,

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which we have referred to, as well as to generate solutions to the distortions which we see in the labour market in the Dominican Republic. We are strengthening labour legislation and international labour law, and with this we have also established the tripartite board for conflict resolution. We hope that this will serve as a fair tool to assess the right that our businesses have as well as those who work with us. For years now, our country has had harmonious labour relations with the Government and with workers, and we believe that this strength, together with the dialogue mechanisms that are appropriate, will facilitate the improvement at an institutional level so that we can provide answers to the current distortions that we see in the labour market of our country. In order for this to be achieved, we would like to sign an agreement for jobs where we have sustainable companies to create decent jobs, to ferment social protection at a universal level and to reach levels of competitiveness which drive investment and provide equal opportunities for all our workers. As we have said time and time again, we reiterate our commitment to ensure that we have this agreement through dialogue and through agreement. Lasting peace can only exist when there is well-being and justice, and this well-being is inextricably linked to public policies and private policies which ferment transparency and the creation of decent work and sustainable businesses, as well as businesses that are environmentally responsible. We reaffirm our commitment to tripartite consensus so that we can generate wealth and stability in all our nations. Thank you.

**Ms Kagonye**

## Government (Zimbabwe)

A very good morning to you all. The Chairperson, on behalf of the Government of Zimbabwe and the entire Zimbabwe tripartite delegation, on this 107th Session of the International Labour Conference, I wish to begin my address by congratulating you Honourable Samir Murad, together with the Vice-Chairs, on your election to preside over this session of the conference. Your appointment meets with our high expectations for the outcomes of this important session, which comes on the eve of our centenary celebrations, and most importantly, as we seek to understand and chaperone the future regarding the world of work. It is with this in mind that my delegation welcomes the Director-General's report, *The Women at Work Initiative: The push for equality*. The report before us aptly captures the situation of women at work and profiles some insightful ideas towards embracing the opportunities, the challenges and the threats that define the context in which the impetus for equality must succeed. Indeed, your report, Director-General, presents a painful and hard truth that attainment of equality in the world of work remains a pipe dream, despite the existence of policy and legislation at national level as well as international instruments that are primed to guide efforts in mitigating the plight of women in the world of work. At this defining moment, when the ILO celebrates 100 years in existence, our resolve in tackling the challenges to equality outlined in your report should be unwavering. Chairperson, my delegation appreciates the dilemma of the new opportunities to breaking the barriers to inequality brought about by the digital economy and technological innovation, which unfortunately, as your report suggests, are not immune to gender inequalities. It is imperative, therefore, for the Future of Work initiative to tackle the issue of mitigating the traps of inequality abound in the evolving Fourth Industrial Revolution. I find essential to reiterate the Director-General's call for a new push for equality as we embrace the future and steer the ILO and its constituents to upscale efforts towards equality. Our focus on fixing the workplace without seeking to influence society has proved to be futile given the

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changing dynamics of the world of work ushered by the evolving Fourth Industrial Revolution, characterized by cyber physical systems. We therefore urge the ILO to innovatively confront head on, the value systems of our society regarding gender relations that constitute the greatest structural obstacles, weighing down our efforts in attaining equality in the world of work. On our part in Zimbabwe, Section 17 of the Constitution provides for a strong legal foundation for gender, equity and women advancement. We are currently seized with amending the labour legislation to, among other objectives, give full effect to the principle of equal pay for work of equal value, as well as broadening the scope of equality with a view to aligning it to the provisions of Section 17 of our Constitution. It is our hope that sector-specific collective bargaining agreements could accordingly be amended to give full effect to principles of equality in the workplace. We have also revised our education curriculum to ensure that it includes mainstreaming of gender issues. In that regard, gender issues are now taught from early childhood up to secondary education level. The idea is to instil values on gender that would transform future societal values that guarantee equality beyond the workplace. The National Gender Policy was revised in 2017 to give impetus to efforts for gender equality, taking into consideration deficiencies highlighted in the last Zimbabwe Demographic Health Survey and CEDAW reports. Through the revised National Gender Policy, a monitoring and evaluation framework dealing specifically with gender equality and women empowerment is being finalized to enable the national agenda machinery to monitor and assess implementation of national, regional and international commitments on gender equality and women empowerment. Chairperson, the new dispensation in Zimbabwe seeks to prioritize economic recovery through a battery of initiatives anchored on re-engagement with the international community and the restoration of international values that will create more opportunities for our people and decent work for women in particular. Your proposal in pushing for equality, encapsulated in the mantra 'beyond business as usual', is in sync with the calls for the new establishment in Zimbabwe. We agree with your recommendations that raising the voices and representation of women and ending violence and harassment are crucial in forging a push towards equality. Accordingly, the new Government has put in place measures to guarantee a conducive environment necessary for equality and increased representation of women. Chairperson, the time has certainly come that the ILO imprints a solid front towards equality, recognising that the world of work is situated in changing context, characterized by unprecedented political, social and economic uncertainties. I thank you.

**Mr Martinez**

### **Worker (Argentina)**

Chairman, distinguished delegates, we workers are seeing fast and far-reaching changes affecting our world. One of these changes is that of globalization. Globalization in which there is a total and unfettered free flow of capital. Capital is always used with a view to achieving the highest level of short-term profitability without taking into account the price paid by society. The consequences and the effects of this are ever more relevant. For instance, there is skyrocketing inequality between different regions of the world but also within each individual country. According to a recent international report, 82 per cent of the wealth generated has benefited the richest 1 per cent of the global population only. So we are also seeing States that are coming under pressure to dismantle their social security systems, thereby paralyzing the redistribution of wealth and having a destabilizing effect on

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society. Armed conflicts and situations of extreme violence are devastating entire regions in the world. These phenomena are generating migratory flows that represent a serious issue for the future of our peoples. To all this, you have to add the existence of authoritarian powers that care very little for public freedoms and fundamental rights. The ILO's mandate to further promote social justice is not just an abstract notion or an empty concept with which we can embellish our statements or speeches. No, it is a very concrete principle that implies a fair distribution of wealth, labour conditions that respect human dignity and a healthy work-life balance. A growing informal sector, more and more precarious jobs, and a lack of decent in global supply chains are a warning sign that we cannot ignore. They reflect the increase in inequality and the failure of globalization to provide a solution for greater social well-being. The situation of women in the world goes well beyond the realm of work. It includes the social, political and cultural fields as well. It's a question that relates to human dignity. What we have before us is a crosscutting form of injustice, and we must all tackle it together: employers, workers and governments. It is a situation of persistent inequality. The Americas are also living a period of uncertainty in all areas. This is exacerbated by what CEPAL calls the culture of privilege, which is characterized by the concentration of wealth in the hands of a few, disparities in terms of equal opportunities, and by the fact that inequality is becoming commonplace and that there are hegemonic powers, amongst other things. I believe that we must transform this culture of privilege into to a culture of work that will foster social justice in order to make sure that nobody is left behind, as is expressed by Agenda 2030. That is the path towards truly achieving the Sustainable Development Goals. These goals are the bridge between the past and future of labour relations within the framework of a fair transition. Agenda 2030 is not just a government-level commitment. We are all entitled to, and have a duty to, become involved and to build and monitor the implementation of these goals. We need to achieve an institutionalized social dialogue in order to promote a culture of compromise, as Pope Francis pointed out. We trade unions are working towards that end. We need to generate sustainable economies along with social protection, safe jobs and decent wages. In Argentina, we are experiencing great levels of anxiety and grief. The macroeconomic crisis is deepening the fault lines and feeding into a lack of hope. We don't want this to happen. It should not be happening. Once more we are in the claws of the international monetary fund. Markets react, rural areas react, and we workers will also react by defending productive development, national industry and a culture of work. Or does somebody expect that the costs of the mistakes made by, but not imposed upon, the economic governance of our country and the adjustments imposed upon us by the IMF will be paid just by workers? No, we the workers are the victims of inflation, of the falling currency reserves and economic paralysis, but what about the other sectors? The only path forward is that of social dialogue in which we all virtuously strive to overcome these difficult times and to transform them into a solution for sustainable development. Thank you very much.

**Mr Bista**

## **Government (Nepal)**

Mr President, Excellencies, distinguished delegates, ladies and gentlemen. At the outset let me congratulate you, Mr President, on your election to this important position. Let me also appreciate the Director-General for this comprehensive report on the *Women at Work Initiative*, which not only sums up the structural and other constraints, but also provides pragmatic suggestions for the attainment of gender

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equality and justice in the world of work. Let me say to this august gathering that historic achievements have been made in Nepal over the last one year, in the socio-economic and political spheres. The labour sector has also made a remarkable progress. We have successfully completed the election to the three tiers of government, federal, provincial and local, under the new Constitution. It has kindled hope among people for stability and development. It is also important to mention that the local election came up with 41 per cent women elected in representatives. On the labour front, after the constructive engagement of all stakeholders, we enact a new Labour Act 2017 in line with the ILO fundamental principles and right at work. The regulations required for effective enforcement of the act have also been adapted. The most important effort of the new act is that all workers are covered within jurisdiction. Enactment of a contribution-based social security law is another important milestone in this direction. Within a couple years, this system would be implemented in a full-fledged manner by engaging the informal sector also. In addition to this, we have prepared a master plan to eliminate all form of child labour by 2025. We are also in the process of highlighting our national policy on occupational health and safety. Mr President, with these labour laws, policies and initiative at hand, we are committed to expanding decent and gainful opportunities and fair labour practices, enforcing labour audit in line with the spirit of new laws, eliminating child labour and strongly dealing with workplace violence and sexual harassment, and lastly, establishment and operationalization of a quasi-judicial mechanism to deal with labour dispute. Mr President, Nepal prefers to make foreign employment an option rather than compulsion. For this purpose, the flagship Prime Minister employment programme seeks to create massive decent work opportunities for the youth through skill enhancement and entrepreneurship development. It also ensures a minimum employment guarantee to the people of deprived areas and marginalized communities. Nepal looks forward to finalising subsequent adoption of the global compact of safe, orderly and regular migration. We have commenced decisive action to ensure fair recruitment and control of fraudulent activities. As the current Chair of Colombo Process, Nepal is effortful in making labour migration safe, predictable and well-managed for the benefit of all. Nepal respects and implements the principle of social dialogue and tripartism. The Central Labour Advisory Council is now in operation in our national forum for consultation and dialogue on labour issues. Mr President, before I close, let me take this opportunity to extend our thanks to the ILO and other development partners for their continued cooperation and support in promoting decent work, social dialogue, tripartism and rights at work. As the ILO approaches the centenary celebration, there is an imperative to promote and consolidate decent work opportunities for every individual worker in the world. Nepal would be happy to join this noble initiative. Thank you.

**Ms Wennemo**

## Government (Sweden)

Good morning. Chair, the issue of gender equality in the Report of the Director-General is both timely and relevant. I welcome the report and that the Director-General chooses to highlight the issue of gender equality in ILO's work in general, and through the Women at Work initiative in particular. But we cannot rest, the work is not done, we still have big challenges. Women are under-represented at the labour market. Women are under-represented in positions of power. Women earn less. Wage inequality is still a reality 67 years after the adoption of the Equal

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Remuneration Convention. Chair, all people are of equal value and must be able to enjoy the same human rights, responsibilities and opportunities. Gender equality also makes economic sense. Sweden's Government wants to make sure that gender equality perspective is brought into policy-making on a broad front, nationally and internationally. In the development of the Swedish welfare state, gender equality has been a major factor. Affordable childcare, a more equal division of parental leave and individual taxation are essential reforms which have had an important impact on women's earnings and well-being and economic empowerment. Social partners are responsible for wage formation. Equal wage for equal work is an obvious area where the social partners have an important impact. Chair, I am pleased to see the response of the Director-General to the #MeToo campaign, and the reports on sexual harassment within the UN system. I want to be clear, men's harassment and violence against women is one of the ultimate expressions of inequality. Preventing and combatting violence and other abuse against women and girls is a top priority for Sweden and must continue to be high on the UN's agenda. I also want to comment concretely on the Report from the Director-General. The DG has proposed five areas of action. Let me start with suggesting a sixth area, namely to apply already agreed rights and extend the rights of work for women. We know that women's participation on the labour market is lower than men's. The reason for that varies and includes lack of childcare and old-fashioned views on the role of women in society and working life. However, in many parts of the world, women are excluded from many occupations, limiting their choice to freely choose their work. Women should have the right to pursue freely any job or profession. The report rightly points to the care economy as a contributing factor in the push for equality. The absence of care facilities and obligation falling on women to shoulder responsibility for unpaid care are widely recognized as crucial obstacles to the advancement of women at work. One important aspect is an even gender distribution of positions of power. Therefore, the proportion of women in leading positions in both business and public sector needs to increase. Chair, the ILO should lead by example. Gender equality must be mainstreamed into a staff policy as well as policies and actions. Sweden would want the ILO to place greater emphasis on increasing the share of women in higher positions. Chair, let me conclude, women at work is future of work. Thank you.

**Mr Ohmi**

### **Worker (Japan)**

Thank you, Chair. Distinguished delegates, ladies and gentlemen, it is a great honour for me to address to the conference on behalf of Japanese workers. Chair, this year's discussion aiming at formulating new instruments on ending violence and harassment is significantly timely action. We, JTUC-RENGO, have firm hope that an effective Convention, supplemented by Recommendation, will be adopted next year, and it will contribute to realize safe and productive work places where human rights are respected. In Japan, discussion to consider to develop the legislation dealing with harassment issues is expected. We also call for effective domestic regulations. Laws and regulations are important, but it is not enough just formulating them. Improved initiatives and awareness raising are needed at each workplace. We have been campaigning our actions to promote active women's participation at various areas. This is because we believe that enhancement of movements involving large variety of people, regardless of their gender, age and employment type, will serve to solve many different issues effectively. According to our survey, trade unions which have more than one female executive tend to conduct advanced

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initiatives such as narrowing the wage gap between men and women, supporting balancing work and family life, and addressing harassment issues. We will continue to make our effort sincerely towards gender equal society. Then I need to touch on the issue of public employees' basic labour rights. The discussion of this issue is tabled in this year's Committee on the Application of Standards. The basic labour rights of public employees in Japan have been restricting since 1948. This is outstanding issue in the ILO. In the meantime, ILO Committee on Freedom of Association has been issuing ten times of Recommendation to urge Government of Japan to comply with the ILO convention. Nevertheless, the Government has not taken any concrete measures to rectify these situations. We cannot accept that such situation is still continuing. We urge the Government to take prompt and concrete actions in line with the discussion and conclusion of the CAS. Let me conclude by touching on the ILO centenary and our commitment. Discussions related to the Future of Work are conducting now actively in many parts of the world. However, the discussion on how changing world of work effects on workers and how trade unions will challenge is still underway and need to deepen its analysis. In my view at least, carrying through social dialogue and respecting tripartism at all level is the key to address the future of work. Next year JTUC-RENGO will celebrate 30 years of this foundation. JTUC-RENGO will take such opportunities like RENG0 and the ILO's historical milestones and the Tokyo 2020 Games as leverage to promote decent work in Japan and other regions as well. Thank you for your attention.

**Mr Yatani**

## Government (Kenya)

The President of the 107th Session of the ILC, Kenya commends the DG for the detailed report that provides the commitment and achievement of the ILO and its constituents in the course of gender equality at work and in society. I am indeed encouraged that, in addition to this plenary debate, the negotiation of an international standard to guide the fight against violence and harassment at work is a major contribution to the broader push for equality. Kenya recognizes that women's contribution to national economies is apparent, yet women continue to be left behind. Globally, women have less chance of being in the labour force and are often at the bottom of the economic ladder. They are also increasingly concentrated in generally low-paying occupations in the services sector. Consequently, their earnings have contracted further, and they are also more likely to be subjected to violence and harassment at work. This is more reason that we must take a conscious decision to enhance the status of women. Women are angry, and now more and more are able to express that anger. Kenya's own internationally renowned celebrity, Lupita Nyong'o, has been at the centre of the harsh #MeToo campaign to protest against sexual harassment and rape. We recognize that we, too, must turn this anger into action, particularly at workplaces and in labour markets. This is a unique opportunity to expand this platform and continue a national conversation around sexual violence worldwide. We therefore need to collectively move beyond business as usual. In recent years, Kenya has had a number of major improvements to its legal and policy framework with regard to discrimination. A major start was in the review of Employment Act 2007, which outlawed discrimination. This was followed by the enactment of the 2010 Constitution that marked a beginning for women's rights in Kenya, seeking to remedy the traditional exclusion of women and promote their full involvement in every aspect of growth and development. In addition to this, the National Gender and Equality Commission was established and serves to contribute

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to the reduction of gender inequalities and discrimination. However, we do acknowledge that a number of problems still persist. This includes the inadequate implementation and enforcement of existing laws, low awareness of rights and obligations among rights holders and enforcement agencies, financial and other barriers preventing access to justice for victims of discrimination. As part of broader efforts to create decent and adequate jobs for all, and thus benefiting women as well, His Excellency the President, unveiled the Big Four Agenda which aims at achieving food security, affordable housing, increased manufacturing and provision of affordable healthcare to all. However, the implementation of this massive agenda must be underpinned by robust institutional framework cutting across all affected sectors. Towards this end, the Kenya Government has initiated legislative reforms in key social protection institutions, including National Social Security Fund and the National Hospital Insurance Fund, with a view to making effective and efficient delivery of social security programme to the vulnerable groups, including women. Let me however clarify that contrary to the views expressed by the social partners on the proposed legal frameworks, the Government is committed to consultations with our social partners and is open to receiving views on these proposals in line with participatory approach provided by the Constitution and the relevant employment and labour laws. In conclusion, we look forward to the ILO redoubling its effort to have women's views, perspective and interests taken up across the whole range of ILO activities, including those undertaken through technical cooperation. I thank you.

**Mr Rivero**

## **Government (Bolivarian Republic of Venezuela)**

Thank you, President. Congratulations on your election and the wonderful way in which you are leading this conference, and we welcome the Director-General's report, the *Women at Work Initiative*. Venezuela has much to contribute to the different topics that are being currently debated in this body. We have made considerable progress in acknowledging the role of women in reducing the workload and doing this in dialogue with all the sectors. We have a revolutionary Government commitment to its people, and we have our conviction and our own experience which show that, in order to respond to the needs of people, we must be, humanist, we must show solidarity, and we must move away from individual interests. In our Republic, we have maintained working conditions, and we have pensions as from 55 years of age for women and 60 years of age for men, regardless of the contributions that they have made. Currently, we have 100 per cent of the adult population which has a pension. These pensions are the equivalent of the minimum wage and are constantly updated, which happens two or three times a year, in line with the minimum wage. This is being despite the economic sabotage, the financial blockade and the so-called sanctions by the North American imperialists and their partners. We say so-called sanctions because they are neither ethically legal, and they violate the United Nations Charter and no country can take measures, which are essentially aggressions, against a people which preaches peace. There is a long list of leading figures which have attacked our country and who are then repudiated by their own peoples and then thrown onto the dunghill of history. We, as a government, internationally speaking, act in full respect of the authorities of each country. We do not create problems with any government. Nonetheless, we regret the decisions taken by the North American and European Governments who state that they are the custodians of peace but who impose war and create domestic conflicts and dismember countries. In these situations where we had an attack on the labour market, we must repeat that the

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challenges which we face in the labour market are associated to the core problems of humanity. Capitalism cannot resolve any of these issues to the benefit of its peoples. Direct bellicose aggressions or IMF measures or remote controlled bombardments against a civilian population are a demonstration of the huge number of resources which these parties have in order to maintain their system, which can no longer create any well-being in strategic terms. Nobody can come out of this process because of the coercion and direct aggression against entire populations. Furthermore, there are speculative trends, and these do not turn products into useful goods. Disproportionate wealth has also contributed to the global economic crisis and also prepares the basis for the bursting of a new bubble. Nonetheless, the large media channels, private media channels, say nothing and state what they want in their headlines. In Venezuela they state that there is a dictatorship. Nonetheless, the truth is completely different, and I want the conference to take note of the fact that we recently celebrated clean elections with full democratic guarantees, and the electoral process in Venezuela has the most number of audits across the world, as well as it being digital. And so there is no way to cheat. We had a total of 45 per cent of people registered to vote. Venezuela has a population of 20 million citizens. In other words, 93 per cent of people who were eligible to vote were registered to vote. This is one of the highest percentages in the world and we are very proud that, in facing these manoeuvres against our democracy, we have still had such high participation, remembering that voting is not compulsory. I need to emphasize that in Venezuela voting is not compulsory, and we still had such high electoral participation. The President, Nicolás Maduro, has renewed dialogue with all sectors, and this should serve to resolve all our differences in a constructive dialogue so that we can overcome this economic war. Finally, I would like to say on behalf of my government ... Thank you.

**Mr Maglunsod**

## Government (Philippines)

Mr President, on behalf of the Philippine Government and Secretary Silvestre He Bello III, who sincerely regrets his absence in the conference, I congratulate you for your esteemed leadership in this conference. I would also like to commend Director-General, Guy Ryder, for his comprehensive report on the *Women at Work Initiative: The push for equality* which calls on the tripartite constituents to take concrete action to advance the rights and working conditions of women at work around the world. Mr President, allow me to express our gratitude on the decision of the ILO Governing Body for policing violence against women and men in the world of work, in the standard-setting item of this year's conference. This is so timely as gender gaps remain widespread worldwide. Issues confronting women at work continue to persist, from limited access to labour markets to restricted employment opportunities, from discrimination to violence and harassment. We, however, take pride to note that based on the global gender gap report of the World Economic Forum, the Philippines, for the last three years, has been consistently ranked in the top ten countries out of 144 as having one of the narrow gender gap based on progress on educational attainment, health and survival, economic participation and opportunity, and political empowerment. At the domestic front, our President, Rodrigo Roa Duterte, is making his promise to end shameful labour practice. The shameful practices being referred to are the illicit labour-only contracting or *endo* employment contract. Last May 1, during the Philippine Labour Day celebration, the President signed Executive Order 51, reiterating the state policy of ensuring job

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security for all workers based on social justice. This came following tripartite consultations to address the social partners most pressing concerns on non-standard forms of employment or *endo* employment contract. The presidential issuance affirmed the prohibition of illegal contracting and subcontracting. It gave way to two important roles of tripartite cooperation. First, a list of the work that may be contracted out will be issued by the Secretary of Labour and Employment, in consultation with the National Tripartite Industrial Peace Council. Second, inspection of establishments shall be conducted by authorized representatives by the Department of Labour and Employment, including labour employment representatives. At the international front, the Philippines is unrelenting in pushing for fair and humane treatment of our overseas workers, especially women, migrant workers. They are, on varying degrees, subjected to violence at work and experience abuse and inhumane treatment. We have actively engaged labour-receiving countries to afford full protection of rights and promotion of welfare of our overseas Philippine workers, especially female household workers. This we do by forging bilateral labour agreements with host countries. To date, the Philippines has forged 37 labour agreements with 23 countries, of which 17 are from the Middle East, 7 from Asia and the Pacific, and 13 from Europe and the Americas. But these initiatives of the Philippine Government are not enough to sufficiently protect the rights and promote the welfare of migrant workers. Much remains to be done. Among which is the need for more responsive international cooperation tools to enable governments and stakeholders to provide safer and more suitable migrant blueprint. Mr President, the Director-General's report shows on a nugget scale the status of gender quality in the world. It is heart-breaking to note that, despite global interventions, not only by the ILO but other international organizations, we have yet to achieve gender equality of this technologically advanced age. We beg for answer, Mr President, when will this culture of inequality end? Thank you, Mr President.

**Ms Achtsioglou**

## Government (Greece)

Chairman, distinguished representatives, ladies and gentlemen, it is a great honour for me to address the 107th plenary Session of the International Labour Conference, which takes place in an extremely critical period. Societies are being reformed in all their aspects due to globalization, dynamic technological developments and demographic changes, but gender inequality in political, social, professional and even family life has become a timeless phenomenon. In this respect, this year's Report of the ILO's Director-General makes our debate highly interesting, especially since a Standard Setting Committee in this year's conference is working on the sensitive subject of violence and harassment against women and men at work. Let me first refer to this issue. The Greek Government has actively shown the priority that abides by the issue of domestic violence by ratifying recently the Council of Europe Convention on preventing and combatting violence against women and especially domestic violence. Moreover, for women who are victims of violence and are accommodated in hostels and have left their homes, we are implementing a programme called 'Housing and Work for the Homeless', which covers the lodging costs and facilitates their reintegration into the labour market. And let me now come to the issue of gender inequality at work. Female unemployment in Greece is much higher than male unemployment. It stands at 26.1 per cent versus 17.8 per cent, which is the male unemployment. The female part-time employment is also much higher than the male one, and we definitely cannot ignore the issue of gender pay

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gap. Despite its small reduction the last years, it still remains high. In order to address these inequalities, the Greek Government has prepared a National Action Plan on Gender Equality 2016-2020. The objectives are encouraging women's participation in the labour market, promoting the principle of equality in enterprises, promoting female entrepreneurship, improving the situation of women in the agricultural sector, encouraging the use of information and communication technologies by women, reconciling work and family life. To this end, we have taken specific measures, specific policy measures, in order to address the low rates of female participation in the labour market. First, we introduced substantial changes in the way the public employment organization operates. Now, when employers seek to recruit workers through the organization registry, they do not have access, they cannot actually see the gender of the unemployed person. Thus, their selection is based solely on the qualifications of jobseekers and do not see their gender. Secondly, we have addressed the lack of available, affordable and quality care services for children since this is a factor that further hinders women's participation in the labour market. The past three years, the Government has almost doubled the number of kindergartens that can accommodate children for free. In 2018, we have substantially increased family allowances. As a result, the majority of families received increased subsidies. In addition to care policies related to children and other dependent members, we are implementing a number of family-friendly and mother-friendly regulations. The current framework in Greece prohibits the termination of a female worker's contract by the employer both during her pregnancy and also for a period of 18 months after childbirth. In 2017, we legislated for the extension of maternity protection, also to mothers who have babies through a surrogacy arrangement. Finally, in order to challenge the stereotypes and encourage women to enter the sector of Information and Communication Technologies, which is marked by high gender segregation, we are implementing relevant training programmes that offer women the possibility to acquire new skills in new technologies and information technology. Ladies and gentlemen, these were some of the practices, some of the measures that the Greek government is implementing to target gender inequality at work, and I hope that sharing our experience will help our conference to make progress towards our common goal, achieving equality at all levels. And let me once again congratulate the ILO for this initiative, and thank you very much for your attention.

**Mr Otaredian**

### **Employer (Islamic Republic of Iran)**

Mr President, distinguished delegates, ladies and gentlemen, the ILO Director-General rightly depicted different challenges facing women at work, including unequal pay, domestic restrictions, work and family issues, harassment and gender-based discrimination. There exists invisible, unofficially acknowledged barriers that impeded women from a balanced participation in the labour market, business market, appointment to management and professional positions, advancing to senior leadership positions in countries, and in some cases, even segregation in the workplace. The challenges facing women in societies, specifically at work, have common roots with the problems that prevent the emancipation of women in any other sphere. It can all be traced back to the patriarchal system embedded within societies that deems women to be incapable of handling power and responsibility. Patriarchal beliefs, reinforced in societies, will continuously refuse to believe that a woman can take charge of affairs and is well capable of making smart, wise decisions that are binding to everyone. The reality is that patriarchal attitudes are not an issue

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of the past. Such attitudes towards women still exist in societies all over the world today, in both developed and developing countries less or more. In the past few decades, however, the cultural work within male-dominated professions and the stereotypical gender role for women in our societies has been drastically changed, and it is very encouraging. Women can be seen as leaders of their countries, fighter jet pilots, educationists, company executives, banking and administrative heads, human resources and telecom executives. Women of the households are now also financially supporting their families. Though the number of women working is increasing day by day, but still there are certain barriers that they have to cross to prove themselves beneficial for the job market. Ladies and gentlemen, the ILO Director-General has laid out in his report five building blocks for the advancement of women at work. In order to face equality challenges successfully, it would seem that two other forces are worthy of due attention. The first one is erasing the patriarchal system and the stereotypical gender rule by providing diversity education and training to societies. And the second one is awareness raising and capacity building by women themselves in order to be self-confident. To sum up, Mr President, the lack of representation for women in the male-dominated societies is evident all over the world. It is only a variation of degree in which [vgr INAUDIBLE 4:48] changes all across the globe. Trends however are changing, with increased awareness about women's rights and attacks on patriarchal attitudes all over the world. We may one day see women being subject to the same standards as men are in societies. We cannot forecast when that can happen, but increased awareness is the key. The ILO should concentrate on achievable objectives on pushing for gender equality, while reflecting national circumstances as to the country's traditional male-dominated societies. Ladies and gentlemen, thank you all for your kind attention.

**Mr Czech**

## **Government (Poland)**

Mr Chair, ladies and gentlemen, the current session of the International Labour Conference is the last one before centenary to be celebrated. Since 2013 we have been using this forum to discuss matters related to the future of work, social security, green jobs, women at work or governance. The key tool allowing us to review trends, identify threats and opportunities and to prepare for the next century of the International Labour Organization is dialogue in all its forms, the tripartite social dialogue in particular. Complex and dynamic developments in the world of work, shaped by such phenomena as technological revolution, demographic and climate change, have a far-reaching impact on social dialogue. On one hand, they put its effectiveness into question. On the other hand, it is commonly reported that social dialogue is now particularly in demand. The Polish Government appreciates the role social dialogue and social partners for shaping the future of work and implements appropriate action. The most important institution of social dialogue in Poland is the Social Dialogue Council that replaced, in 2015, the Tripartite Commission for Social and Economic affairs. Thanks to its wide statutory competencies, the Council can have a real impact on the ongoing social and economic developments. The intensity and quality of its activities are reflected in the effects. The Council, as well as workers' and employers' parties, have adopted over 80 resolutions. More than 1,300 draft acts have been submitted to consultation, including over 1,000 governmental drafts. The Council has become a forum for exchanging opinions, confronting views, and reaching agreements. This is the result of the joint efforts taken by social partners and the Government. Strong social partners are an indispensable component of a

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good social dialogue. Therefore the Polish Parliament is finalizing works on the amendment to the law on trade unions, drafted by the Government, which gives the right to establish and join trade unions organizations to workers and other persons performing work under other relationships than the employment contract, including the self-employment working for an entity under a contract. The draft also provides for protective mechanisms to guarantee trade unionists not being employees to remain independent of employers, autonomous and free in action, as well as extends its right to conduct collective bargaining. The Government in Poland has also recognized that developments on the labour market require a new approach to the legal regulations on non-standard employment relationships, as well as concerning the employment of non-workers and the relations between employers and workers' representatives. Therefore, it has appointed a Codification Committee for the Labour Law, with social partners' representatives being among their members. The Committee has just completed its activities, having prepared its original draft of the collective and individual labour code. Some of the effects of the Committee's activities will be used by the Government in future work. Ladies and gentlemen, during this year's session, the plenary discussion focuses on the Director-General's report *The Women at Work Initiative: The push for equality*. The report points out existing inequalities and barriers in terms of equal access to the labour market for women and men. The inequalities refer both to the opportunities for women to work under the same condition as men, equal pay, the situation of women on the labour market and their greater burden with unpaid work in the households than is the case for men. Poland finds these matters particularly important. Engaging in providing decent living conditions for families, caring for children and assisting older family members make it easier to push women out of the labour market. That implies the necessity to introduce facilitations and improvements contributing to their remaining on the labour market. Inequalities on the labour market hinder economic growth in the future. In particular if they lead to exclusion by impairing intergenerational mobility and social cohesion. Poland believes that supporting women on the labour market needs to be multi-dimensional. It is necessary to involve the State and the social system existing therein to ensure care for mothers who cease to be professionally active after giving birth to the child but wish to pursue their professional career in the future. Maternity or paternity leaves and allowances are favourable in this respect, as they allow to maintain an appropriate quality of life, and they are paid from the social security system with no additional burden for employers and allow women to return to the labour market in the future. Poland cares for the female citizens by granting one-year long maternity leaves and ensuring that pension contributions are paid by the State. This should contribute to closing the gap between the future pensions of women and men. The accessibility of childcare is an important component of the activity promoting the employment of women. That is why Poland systematically supports the development of different forms of care for babies and young children. In the years 2010-2017, these actions have resulted in over eightfold increase in the number of all care facilities for children up to three years. [vgr INTERRUPTION 6:15] I thank you for your attention.

**Mr Munoz**

**Worker (Chile)**

Thank you very much. First of all we would like to greet the officers of the ILO, the Secretary-General and all present delegations. It is an honour for me to talk to you on behalf of the Workers' delegation of Chile. We welcome the ILO's goal to build a future with decent work based on the report presented by the ILO's Director-

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General and on the report of the Chairperson and the Governing Body. We are the CUT, Chile's Historic Central Trade Union, which has been borne of the political struggles for giving dignity, decent work and social justice to our workers. In August 1988, our union was reformed and it played a key role in the democratic recovery of our country. This year we celebrate 30 years from that date. As a trade union, we firmly believe in the values underpinning the ILO's Constitutions. Work is not a commodity. Poverty in any place is a threat to prosperity throughout the world. Social justice, given shape through social dialogue, through the negotiation and adoption of tripartite agreements, is the best way for ensuring lasting peace and eradicating poverty. Trade union freedom is essential if we are to achieve lasting progress. We believe in dialogue in gender equality and the elimination of all forms of discrimination. We believe in fair rules for all because as a society we have an interest in men, women, young people and children all doing well. That is why we firmly believe in tripartism as a key tool for ensuring that these values translate into reality in the life of workers, their families and societies in general. In the face of these responsibilities, there are two virtues that we workers, men and women alike, should be guided by. These are autonomy and unity of workers. Both of these are essential in the world of work, and we should never lose sight of them. Autonomy, from governments, from employers, from political parties and from all those who pursue other goals than the great well-being of workers. Unity, in order to achieve social progress for our comrades but also in order to establish new forms of human relations. In Chile, a new right-wing Government has just taken office, and just like in 2011, when the Students Movement achieved quite considerable medium-term results, we, from this podium, would like to pay tribute to women's movements in Chile. Women's movements against violence, not just physical and sexual violence but also violence at the workplace, which can be seen in wage policies where women suffer economically because we earn a third less than men for equal work and because we have a womb we have to pay 70 per cent more to the healthcare schemes. We are penalized also in our pension system where we get 30 per cent less than men, and that brings us straight down to the poverty line. Over and beyond women's rights issues, when a government changes you should not just assume that civil servants are a booty or excess fat. Currently, there have been a number of dismissals because of different views being held, and that does no good to democracy. During the government of President Michelle Bachelet, a labour reform was completed, and it was aimed at enhancing collective labour rights and bringing trade union freedom, collective bargaining and striking rights into line with ILO standards. Now of course this reform was not perfect, and some steps forward are still pending, but the problem is that less than a year since this text entered into force, the Government now, which is egged on by fearmongers who are scared of trade union rights, is proposing administrative and legal initiatives that backtrack on what was achieved. We have no time for this. On the contrary, what we need is to deepen the regulation of, and protection of, the most precarious sectors such as the call centre sector for instance, which makes an abusive use of young and female workforces and where basic rights, such as that of going to the toilet, are not even guaranteed. That is tantamount to slave labour. Amongst the major social demands which have been expressed on the streets is the right to comprehensive and dignified social security. That includes fair pensions. The current pension administration system follows a market-based logic which has been denounced by our trade union, and in fact there were three footnotes calling on the Government to reform this system. Therefore, we urge the government to put the matter, the ratification of ILO Convention 102, before Parliament as a matter of urgency. We denounce before this assembly the disproportionate response

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of police forces, vis-à-vis students, women and our Mapuche brothers, which can be understood as a new logic of criminalizing social movements in various places, such as Brazil and Argentina. When a government lacks legitimacy or popular support, it resorts to violence and fear for governing. Finally, we declare that we are in a state of alarm before any attempt of the Government to modify through administrative ways the rights earned by Chile's workers. Thank you very much.

**Mr Jurkovič**

## Government (The Holy See)

Madam Chair, the world is currently experiencing a fundamental structural change which requires an in-depth analysis and reconsideration of what labour is and what it means for the economy, society and policymaking. In the age of sustainable development, labour should remain an essential channel to build an inclusive society, leaving aside the superficial measurement of human progress only in terms of economic growth and the accumulation of material wealth. According to the Holy See, labour should mean participating and contributing to an inclusive society. This implies a revelation of work, seeing it as an essential expression of human person, as a means by which we can pursue self-realization. The inversion of the order between means and ends, where work as a good becomes an instrument and money an end, is a fertile ground for a reckless and amoral culture of waste. The catalyst of the structural change we are currently experiencing remains the rapidly growing field of technology. It is creating new challenges to which we have yet to come to terms. The economy has accepted advances of technology with the assumption that it has a merely positive impact for society. In reality, the evidence shows that it is not the case. Technology and globalization are playing a major role in the progressive polarization of labour market in both advanced and developing countries. In order to build a sustainable future, we also need to involve and rely on the next generations. The paradox is that whereas we should expect the greater contribution from the young, the trends inherited from the past and the present put youth in a marginal and vulnerable position. The world economy, although growing, is not able to create enough quality jobs, in particular for young people. There is an urgent need to recognize better and the equal rights of women in the labour market, to respect genuinely the tasks they carry out in their professional life, keeping in mind their aspiration within the family and within society as a whole. Unfortunately, reality nowadays still prevents many women from being employed, often due to a purely economic conception of society. Too often women still have to choose between family and work. Becoming a mother still remains a source of disadvantage at work. Every woman has the right to choose between being simultaneously a mother and carrying out a professional career, or being a mother and dedicating all her activities to the family. Family remains the fundamental unit of society, and hence needs to be protected. Women represent a vital part of family. Without a clear understanding of the aspect of human dignity, discrimination of women will never be overcome. Mr President, allow me in this context to reaffirm the concerns of the Holy See for those unfortunate situations where the dignity of women and men, workers, is vilified by violence, especially by sexual violence and harassment. It is therefore even more regrettable to witness the present attempt by some to hijack the preparatory text of the Commission, particularly Item 5, with the clear aim of introducing controversial concept in the new definitions that lack any scientific evidence or international consensus and which are driven by an ideological colonialism. Such attempts shy away from clearly addressing and effectively preventing the causes of violence in

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places of work and forget the need for authentic assistance to which victims of sexual harassment, women along with men, are entitled. By the way of conclusion, my delegation calls the international community to achieve real equality in every area of work. Our ability to recognize the dignity comes from the use of reason itself, which is able to understand the law of God written in the heart of every human being. Thank you, Madam Chair.

**Mr Tokumaru**

### **Employer (Japan)**

Thank you, Madam Chair. Good afternoon ladies and gentlemen. It is my great honour being able to speak at this House as an employer representative of Japan. Let me first begin with the Sustainable Development Goals. In September 2015, the international community adopted a set of goals towards 2030, with a view of ending poverty and ensuring prosperity for all. Keidanren, Japan Business Federation, has revised charter of corporate behaviour last November, with the primary aim of proactive delivering on the SDGs. As mentioned in the DG report on ILO programmes implementation, it is of utmost importance that the ILO, as a member of the core group of UN development system, devote itself to achieving the goals, especially Goal 8. Decent work and economic growth is exactly what this House must address. In order to achieve this goal, we must first strengthen basis for the sustained growth through formation of industrial clusters, and thereby creating employment. The private sector is playing a vital role in this regard. Wide range of Japanese companies, from SMEs to major enterprises, are making foreign direct investment to developing countries, not only expanding opportunity for decent work but also offering vocational training to the employees. Also, it should be noted that the private sector is contributing towards tackling poverty and ensuring decent work. For example, in collaboration with the ILO, a Japanese company and an overseas affiliate have been funding a programme aiming at eradication of child labour. ILO budget alone wouldn't be sufficient in initiating this programme. Therefore, it is highly expected that this sort of private public partnership, PPP, would prevail. Madam Chair, let me turn to the domestic aspect of decent work. In Japan, a bill on the work reform is now under deliberation process as the National Diet. A ceiling on the overtime working hours will be introduced under the new legislation. Therefore, the Japanese business sector has already taken a step forward towards doing away with excessive working hours while raising productivity. For example, Keidanren, Japan Business Federation, is requesting its member companies to set up a voluntary action plan aiming at reducing overtime hours and encouraging employees to take paid leaves. As of today, more than 200 member companies have committed to the plan. Also, legislation on equal pay for equal work is going to be revised. We are committed to implementing the revised registration by eliminating unreasonable differences in the treatment between regular and non-regular workers, and by making ourselves accountable for differentiated treatment, should there be any. Eradication of harassment at workplace is another important issue in Japan. In March this year, the tripartite of Japan submitted a report on definition of harassment and its possible prevention measures with a view of drafting a guideline or relevant tools in the near future. In the meanwhile, adaptation of standards aiming at ending violence and harassment in the world of work is on the agenda of this House. We are of the view that instruments which allow for flexibility is desirable so that compatibility between domestic legislation of each member could be achieved in implementing the above standards. We look forward to contributing towards a fruitful outcome regarding this

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important issue. Finally, I'd like to close my speech by emphasizing once again that employers of Japan are committed to tripartite collaboration, addressing both international and domestic aspect of decent work. Thank you very much for your attention

**Mr Dhakiri**

## **Government (Indonesia)**

Madam President, Excellencies, distinguished delegates, ladies and gentlemen, I would like to express my appreciation to the Director-General for his report *The Women at Work Initiative: The push for equality*. Indonesia is of the view that improving female labour participation is one of the essential components to achieve the Sustainable Development Goals. Therefore, the Government of Indonesia has been developing various policies and programmes to increase labour participation rate of females and to provide better facilities for women workers, among others. First, launching the National Movement on Non-Discrimination at Work. Second, implementing guidelines on gender-neutral wages at work and prevention on sexual harassment at work. Third, establishing taskforce on Equal Employment Opportunity or EEO. Fourth, raising awareness and capacity of the local government officials and other stakeholders to implement EEO. Fifth, quota for each political party to have minimum 30 per cent female candidates to participate in elections. Indonesia welcomes the effort of the ILO to launch new push for equality and would like to share the following views on the proposed building blocks in the report. First, on a new care economy. We believe that the development of care economy prospective will help in promoting equality for women in the world at work. Hence, ILO needs to continue working closely with its constituents to ensure better investment in developing the decent care work at the national and global level. Second, on strengthening women's control over their time. We attach the importance of creating enabling environment to promote flexible yet productive working arrangements for women in informal work places, as well as ensuring sustainability of economic growth. Further study by the ILO is required on the promotion of inclusive social dialogue and collective bargaining to develop a work-family balance working time policy, that would also meet the needs of workers and employers. Third, on valuing women's work fairly. We underscore the need of the ILO to ensure better data collection based on sound methodology, which can be used to develop public policy and private sector programmes to better address decent work for women, including pay inequality and challenges faced by women workers in the formal and informal economy at national and global level. Fourth, on raising the voice and representation of women. ILO should continue its effort to provide policy advice and support for programme development at the country level to promote women's participation in the world of work. The Office should also continue to enforce its effort to achieve greater enforcement of women in the work of the organization. Fifth, on ending violence and harassment. Indonesia welcomes the standard setting discussions and looks forward for the future ILO instrument on the violence and harassment at the world of work. In this regard, we are pleased to inform that the implementation of Indonesia's Social Security Scheme already covers the protection of workers against violence and harassment at work. Madam President, Indonesia stands ready to working closely with the ILO, social partners and other stakeholders to achieving our goal to improve the living and working conditions of women and men. Finally, Madam Chair, as we are now approaching the 100th anniversary of the organization next year, let us harness our partnership and effort to implement the seven Centenary Initiative,

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including women at work incentive to ensure decent work for all women and men. I thank you.

**Mr Yomura**

## **Government (Brazil)**

Madam Chair, Director-General Guy Ryder, Ministers, ladies and gentlemen, I extend my greetings to all the present delegations, and I thank the Director-General of the ILO, Guy Ryder, for his report which looks at Women at Work in the ILO, and this aims to attach the main problems which still stand in the way of gender equality in the world of work. The Brazilian Government is strongly committed to promoting gender equality and has taken many measures in this direction. And I would like to mention the broadening of the rights for domestic workers, the increase in paternity and maternity leave, as well as the increase in number of places for day care, which strengthen the economic independence of women and promote gender equality in the world of work. I would also like to mention that, in terms of women's representation, we have the National Forum for Women in Political Parties and the platform for more Women in Power, which are both promoted by the National Secretariat for Policies for Women. Now I must mention the Maria da Penha Law, which will be 11 years old in August, as legislation to combat harassment and violence, and has been recognized by the United Nations as one of the most progressive legislations to face domestic violence and family-based violence against women. We hope that the ILO will continue to do its work as we move towards starting the second centenary of the organization. In order for us achieve real gender equality, we must take into consideration future challenges and reassess the traditional gender roles. In line with this, Brazil has promoted the modernization of its labour legislation in order to increase flexibility in time management for workers as well as rebalancing the relationship between personal and professional life. Today, it is possible for men to have a working day that is more appropriate to being able to carry out family based duties, a role that was disproportionately put on women. Today, we should have greater use of teleworking, and this will allow us to have better management of family and work time. We have ended our outdated and excessively rigid legislation which discriminated against women when it came to contracting, without neglecting the necessary protection for those who are living in real vulnerable situations. We value collective bargaining and the independence of workers, whilst guaranteeing protecting their rights, modernizing labour law, and these are a new moment in history in labour relations in Brazil. We have also avoided the judicialization and ensured that there is greater legal certainty. We will see the products of this, and we have seen resistance to these reforms, particularly from sectors that are very stuck to paternalistic practices of the past. We have a strong commitment to trade union freedom, and we have committed ourselves to the Conventions of the ILO. I would like to repeat that we are in line with the ILO's Conventions. If we look at the progress that has been made, we have seen the growth in the economy as well as a reduction in inflation as well as interest rates. We have also seen an increase in the number of jobs being offered. There have been natural oscillations, and these have influenced the indicators. Nonetheless, it is possible that we will, by the end of 2018, have an employment rate of 12 per cent. As my predecessor in the Ministry, I would like to reaffirm my highest esteem for this organization, which has a great responsibility in promoting decent work and social dialogue. And it is for that reason that I have a duty to ensure that there are deep-rooted reforms in our standard setting system from

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the perspective of governments, and the organization must strengthen its technical character as well as strengthening cooperation and constructive dialogue. Thank you.

**Ms Teketel**

## Government (Ethiopia)

Madam Chair, ladies and gentlemen, first of all, let me begin by congratulating the President and his Vice-Presidents on their election to preside over the 107th Session of the ILC. I am confident that under their wise leadership the conference will achieve its full success. Let me commend the Director-General of the ILO, Mr Guy Ryder, for giving us a comprehensive and informative report on Women at Work. I would also like to express my gratitude to the Chairperson of the Governing Body of the ILO for the wide-ranging annual report. Madam Chair, Ethiopia welcomes the Women at Work initiative with utmost appreciation. It is, in fact, a very crucial and, I think, a long overdue issue. As clearly put in the report, women are predominantly engaged in low paid occupations and economic activities. That, in effect, results in segregation and gender wage gap, a vicious cycle that needs to be broken because changing the situation of women is changing the situation of half the world of work. I would gladly take this opportunity to demonstrate Ethiopia's full commitment to work for achievement of this golden initiative that aims at protecting women from discrimination and harassment and pushing for gender equality at work, labour market and decision-making positions. This initiative, which goes in line with various international legal instruments on gender equality and women empowerment, is also very much consistent with Ethiopia's National Constitution and development policies. We have also finalized the amendment of our National Labour Law. We believe would contribute significantly to better working conditions for women. The Ethiopian Government has been implementing a set of policy measures and strategies that streamline women empowerment in all domains, political, economic and social spheres. Witnessing rapid national economy growth and political reform, currently Ethiopia, more than any time else, is determined to promote gender equality and social justice to achieve sustainable development in the country. Women's representation in the Ministry and Cabinet, Parliament and other important decision-making positions, has been progressively increasing in our country. Women are taking up key leadership positions in the Government structure. That's why I am here today. However, we still have a very long way to go as so many women are still subjected to discrimination, violence and harassment at workplaces, not only in their home country but also in their destinations as labour migrants outside their home. Madam Chair, I would like to say that women's condition at work is highly interwoven with a mindset of their respective societies. The challenge is therefore deep-rooted and very much attached to the existing social and cultural structures. It therefore requires a high-level collaborative engagement and a special creative approach. Madam Chair, on behalf of the Ethiopian Government, and on my own behalf as a woman, once again I would like to reiterate my appreciation to the ILO for picking up such a valuable initiative. We really need to put together our efforts to make this initiative winning. Finally, ladies and gentlemen, let me take this opportunity to thank the Director-General for the invaluable efforts he has made in promoting the 1986 amendment to the ILO Constitution. While appreciating member States that had responded to the promotion measures by the Office, my delegation would like to call upon member States that have not yet ratified this amendment, to do so as soon as possible. And I thank you very much.

## Employers (Indonesia)

Madam President, Minister, Director-General and distinguished delegates, good afternoon. Madam President, APINDO is delighted to be part of employer and community that are actively cooperating with ILO by assigning feedback and giving essential input for creating constructive solution in promoting labour standards. APINDO believes that conducive business climate will generate better nation productivity, increase employment and improve decent work. In order to achieve the economic sustainability element, APINDO engaged all business player and strategy planners in stimulating higher productivity and encouraging decent employment opportunity, which could bring benefit for our Sustainable Development Goals. That includes sustainable economic growth, social inclusiveness and decent work for all. Moreover, the recent challenges for employers to create a green job in green economy framework, a member of global community, APINDO, also share the same concern about sustainability in our planet which eventually has impact on the working world. APINDO believes that it's necessary to collaborate together in seeking initiatives to preserve the planet in which we live, and at the same time sustaining our effort to create jobs with better implementation. Madam President, APINDO developed a number of semi-autonomous APINDO bodies to support SDGs. Which are, APINDO training centre, Indonesian National Apprentice Network affiliated with global apprentice network, and Certification Bureau for industrial relation resource. The body contribute to human resource development through harmonious industrial relation approach. For example, Collective Labour Agreement, with [vgr INAUDIBLE 2:42] discussion, social security productivity, apprenticeship and vocational training. In order to confront the challenges of Industrial Revolution 4.0, APINDO, together with the Government, have escalated the labour skill and competences, the one done by conducting National Apprentice Movement. Through this programme, APINDO encouraged approximately 2,600 companies to implement apprenticeships in workplace. APINDO commit to synergize; they have done this by recruiting several companies that profusely helped apprentice programme to boost awareness on apprenticeship to facilitate the [vgr INAUDIBLE 3:23] information in apprentice practice and to reduce skill mismatch between the fresh graduate and the business sector demand. Mr President, APINDO has also been putting a tremendous effort to comply with ILO fundamental principle. Nevertheless, APINDO still captures several labour market challenges in Indonesia. Social dialogue in labour relation [vgr INAUDIBLE 3:51] could be declared of state's policy. The Government has the responsibility to setting appropriate policy legal regulatory framework of the superficial guarantee to coherent social dialogue policy. Despite the challenges of [vgr INAUDIBLE 4:09], the need for strengthening government roles should be expanded to raise public participation. Method of technology [vgr INAUDIBLE 4:19] ICT application have to be implemented by a related stakeholder appropriately to support work process social dialogue with the Government. Madam President, in regard the [vgr INAUDIBLE 4:32] conference on violence and harassment in the world of work, I should put at harmony with legal system of each member country to make it implementable. Madam President, to conclude our speech, APINDO hopes that the plenary meeting will generate better improvement in order to support the Sustainable Development Goals, which especially aim to attain systematic economy growth, social inclusiveness, decent work for all. Hopefully, within our effort, together conducting the new objective solution for work, we could get a better business sustainability and better future of decent work. I thank you.

## Government (South Africa)

Your Excellency, Madam President, Vice-Presidents, distinguished delegates, the preamble of the ILOs Constitution is instructive, and it is as relevant today as it was 100 years ago. It has provided a solid foundation and a point of reference for our work. Let us recall that this seminal declaration states two fundamental things: that universal peace can be established only if it is based upon social justice and that the failure of any nation to adopt human labour standards may be an obstacle in the way of social justice. As we approach the ILO centenary in 2019, the Report of the Director-General is apt when it reminds us that, whilst we have made major progress since our inception in 1919, there are still numerous challenges that confront us right now, and those are guaranteed that would emerge as we move forward. It is true that in those areas where we have moved forward as a collective, the impact has been much greater. And likewise, in those areas where collective efforts have been erratic and or non-existent, progress has been dismal. We must accept that we work in an environment that is so dynamic and changes happen much quicker and are more complex than it was the case in the formative years of the ILO. This will therefore require high levels of sophistication when designing and crafting interventions. Madam President, the first president of the democratic South Africa, the late Nelson Mandela, was apt when he said, and I quote, “After climbing a great hill, one only finds that there are many more hills to climb.” The Report of the Director-General reminds us that whilst we have reasons to celebrate our achievements to date, there is equally a lot of work to do. Let me, albeit briefly, give some sound bites of how South Africa is doing in meeting our obligations on the main thrust of the DG's report covering just the thematic pillars. On the call for the new push for equality, noting the harsh reality that women continue to be paid far less than men across the world even when they do the work of equal value. In pursuit of our efforts to address this challenge, we have reviewed our Employment Equity legal framework by introducing the principle of equal pay for work of equal value. We have also made compliance with the Employment Equity law, a pre-condition to do business with the State, which is both a carrot and a stick. Every designated employer will require a letter of good standing on the employment equity compliance before it could be considered as a service provider to the State and its organs. Whilst we understand that law only on its own will not be sufficient to achieve the desired outcomes, we are also upscaling our inspection and enforcement and rolling out awareness programmes in partnership with our social partners. Violence is considered a crime in our laws, and harassment in the world of work is no different. Workers have an option of pursuing claims of violence and harassment in the world of work, either through labour dispute resolution routes or criminally. We understand that for this ambition to work it will require a paradigm shift in dealing with the stigma and victimization that is perennial on such matters. Workers themselves will need to be firm in standing up against the perpetrators and not to back off at critical stages of the processes. Social dialogue and tripartism is evolving and new challenges emerge given that social dialogue does not exist in isolation to the social economic and dual political realities. South Africa constantly evaluates and assesses methods of enhancing not so much processes but the quality of the outcomes. Our model of social dialogue is not necessarily tripartite in character, but more than that, giving women, youth cooperatives and civic associations a part of the social dialogue institutional arrangements. Whilst it is working relatively well, there will always be room for improvement. And our social dialogue and tripartism was put to a test

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recently when our social partners were seized with negotiating the very first national minimum wage legislation for South Africa. It was a difficult, but robust process which resulted in the social partners concluding far-reaching agreements on a range of key modalities of what national minimum wage legislation should look like. The resilience of our social dialogue was again tested recently when we engaged our social partners on key amendments on labour relations legislation and the Basic Conditions of Employment Act. Whilst there were disagreements in some areas, which is very normal in true social dialogue, these were handled with delicate care and with incredible levels of mutual respect. We stand ready to make our contribution in addressing the challenges raised in the social report. We are also ready to share our experiences and learn from every single member of this body in order to enhance the quality of the outcomes. We thank the ILO and the ILO leadership located in our country office in Pretoria for their support when we navigate some of the difficult macro and cross-border challenges. Let us all put our shoulders behind the new push for equality in order to make social justice a reality in our lifetime, and I thank you very much.

## **Mr Baumgartner**

### **Government (Uruguay)**

Director-General of the ILO, Mr Guy Ryder, Chairman of the International Labour Conference, Mr Samir Murad, once again, the ILC in one of its committees is looking at the topic of social dialogue and tripartism, which are anchored in this organization's best practices and the guiding thread of which comes from the Declaration of Philadelphia and the ILO's Constitution itself. In this case, our country's Government would like to reflect about these two institutions, taking as a starting point our national reality which is rich in experiences in social dialogue and tripartism. Over the last 13 years, our country has developed a policy of social dialogue for the governance of labour relations, which repeatedly makes use of prior consultation, tripartism, inclusive collective bargaining and broadened inclusive social dialogue. Such actions have enabled us to develop constantly, and this has been recognized by other UN agencies. In terms of legislation, we have proclaimed more than 30 laws which have helped update labour legislation and social security legislation on issues such as outsourcing, the protection of trade union activities, the reform of labour processes, new statutes for rural workers and domestic workers, for night work, and for making the pension system more flexible, as well as reforming the unemployment benefit system. In terms of occupational safety and health, we have strengthened the National Council for Occupational Health and Safety, which is a tripartite institution and which has developed through consultation a large number of decrees and protocols. In terms of remuneration, we tend to convene wage councils which are tripartite bodies, the purpose of which is to set minimum wages for each sector and each labour category. These bodies have yielded countless agreements and often collective agreements, which thus cover almost all workers in the private sector. The overwhelming majority of these agreements were reached by unanimity. The Superior Tripartite Council has served as a consultation body, not just for setting minimum wages at the national level but also in terms of other standards such as the decree that regulates night work or recruitment and employment agencies, or I could also mention the bill on labour for persons with disabilities. Tripartism has been playing its role for 25 years, and we are as a consequence successfully managing our social security system at the national level. There is the board of the Social Security Bank which comprises workers, employers, taxpayer

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representatives and the government. And let me inform you that this institute handles the largest amount of public funds in our country. Another noteworthy example of successful tripartism is the National Institution for Employment and Vocational Training. This also comprises workers, employers and governments, and it underpins vocational training in our country. What is interesting is that all of these social dialogue experiences have been the driving force for a necessary formulization of the job market. Since 2005, almost half a million workers have entered the formal sector, and this means they are closer to decent jobs, and we have also included sectors of society which for many years lay outside of the virtual circle of formality. Another topic which this conference is looking at is that of harassment at work. It is a very complex issue. The idiosyncrasies of each sector and the culture of each country or region are of great significance here, and our country is not immune to the matter. Notwithstanding the fact that this conference has decided to talk about establishing an international standard, in Uruguay we have been regulating it already through law, particularly concerning sexual harassment, and also through other forms such as collective bargaining. Mr Director-General, at a time of great transformation in the world of work which is threatened as we know it because of the digital revolution, social dialogue in all of its shapes and forms, tripartism, consultation, dialogue per se and collective bargaining, stands out as the best tool for tackling any reform that aims at changing labour law or the collective relations within a regional country. Social dialogue, for all the transformations that have affected the world of work, remains the central part of this organization's standard setting system. Thank you very much.

**Ms Janahi**

### **Employer (Bahrain)**

Madam Chair, Your Excellencies, Heads of delegations, ladies and gentlemen, it is my pleasure to take part in the sessions and deliberations of this session of the ILC as representative of the business community in the Kingdom of Bahrain. In my personal capacity, and on behalf of the Chamber of Commerce and Industry in Bahrain and of the private sector, I would like to express our thanks and appreciation to all the participants in this conference. We commend the efforts deployed by the ILO in collaboration with the production partners worldwide in order to enhance cooperation and coordination and to uphold the principles of a constructive social dialogue and to answer the concerns of labour and achieve justice for all, hence reinforcing the stability and the relationship between the three partners and creating a sustainable, enabling business environment. Ladies and gentlemen, developing or investing in the economic potential of women is central to the strategy adopted by Bahrain to develop the capabilities of women and to promote her status as a businesswoman. Therefore, the national strategy for the promotion of women was adopted by the Supreme Council for Women with the support of his Highness the King. This strategy focuses on the economic empowerment of women, and it targets working women, businesswomen and the women working in their households as well as women with special needs. The strategy guarantees the adoption and implementation of economic policies for working women besides a training and development programme to empower women economically to provide just social security for women, as well as elaborating a programme in collaboration with the governmental organizations and with regional funding institutions to improve the job opportunities for women and to increase their income. The Bahraini women have also been present at the international level as members of the CSW, and also as

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members of the Executive Council of UN Women. UN Women has also launched the award of Princess Sabeeka Al Kahlifa for the empowerment of women, and they have inaugurated their bureau in Bahrain in the presence of the Deputy Secretary-General and the Executive Director of UN Women. Women in Bahrain occupy senior executive positions in the private sector. They are CEOs and Director-Generals, and they are also active in new areas of work. Women in Bahrain play an active role in the development of the private sector, through working in that sector or through owning and managing production enterprises. The number of female workers in the private sector went from 19,000 in 2006 to 31,000 female workers in 2017, and it is worth mentioning that women are also present in the decision-making positions. They are active in the public and political arenas, and they are also present in the Shura Council and the Parliament. Ladies and gentlemen, the Israeli constraints imposed on the Palestinian territories have increased unemployment, which has reached 27 per cent, especially after imposing harsh restrictions on the movement of workers and goods from and to the Gaza strip, leading to a drop in the Palestinian economy. Hence the importance of the international cooperation and coordination and supporting the efforts of all stakeholders to alleviate the restrictions imposed on the workers in the occupied Palestinian territories, which have negative repercussions on labour and economy. We therefore reiterate that the Chamber of Commerce and Industry of Bahrain fully supports the right of the Palestinian workers to work in the occupied Palestinian land with Jerusalem as its capital. Madam Chair, ladies and gentlemen, we hope that this conference will come up with effective Recommendations, enhancing the skills of women and allowing them to go along with the different developments to achieve a full partnership between the two genders, thus contributing to social justice. We also hope to come up with binding Recommendations for all the constituents, given the seriousness of what was mentioned by the Director-General's report, and thank you.

## **Mr Comissário**

### **Government (Mozambique)**

Madam Chair, President, Director-General, on behalf of the Republic of Mozambique, we congratulate you, Mr President, on your election, and we congratulate Director-General, Guy Ryder, and his team for the excellent work and dynamism with which they have been implementing the objectives of the ILO. We are doing this at a time at which our organization is preparing itself to commemorate, in 2019, its centenary. His Excellency Mr Filipe Nyusi, President of the Republic of Mozambique, visited the headquarters of the ILO in February this year, and with this gesture he wanted to give a clear signal of his unwavering support to this organization and to our bilateral cooperation. The ILO is facing a number of different challenges, and these can only be overcome through our collective engagement and in the implementation of effective strategies aiming to achieve the Sustainable Development objectives, particularly number 8, in line with the principle of leaving no one behind. Your Excellencies, in the context of ensuring that we fulfil our obligations, we are pleased to inform you that the Government submitted to the Assembly of the Republic all the instruments that have been adopted by the ILO between 1996 and 2017. Therefore, in 2017, Mozambique ratified the protocol to Convention 29 on forced Labour, protocol to Convention 81 on labour inspection, and Convention 176 on safety and health in mines. This year we ratified the Maritime Labour Convention. The Government has approved an action plan for employment policy, the national plan to combat the worst forms of child labour, and we are

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currently looking at reforming our labour law. In line in our fight against the worst forms of child labour, Mozambique has for the first time now a list of jobs that are considered dangerous for children. Our Government continues to be committed in promoting social dialogue which is productive and continuous, and this can be attested by the regular participation of government members in the Labour Advisory Committee. Excellencies, the Director-General's report emphasized the importance of promoting gender equality, fighting against discrimination across the board, and our Government believes this matter is of a highest priority. Recently, we reviewed the gender policy and strategy for its implementation, and we will soon be approving it. The Government has carried out actions with an aim to eliminate discrimination against women and to highlight the value of women in families and in societies. In terms of implementing the Convention on maternity protection, Mozambique has increased maternity leave to 90 days for civil servants. This action strengthens and increases the protection of women and mothers as well as increasing protection for infants. One key action carried out by the Government is strengthening women's participation in decision-making bodies at all levels, thus guaranteeing equal opportunities and increasing positive discrimination. We believe it is important to promote equal opportunities between men and women. Ladies and gentlemen, Excellencies, Mozambique continues to carry out efforts to promote tripartite social dialogue because this is the fundamental tool for us to achieve social justice and peace. Mozambique reaffirms its commitment to promoting decent work, which is the major objective of this organization. Thank you.

**Mr Chishimba**

### **Worker (Zambia)**

Good afternoon, the Chairperson, fellow delegates, ladies and gentlemen. On behalf of Zambian workers, I wish to thank you very much for the opportunity to speak in this plenary session. Indeed, this 107th Session of the International Labour Conference has covered a wide range of subjects relating to the dynamics of the world of work. In particular, the Report of the Director-General provides leadership and a decisive position of ILO from the past hesitations to place the issue of gender equality on the agenda and putting on the spotlight challenges of harassment and discrimination in the world of work. Chairperson, we agree with the Director-General's report that women face a number of challenges in society and particularly in the workplace. Progress to realising gender equality has been slow, and the hard reality remains that women continue to face discrimination and harassment in workplaces. As we continue the discussions on ending violence and harassment in the world of work, we are hopeful that we may have a new ILO Convention to strengthen the fight for women's right in the world of work. Chairperson, ladies and gentlemen, the report of the Chairperson of the Governing Body also reminds us of the previous commitments we have made to ensure that our aspiration to ensure gender equality in all spheres of work is reflected even in the composition of our national delegations to the International Labour Conference. However, our assessment of the list of delegates to this conference has confirmed that we are still behind in this commitment. Therefore, we support the resolve to request the Director-General after every conference, as well as regional meetings, to continue to bring the issue to the attention of members and groups that had not reached the minimum target of 30 per cent of women's participation with the goal of gender parity. Furthermore, it is true from the Director-General's report that the employment situation globally remains precarious, despite relative global economic growth. The picture is worse in

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African countries, where employment is largely in the informal economy, with only about 10 per cent of the working population in formal employment. This implies that social protection coverage has also remained narrow in most African countries, with about 90 per cent of the working population not covered by social protection programmes. We appreciate that social dialogue should be the means to achieving social protection. The Committee on Social Dialogue helped to put into perspective social dialogue in our different national setups. Without doubt, enhancing social dialogue in our different nations will help to consolidate our ideological approach to the concept of development and eventually ensure policy coherence at national level as we align our development policies to the Agenda 2030. Such social dialogue must be structured on the principle of tripartism, taking into account that employers' organizations, workers' organizations and government represent distinct constituencies and that, by nature of their existence, are directly involved at different levels in the world of work. Building up on the principle of social dialogue, we wish to congratulate the ILO for the initiative to engage the World Bank on its revised environmental and social safeguards to include provisions to respect labour standards in World Bank funded projects. In light of this, we appreciate the new approach by the World Bank and the International Labour Organization. The partnership of these two influential global institutions will help to enhance policy coherence at the national level in a number of ILO member States that undertake World Bank projects. The report of the Chairperson of the Governing Body also reminds us of the pledges we made at the IV Global Conference on the Sustained Eradication of Child Labour held in Argentina last year. We reaffirm our commitment to the elimination of child labour, and we offer our support to the proposal to encourage the General Assembly of the United Nations to declare the year 2021 as International Year for the Elimination of Child Labour. In conclusion, we wish to underscore the need for capacity building for workers' organizations, and indeed all ILO constituents, in order to achieve the strategic objective of the Decent Work Agenda. Chairperson, there is a need to take into account the paradigm shift in the approach to development cooperation in view of the ILO - World Bank partnership. This calls for redesigning Decent Work Country Programmes and realigning the dialogue structures in order to realize ILO's value addition at the country level and enhance social dialogue as a government instrument. Thank you.

## **Mr Braga De Andrade**

### **Employer (Brazil)**

Ladies and gentlemen, the National Confederation of Industries, on behalf of the Employers' delegation of Brazil, would like to extend its greetings to all those here present and thanks you for giving us this opportunity to express ourselves. The world and labour relations is going through a unique moment, and the objective to promote the environmental sustainability and the human relations, as well as the challenges which we must face given technological changes and because of migratory flows and globalization, are some of the reasons which society must make adjustments. And Brazil is a diverse country which aims to find solutions to the global challenges which involve structural matters as well as a demographic transition which is currently underway. The labour legislation is one of the matters which is being perfected in the country. Rigid labour law, which is made up of consolidated labour laws as well as a number of sparse regulations, was modernized for the first time in more than 70 years. We have more than 100 articles in legislation that have been updated, and we have modernized our protection measures for workers, and now we have an effective

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dialogue between workers and employers. Some of the positive results can already be seen, such as the reduction by around 5 per cent in the number of labour lawsuits and a huge number of collective bargaining agreements. For us to understand the reality on the ground, in February this year we signed around 18,000 new agreements. Specifically, this modernization, which has been democratically approved by the Brazilian legislator, has aimed to strengthen collective bargaining as well as in line with Conventions 98 and 154 of the ILO. Furthermore, strengthening collective bargaining has been protected by the Supreme Brazilian Constitutional Court. Ladies and gentlemen, I have emphasized the modernization of labour law in Brazil and this has gone a long way, a process that we have seen in a number of countries over the last 30 or 40 years. And we have implemented very late the transformations that have occurred in negotiation with workers. This process has given a greater space for being able to discuss issues regarding a collective regulation, and it has also decentralized the rules as well as creating some rules in the very place of work. We have a greater dialogue with social partners, and we have less interference from the Government, and this ensures that there is an agreement between workers and employers, and this stimulates voluntary negotiations. It is important to emphasize that this pillar of modernization has in no way meant the revoking of workers' protection. In truth, this change has established broad limits and guarantees which cannot be negotiated. These cannot be the subject of collective negotiation. For example, the protection of certain groups as well as the minimum wage, and we cannot negotiate the protections for health and safety at work. These are fundamental rights that cannot be negotiated on, and Brazil is ensuring that we modernize our labour legislation, and we support this change because we want to have a more appropriate context that creates jobs and increases the salaries as well as improving working conditions. For businesses it is unacceptable that Brazil is seen as falling short of its commitments in its labour relations. We have specialized legal frameworks for these negotiations, and labour justice costs 20 per cent of the budget of the Brazilian judiciary. We fall in line with and we have ratified 97 treaties of the ILO. Most developed countries have only ratified between 14 and 26 ILO Conventions. Currently, the largest economies of the world are reviewing their reform. Brazil must do the same. The modernization of the labour legislation gives us appropriate tools to rise to the current and future challenges which we will face, and it is from this point of view that the ILO must understand the Brazilian labour reform but it must also understand its institutional role as it analyses the different topics. As a custodian of the tripartite social dialogue, which aims to ensure that the relation between workers and employers is maintained, the ILO is the forum for political dialogue, and it is an important institution to analyse technical issues and to look at labour relations and employment relations. Thank you

**Mr Makwayiba**

## **World Federation of Trade Unions**

Thank you, Madam Chair. Ladies and gentlemen, dear colleagues, on behalf of WFTU, we salute the plenary session, the delegates of Trade Union, the workers of all countries. From this podium we express our international solidarity with the people of Palestine who are suffering hard from the Israeli occupation. We condemn the new blood murder of unarmed Palestinian people in Gaza by the Israeli Army. We condemn the move of USA Embassy in Palestine, in Jerusalem. To us, Palestine and Jerusalem is the internally capital town of Palestine. At the international level, for one more year, the financial situation of workers and their life living conditions are very bad. In full mismatch of their life-giving contribution to the society. The

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austerity measures that were implemented in the name of the economic crisis have taken a permanent character in all countries of Europe and the western world in the form of pension, salary cuts, workers' rights withdrawal. The rivalries between the strong monopoly of different countries increasingly triggered in perilous intervention as the recent one in Syria, financial world sanctions that have a direct consequence to the life of ordinary people of those countries. The wars that took place in countries like Libya, Iraq, Afghanistan, Syria aim at the exploitation of those countries' natural resources by the strong capitalist country. Ladies and gentlemen, it is them who shed the peoples' blood and create entire enemies of unprotected people, refugees and immigrants. In the African countries, in many countries of Asia and Latin America, the workers are suffering the lack of dignified work. There's no health and safety measures in their workplace. There is no health coverage, drinking water, sufficient food, prevention of diseases like AIDS, etc. The unemployment and insecurity, especially in youth and women, denied their right to life with dignity. In this framework, the World Federation of Trade Unions supports the struggles and initiatives of workers who resist in France and India and shows its solidarity with sugar cane workers in Latin America, the teachers, everyone who is struggling in the corner of the planet. We stand side by side with people of Venezuela, Cuba and such people who fight against imperialists. During the 73 years from this establishment of WFTU, we dedicate its action to the defence of workers' rights, strengthening of class-orientated trade union movement at global level and to the practical expression of international solidarity. The observance of the international Conventions of ILO is important in ensuring the fundamental rights and trade union freedom of workers. But it is also needed that consistent vigilance and class struggling against monopoly and a devastating policy towards working class. We call upon the responsible people in ILO to take in account the longstanding WFTU demand for more democratic transparent operation of their institutions. WFTU firmly continues its support towards militant course, the organization of international level for present and the future of working class, for the stable work without imperialist wars, without xenophobic, without racist phenomena. We give our hand to every worker, regardless of his or her colour, religion, sex, language. Stand with us united and struggle against imperialist barbaric. We thank you.

**Ms Farani Azevedo**

### **Government (Brazil)**

Thank you, Madam Vice-President. You, Madam Vice-President, ask the plenary to use parliamentary language. Workers from different countries who do not know what is going on in Brazil are passing judgement on issues that do not concern them. I wish that this kind of behaviour, a non-parliamentary language, could stop. I call on you, Madam Vice-President and the President of this Conference and other Vice-Presidents, as well as the Director-General of this organization, to put a stop to this kind of manifestation that is not in accordance with the best practices, the best parliamentary practices, of ILO and of any UN agency for that matter. Brazil does not acknowledge any misrepresentation of legitimate processes in Brazil. Over the last two years, Brazil has faced political crisis and economic recession. We have implemented important economic and labour reforms, enacted key legislation and promoted positive changes. Democracy is alive in our country. Civil society is vibrant. Political debate is in full force, and the rule of law is in place and strong, and the judiciary remains fully independent. We have not shied away from our responsibilities. We persevere in the struggle against corruption. In compliance with

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due process of law and respect for the individual guarantees enshrined in the Brazilian Constitution, our institutions have proven their strength. By our deeds and actions, the Government has demonstrated its unwavering commitment to the rule of law, and above all, to the open and democratic character of our society. I count on you, Madam Vice-President. Thank you.

**Monday, 4 June 2018, p.m.**

**Mr Drullet Pérez**

**Worker (Cuba)**

Chair, as we move towards the centenary of the ILO, despite all the effort that has been put into the search for alternatives to improve the situation of workers in the world of work, we have to recognize that we are still far from achieving our goal. We could mention the many examples that demonstrate that violence is exercised against workers and that every year we discuss these cases in our search for social justice and for full respect for their rights and freedoms. As expressed in the Director-General's report, we have to promote equality of women in work and in society, and we have to turn reality around in this sense and fight for the fairness and justice that they deserve. Cuban women have already won many labour and social rights, which have led to their full empowerment in all areas of life. To illustrate these results, in Cuba, 49 per cent of the labour force is women, with equality of pay and rights, 53 per cent of Members of Parliament are women, 66 per cent of professional and technical professionals and 57 per cent of union leaders. And with these examples alone we can affirm that women's full rights are guaranteed, although we still continue to struggle to get rid of any remains of violence or discrimination that may come from individuals within society. Looking at the ILO's documents that have been published as a base for our discussions here, we can appreciate that the situation of millions of workers in the whole world is very difficult. In many European countries, workers are going through one of the worst nightmares of their history. Historic conquests have been done away with, their social and labour rights are being taken away from them, they're losing public services, pensions and are seeing their wages drop. In Asia and other regions, we can see more and more informal work in dreadful conditions without any protection, with awful wages and often in situations of semi slavery. In the Latin American context, social union and workers struggles against the neo-liberal policies applied by certain Governments are becoming more and more acute. Many of the advances that had been achieved in the project of integration and the creation of social programmes have been interrupted, provoking inequality, poverty, unemployment, discrimination and worse conditions of life. In a similar way, wars and inter-country conflicts have been a significant factor in the increase in unemployment, increase in migration, in the destruction of entire villages and of the environment, and it's women and children that are the victims most affected. Nonetheless, the global crisis that we're facing up to, along with the process of regression in many countries and all their consequences, are not just a temporary phenomenon. They are systemic, and therefore we reaffirm that it's the system that has to be changed. We are convinced that we will never resolve the serious problems of inequality, abuse, insecurity, unemployment, repression, war and crimes that we see at the moment being committed in the name of democracy and human rights within the existing capitalist system. Only with the necessary unity of the workers in the whole world will we be able to face up to this unjust system responsible for the

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difficulties of the world we live in. Chair, the Cubans continue to suffer economic difficulties as a result of the multiple crises that humanity is faced with and because of the measures imposed for many years by the unjust economic blockade, financial blockade and commercial blockade of the United States against Cuba, which has recently got worse. This attitude has contributed to the few advances that had been achieved in the reestablishment of bilateral relationships being undone, with the consequences that arise from that for the Cuban people and workers. Nonetheless, we are making the changes that we think are necessary, updating our social and economic model in order to improve our socialism. The Cuban Labour Code, which was discussed by more than 90 per cent of workers, takes in many of the protections that we are now analysing in committees here, and it's up to us to carry on working to defend the correct application of this labour legislation in its entirety. At the moment, the process of preparation for the 21st congress of our Central Labour Organization is underway, where the debate will be concentrated in the improvement of working conditions, occupational safety and health, the role of workers in the economic struggle, the improvement of our salary system, and of collective bargaining remits to carry on promoting development of our society to the benefit of workers and their families. We the people, and the workers of Cuba, through this process, guarantee the continuity of our system and the protection of labour union and social rights that were achieved in the revolution. We hope that with the contribution of everyone, and particularly of the Government, the seven initiatives of the 17 objectives for ... will be achieved. Thank you very much.

**Mr Echavarria**

### **Employer (Colombia)**

We employers continue to contribute to the path of progress that we have been going down over the past few years, dedicated to including women in a situation of equality in the world of work, whether serving the state as business people or as workers. We don't agree with the general negative tendency of the way the Director-General's report is presented, looking at injustice in work rather than in progress. Other international organizations have picked out specific advantages. For example, UN Women in 2017 report highlights the adaptation or amendment of 72 pieces of legislation of 61 states. The World Bank also indicates that there has been a significant increase of women participating in labour since 1990. It would have been desirable for the report to set out more examples of progress and good practice in other States that could have been used as reference points for States in their activities. Employers give great priority to the inclusion of women. We don't think that the solutions to full inclusion will be resolved via mere legalistic approach. Even less do we believe that the responsibilities of the State in this area can be transferred to businesses, as we have started to see in some kinds of legislation and its interpretation. The solution, above all, is in the authorities which have to do their part in an effective way to do away with structural, social, legal and especially cultural barriers. And for this reason, they should also make it possible for women to have access to training for the incorporation or appropriate qualification of women in the labour market. The employers emphasize the fact that the more active participation of women in the labour market should translate into better efficiency in the labour market, efficiency which will contribute to greater productivity and to better development through insertion of these economies in the global economy of markets. We also emphasize that, through our activities, there are a large number of women in work in a better situation who are working autonomously through teleworking,

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working at home with flexible working hours, flexible remuneration, and end up being able to make as much progress as women as men in their careers. And we invite governments and workers to achieve and to earn better results. We invest in women, and we also ask that there be trust and a commitment to them through their effort and improvement of the organization of businesses. Colombia has also progressed in issues of agenda. The inclusion of women in the labour market has led to a general increase in the rate of employment. Women today are treated equally and have more space to act in society and in business. We are aware that not all has been achieved. We also need to have cultural activities carried out which will completely include women in equality of conditions of treatment and in work. We don't need more rules or legislation for that. We need more collective consciousness of the changes in everyday activity in the behaviour of individuals as a society. We'd like to tell you at this conference that Colombian employers have had equal numbers of women involved for reasons of gender. We have the satisfaction also to have a businesswoman who is a member of the Andi Council on Peace and Resilience, which is going to be having its conference in the near future. I'd like to end in reciting the important message that is sent out by presence of the Colombian Head of State and the Government to close a dark page in our history and indicates our emergence as a mature society. We also have to be able to overcome difficulties and differences in work through more joint activity of social activism amongst each other with the authorities and vice versa. Colombia's going through a transition leading to full participation of everyone concerned. We have seen huge difficulties for the ILO in Colombia over the last 25 years as a result of intolerance and political violence, also through criminal actions from drug traffickers, which has also had an influence in different parts of society and in labour. Therefore we have to resolve our difference of opinion and legal controversies in a national ambit. Mutual respect is the basis of understanding, and therefore I invite the workers of our country to work with us, seeking joint solutions to the natural difficulties that we see arising in our relationships in the world of work. We hope and believe that what will come will be a better world.

## **Mr Samaraweera**

### **Government (Sri Lanka)**

Mr President, Director-General of the ILO, Honourable Ministers, Excellencies, delegates, ladies and gentlemen, it is a great pleasure for me to address this 107th Session of the International Labour Conference representing the Government of Sri Lanka. It is with great interest that we have noted the forward-looking proposals in the Report of the Director-General of the ILO titled *The Women at Work: The push for equality*, which is an important and integral part of the seven Centenary Initiatives launched by the ILO. Equality in the world of work and empowering women is a fundamental aspect and a clear goal stipulated in the 17 Sustainable Development Goals. We will not be able to realize inclusive and sustainable economic growth without properly addressing the inequalities in the world of work. Mr President, in my country, Sri Lanka, we are pleased to record very high standards and gender parity in several social indicators such as in health, education, etc. However, we need to make more efforts in improving the participation of women in the labour force. As in the case of many developing countries, there is a need to break gender stereotyping in certain jobs. The Government of Sri Lanka is taking a number of initiatives to address this constraint. With the implementation of National Decent Work Action Plan on par with the ILO principles, we have also made labour rights predicated

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priority area in our National Human Rights Action Plan 2017-2021, prepared through an inclusive and transparent consultation with all relevant stakeholders. It seeks to address several key areas of concern, including occupational safety, elimination of child labour, regulations in domestic worker sector, etc, with a view to bringing in qualitative improvement in the welfare of workers. Adhering to the principles of tripartism and social dialogue, Sri Lanka is now in the process of introducing a single employment law giving effect to the principle of non-discrimination based on gender and other forms of discrimination in the labour market. Also, bringing amendments to the current labour legislation to cover domestic workers in terms of wages, conditions of work and social security is also in progress. Mr President, it is this backdrop that Sri Lanka is pleased to engage in the initiatives related to Global March against child labour, particularly focusing on safety and health aspects of young employees. We have made remarkably strides in preventing child labour, and I am pleased to share with this august assembly that Sri Lanka is ready to offer its expertise in this area to support the endeavours of ILO. Also, Sri Lanka strongly believes that we must make the workplace an environment free of harassment, including in the domestic work sector. It is timely to have the initiative by the Governing Body including a standard setting item of violence and harassment against women and men in the world of work in the agenda of the 107th Session of the ILC. A balanced outcome that is firmly grounded on the Declaration of Philadelphia could make a tangible solution to the issues of violence and harassment in the workplace and could address the underlining causes of gender inequality. Sri Lanka is of the firm view that, in realizing the Decent Work Agenda, all these steps remain as strong building blocks to the labour architecture that promotes rights and standards in the world of work. I thank you.

## **Ms Baptiste-Primus**

### **Government (Trinidad and Tobago)**

Thank you very much, Madam Chair. Mr President, President General, Excellencies, distinguished ladies and gentlemen, it gives me great pleasure to take the floor today and to bring warm greetings from the Government and from the people of Trinidad and Tobago. Indeed, we are grateful for the opportunity to be represented at the conference this year and to reinforce global support for the advancement of Decent Work outcomes and for the achievement of the 2030 Sustainable Development Agenda. Mr President, next year we will finally celebrate the ILO's 100th anniversary, in 2019, and indeed we are happy that the launch of the seven Centenary Initiatives has given constituents the opportunity to directly participate in shaping the way in which the ILO achieves its mandate in the future. We have noted that it is up to constituents to take proactive action at the national level and through their respective tripartite organizations as they engage in the implementation of these initiatives. I would like to commend the Director-General on such a comprehensive and insightful report on the situation of Women at Work. Particularly his emphasis on pushing for full gender equality should not be overlooked. It is clear that achieving gender equality in the world of work is not only a human rights issue but is imperative for sustainable development. It was no doubt in recognition of this that world leaders made the decision to place the achievement of gender equality and the empowerment of women and girls on the Sustainable Development Agenda. Mr President, given our recent reflections as ILO constituents on the changing nature of the world of work, and as we recognize the collective

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responsibility of government, workers and employers to mould its future, it is my view that the Report of the Director-General represents an opportunity to reflect on the situation of women in the world of work among the member States of the ILO. The onus will be on member States to accomplish the global economic empowerment of women. If we want to progress towards securing such a future, we must, among other things, address the underrepresentation of women in jobs with better pay, foster and support gender parity in leadership positions, confront all forms of violence and harassment in the workplace, uphold the principle of equal pay for equal work of equal value, as well as recognize and commit to the reduction of unpaid care work. Mr President, the ILO's continued efforts to lead its constituents in the achievement of decent work has no doubt left a mark on the Government of Trinidad and Tobago, which constitutes to commit to people-centred development and to the promotion of the Decent Work Agenda. I am pleased to take this opportunity to indicate that there are several accomplishments of our Government. For example, we have advanced the promotion of the rights and responsibilities of employees and employers through an integrated marketing and communication campaign using social and traditional media. We have conducted consultation with all the stakeholders, approximately 14, on various pieces of legislation. In fact, our Government is continuing its work on amending labour legislation in Trinidad and Tobago as we launch and commence implementation of the revised National Workplace Policy on HIV and AIDS for Trinidad and Tobago, developed and implemented campaigns aimed towards sensitization of the public on the rights of domestic workers, as well as on the prevention and elimination of child labour in Trinidad and Tobago. We also commenced development of national policies on the prevention and elimination of child labour and on labour migration in Trinidad and Tobago. It would be remiss of me not to thank the ILO Decent Work team and office for the Caribbean for its unwavering support of our country's Decent Work initiatives. As a small island development state, Trinidad and Tobago, along with others in the Caribbean, continues to face economic challenges. Labour market vulnerabilities unique to the region, such as high rates of emigration, job and skills mismatch, low levels of productivity, youth unemployment, along with a growing informal sector and resources constraints, whether they be financial or otherwise, often serve as obstacles to the achievement of the Decent Work Agenda. Indeed, they are hurdles which confront us all. Thank you very much, Madam Chair.

**Mr Matula**

### **Worker (Philippines)**

Thank you, Madam Chair. Mr President, distinguished men and women of this august assembly, friends, I am honoured to speak for and on behalf of the workers of the Philippines. We commend the reports of the Chair, as well as the Director-General, as comprehensive as well as informative. Last Friday, we recall Colombian President Juan Manuel Santos spoke before us. He said that peace is only possible through social justice. The 2016 Nobel Peace awardee for ending 50 years of armed conflict in his country added, and I quote, "Social justice is achieved with more jobs, less poverty and less inequality." On this view we are delighted to recall the concept of lasting peace flowing from social justice. Being committed to this concept in practice, the ILO received the Nobel Peace Prize in 1969 on the golden anniversary of the organization. In the Philippines we are in interesting times. We are starting the quest for lasting peace with the communist guerrillas and the Moro secessionist to

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end bloodletting, while at the same time facing extra-legal killings that happen almost every day in the streets. First, on the quest for peace and international cooperation, under employment and decent work for peace and resilience recommendation of 2017, we commend Norway's valuable role in the peace process in the Philippines. Through the initiative of the Government of the Kingdom of Norway, the Government of the Republic of the Philippines has recently reopened the peace talks with the communist led National Democratic Front and its armed wing the New People's Army, which had been waging war for the past 50 years, but the rebels and the Government cannot walk away from the negotiating table because Norway has consistently been there. On the other hand, Norway is also involved in the peace process as international observer in the monitoring team overseeing the implementation of the peace process between the Government and the Moro Islamic Liberation Front. We are urging the Honourable Secretary Silvestre Bello III, who is the head of Government Peace Panel, to involve trade unions and civil society groups in the peace process. Peace is too important to be left alone to the warring groups. Secondly, we are highly alarmed and seriously concerned with the ongoing killings in the streets, including helpless children. We respectfully urge the Government to make corrective measures, reform the police force and use surgical measures instead of tolerating or enticing indiscriminate killings in addressing the drug problems in the country. Thirdly, on labour is not commodity under the Philadelphia Declaration in 1944 to improve workers' lives, NAGKAISA, including FFW, SENTRO and TUCP linked with the Kilusang Mayo Uno and mounted an anti-abusive contractualization campaign to address precarious work, both in the Government and in the private sector. Further, as regards social dialogue, we urge the Government to review the tripartite representation of workers in decision and policy-making bodies. Lastly, on a positive note, we are elated and grateful to the Government for the recent ratification of the Philippines of ILO Convention 151 on labour relations in the public sector that will benefit 1.5 million employees of the Government. We thank also the Public Service International and its affiliates in the Philippines who mounted the ratification campaign. The challenge to the Government now is to enact laws to implement the Convention. Thank you for your attention.

**Mr Aziz**

## **Employer (Pakistan)**

Honourable Chair, respected ladies and gentlemen, respected Director-General and from ILO and others, as President of Employers' Federation of Pakistan, as well as President of South Asian Forum of Employers, I bring to you warm and sincere greetings from Pakistan and from South Asia. During the last one year, Pakistan has gone a long way in demonstrating her undeterred resilience to the challenges of terrorism, ensuring peace and stability in the strife-driven regions and in mobilizing the drivers and enablers of change in country's socio-economic development and business sustainability. I take this opportunity to compliment the Director-General for presenting a comprehensive report on the results achieved by ILO in promoting social justice through decent work by focusing on ILO's performance in the biennium as measured by social activism, enabling outcomes and cost cutting policy drivers. I also pay tribute to the Director-General on his wisdom in launching the Women at Work Centenary Initiative as one of the seven initiatives through which the ILO will mark its first 100 years and prepare for the future. I sanguinely feel that the plenary debate on this report will add new momentum to the ILO's work for gender equality

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and will be a major contribution to what the Director-General terms a broader push for equality. The Director-General rightly points out in his report that, despite global growth gathering momentum, the increasing world unemployment, lack of social protection to teeming millions and insurmountable plight of child labour and forced labour, along with the 2030 UN Agenda of SDG Goals with focus on Decent Work, enable the ILO with encouraging and meaningful opportunities to enhance its influence in the national and international policy domains. The DG's report also enumerates the decent work results, adoption of Vientiane Declaration on transition from informal employment to formal employment towards decent work promotion in Asean, the adoption of the plan of action for cooperation on matters related to migration of the South Asian Association for Regional Cooperation, holding of dialogue on Future of Work initiative and developments on new DWCPs that are major highlights of results achieved in Asian Pacific region, including the South Asian countries. My country, Pakistan, is among the developing countries in South Asia struggling to emerge from the cage of socio-economic regression and is moving towards building and strengthening our political, economic and social institutions. It is encouraging to find the ILO in its country office in Islamabad resolutely standing with the tripartite stakeholders in reaping the benefits of some of the major results highlighted by the DG. The DWCP has entered its third phase. Pakistan has successfully established National Business Council for Social Protection Floors with a long and imperative agenda of focused activities. For example, positive steps have been initiated to mobilize collective bargaining in agriculture. We have just concluded with ILO a two-year joint project promoting better jobs through socially responsible practices in sports good industries in Sialkot, which is the sports capital of the world. Social dialogue on the ILS, ILES, Better Jobs, ILO 100, 101 Future Work, etc, and implementing through public private partnership are the examples of some of our major initiatives. We have recently formed an economic council that launched the Economic Vision 2030 and also the national business agenda among parliamentarians. With the ILO's support, we have phenomenal success in social dialogue when it succeeded in bringing the tripartite constituents to reach a consensus on the labour policy of my provinces, outlining the future visions of labour legislation, employee welfare and sustainable development. Let me go fast because time is short. While we extend our full support to ILO and the efforts of the DG achieving the targeted results, we call upon him to seriously consider a proposal to formulate a social compact specially focused on the needs and challenges of the less developed and developing countries Asia. In the end, I remember that when I was young we used to hear about Unicef in our schools. Now, for me, ILO has become part of my life. I see ILO as the beacon of hope for the deprived, the disadvantaged and the demoralized. I see the ILO as the bulwark for tripartism, and I see ILO as the citadel of social activism. In conclusion, taking advantage of this august House, I want to send a humble and earnest plea to world leaders from all the global citizens, please give peace a chance. I thank you Chair, ladies and gentlemen.

**Ms Kostevich**

### **Government (Belarus)**

Distinguished President, distinguished delegates, ladies and gentlemen, first I should like to congratulate the President of the Conference on election to this very high, responsible post. I wish you every success in your work. I'd also like to thank the Director-General, Mr Ryder, for his very comprehensive report, which shows the problems facing women in the world of work. Unfortunately, as we approach the

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centenary, we still have to mention the gender inequality at the workplace, in justice, in wages, insufficient appreciation of the contribution of women to bringing up children and running the household. The Government of the Republic of Belarus welcomes the active position of the ILO to advance the principles of Decent Work in our world today. It is important that ILO is not only studying and identifying given problems, but it is also proposing ways and means of resolving them. The international community has before it the seven Centenary Initiatives, which include very important areas for activity of the organization to create a just future for all. Distinguished Madam President, a strong social policy should not be seen as an alternative to a policy of economic growth. On the contrary, these are two parts of one whole. This can be clearly seen because the ILO has included the Decent Work concept into the 2030 Sustainable Development Agenda. The Government of the Republic of Belarus fully endorses this approach. In the Republic, we attach great importance to ensuring that the results of economic development have a positive impact on the wellbeing of all our citizens. Therefore, many measures of our state policy are intended to create an approach of solidarity so that there is not too much injustice and inequality in our society. As a result, over recent years we only have a very low level of income inequality. The index of concentration of income, the Gini coefficient, is less than 0.028 per cent. The level of employment of women in Belarus has traditionally been high. In 2017, the total workers had a share of women of over 50 per cent. Today, Belarus has a developed system of state support. A central element of that system of support is the maternity benefit. This benefit is paid for three years from the birth of the child. It is 35 per cent of average wages in the Republic. When the second and subsequent children are born the benefit increases to 40 per cent, and when there is a disabled child it's 45 per cent of the average wage in the Republic. A strong social policy is ensured by a good economy. In recent years, Belarus has seen reforms geared to liberalize the economy and create a conducive business environment. At the same time, the objective of sustainable economic development has to be achieved whilst we see a reduction of the work age population. Therefore, the Government thinks it's very important to implement measures to increase the efficiency of the use of labour resources inter alia by increasing the quality of the workforce. It's also very important for us to address the match between qualifications and competencies and knowledge which are geared to the needs of the labour market. Next year is the centenary of the ILO, a key element of the session of the International Labour Conference, to be held in 2019, will be discussion of the report of the Global Commission on the Future of Work, which will be presenting its vision of work in the twenty-first century and will give recommendations on measures and policies, which will help us to build the future which we wish to live in. At the beginning of this year, there was a report of the commission based on the results of the dialogue on the Future of Work in more than 100 hundred countries in the world, and this is impressive in its vision. We are seeing the entire sphere of the world of work. What do we expect from the World Commission next year? First of all, we need an answer to the main question, what will happen to the concepts of industrial relations? One hundred years ago the International Labour Organization began to protect social justice worldwide through its main principle 'labour is not a commodity'. One hundred years later the tripartite constituents of ILO have to give clear answers as to how to preserve this approach today and in the future. Thank you.

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**Mr Amenu**

## **Worker (Ethiopia)**

Madam Chair, distinguished delegates, ladies and gentlemen, it gives me great pleasure to make a speech at this annual tripartite conference on behalf of the Ethiopian workers' community and as that of myself. As I said before, I repeat today that the experience here in Geneva has always been unique, wonderful and enjoyable for both newcomers and as veterans. In addition, it is my pleasure meeting and or hearing comrades from all corners of the globe and of forging new relationship and consolidating the existing ones, exchanging ideas with social partners and building common ground, debating and discussing issues of huge importance to the whole human being, and the list goes on. Madam Chair, distinguished delegates, in this dynamic world there are many problems to face and solve, so things are going to be hard hitting. In solidarity it could be possible to fight problems and struggles. As we experience it for long time, the wide range of very interesting issues related to labour relations is part of the day-to-day life for us. This conference is a vital instrument to make the labour relations and the working conditions more smooth and suitable for all. Madam Chair, distinguished delegates, I fully support the Director-General's report and the discussions going on which are expected to have an instrument on violence and harassment in the world of work. As we all are aware, women have many responsibilities as family leaders. Violence, harassment on women and the neglected fair representation of humans at the workplace are all indications of backwardness in the modern world of work. My organization is committed to creating a conducive working environment which is free from violence and harassment and to promote inclusiveness. After all, creating stable industrial peace and achieving the industrial transformation is impossible without the full engagement of women. Today, some progress for women in the world of work has been made in terms of gender equality in society. In addition, more women than before are participating in the labour market. However, there is a lack of awareness that gender equality is of paramount importance in efforts to reduce poverty and therefore enhance economic development. The women are also more likely to be subjected to violence and harassment at work. Therefore, they are vulnerable to unfair and abusive treatments. Indeed, women and gender issues are not a recent concern, for the ILO has adopted different Conventions and a Recommendation to protect women's rights at the workplace. However, still today, the world of work is unfair to women, and there is no reason to expect that the future will be more conducive to them unless we take a necessary measure to eradicate gender-based violence and harassment from the world of work. Finally, I assure you that my organization strives for better working conditions of workers, particularly for the realization of eradicating gender-based violence and harassment for the world of work. I hope, in the coming centenary conference, ILO will equip itself with new instruments which ensure the future will be free of abuse of which women are primary victims, and I'm confident the challenge and the problems in this regard will get a solution. Thank you very much for your attention. God bless you all.

**Mr Sosa Flores**

## **Government (Paraguay)**

Chair, ladies and gentlemen, we congratulate the President on his election, and we expect him to have every success in his activity. We'd also like to thank the Director-General of the ILO for the report presented to this conference on the subject

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of Women at Work, which is a basis for the discussions that are taking place in this high house. Paraguay shares the approach taken, and given that, allow me to indicate what we have been doing in favour of the promotion, protection and empowerment of women workers. The Paraguayan State, with the support of other social players, has implemented strategies with a view to, firstly, improving national indicators of participation of women in work. Secondly, increasing the productivity of women workers through new and better opportunities for formation and skills creation. Thirdly, an increase of the levels of formalization of work of women entrepreneurs, improving the status, then, of domestic work and the care economy. The state project of the Woman City in my country is a significant and symbolic step forward in the provision of services and facilities for women alone, with an integrated approach with a view to promoting the empowerment and the true autonomy of women through services for reproductive health, support for employment, professional training, in addition to advice, protection and assistance faced with any case of violence against women. And something that is not at all insignificant, all of these initiatives have been placed in the framework of social dialogue carried out by the Tripartite Committee for Equal Opportunities. And what I've been talking about translates as a political decision to work on the protection and promotion of women workers, which is not exhausted only by legislation but is strengthened by active policies which strengthen the autonomy of women in general and make it possible to reconcile working and family life. Paraguay has had significant experience as far as the generation and consolidation of a space of social dialogue is concerned, which has been institutionalized since 2014. The legislation that sets up the Ministry for Labour Employment and Social Security itself determines the functioning of consultative tripartite councils, and this body is in full operation and has had the job of dealing with conflicts of interest of different social players, addressing them in a democratic participative way and creating policies and creating consensus. Social dialogue has to be carried out on a permanent basis, and above all, it requires the commitment of those involved to construct modern democratic communities which can face up to the current challenges that we're facing with the continuous changes in the paradigms of co-organization of labour and society. We've learned the need to promote participation in a responsible way, for dialogue to substitute for confrontation where we see collaboration in a shared vision of a better future, to promote agreements in the present and not confrontation, which will stop us looking at the challenges of tomorrow, and it is important that the way that it is institutionalized is clear and inclusive. This is the philosophy that has guided structural reforms for the past five years, protecting the rights of workers. Prioritizing the creation of work is a key to promoting prosperity and to fight against poverty. As far as the Future of Work is concerned, Paraguay proposes that cooperation be strengthened between individual countries, addressing key issues such as social security and incorporation of technology, focusing on the jobs of the future without closing the path to artificial intelligence and robotics. For that, we need a lot of investment in human resources, in science, technology, engineering and mathematics. And going along with that, we should not fear the revision of the paradigms of labour relationships. To wind up, I'd like to thank the International Labour Organization for the continuous support that they have been giving us, and we hope that will continue. It's invaluable assistance to continue in our promotion of decent work of quality for our people. Thank you.

## **Worker (Palestine Liberation Movement)**

In the name of God, most Gracious, most Merciful. Your Excellency Madam Chairperson, Your Excellency Director-General of ILO, greetings from Palestine and the workers of Palestine. In spite of the efforts of ILO to uphold social justice, the situation of our workers in the occupied Arab Palestinian territory is increasingly dire. In the intercessional period, we received an ILO mission, whose members listened to many heart-breaking testimonies linked to the latest developments of the situation of our workers who work in Israel and undergo different types and kinds of unofficial and official Israeli injustice and tyranny. These cruel practices run contrary to international labour standards and lead to stark violations of the workers' rights, ranging from denying them free and safe access to their workplace and humiliating inspection within border crossings, in addition to their pursuit and arrest and maybe murder. This made our workers vulnerable to brokers or middlemen who sell Israeli work permits. This is a criminal phenomenon that is due to a collusion with businessmen and security officers from Israel, and it is an unlawful practice that runs contrary to the agreements between the PLO, the Palestinian Liberation Organization, and Israel and the Paris Protocol, namely Article 37 of the Paris Protocol. Ladies and gentlemen, this is the environment in which unemployment is rife. Scores of the unemployed and an unemployment rate of 29 per cent, one of the highest in the world. In addition, there are growing poverty rates. The poverty rate in Palestine is 52 per cent. New pockets of poverty that are unprecedented in the modern history of Palestine have emerged. The local community gets a daily, grim reminder of the dismal social conditions in the form of more suicide rates of people who try to escape the hardships of life, and especially in the Gaza Strip. This means that the Palestinian labour market is ever more vulnerable and weak. Both the public and private sectors cannot create more job opportunities for young graduates, and this further exacerbates finding a solution to major problems, such as the exclusion of women from the Palestinian labour market and the empowerment of youth, whose unemployment rates reach 50 per cent and who are underrepresented in the labour market, in spite of their good qualifications. Palestine is ranked last amongst Arab countries in this field. Ladies and gentlemen, the Director-General came in a historic visit to Palestine in April of this year, in which he inaugurated the Palestinian Social Security Cooperation. A Memorandum of Understanding for the Decent Work Country Programme 2018-2022 was signed during this visit, which included cooperation mechanisms and also strengthening decent work in the National Policy Agenda 2018-2022, an increase of job opportunities, more governance of work based on fundamental rights and principles at work, which also guarantees freedom of association, collective bargaining and social dialogue, in addition to expanding social security. The Director-General saw with his own eyes touching scenes of the suffering of Palestinian workers and we are very grateful for his sincere compassion. There is no doubt that the report of the mission was satisfactory, but everyone knows that the Government of Israel, of the occupying power, does not care about UN reports or recommendations of specialized agencies. And I ask you, ladies and gentlemen, brothers and sisters, representatives of workers, employers and governments, until when are we to adopt reports that are merely shelved and put away? And I should like to appeal to you, on behalf of my workers, to condemn Israeli violence against Palestinian civilians who are

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expressing their demands peacefully, and to reaffirm the right of Palestinian people to protest and demonstrate and to claim their political rights, and to condemn the military occupation of the 1967 occupied Palestinian territory tomorrow, when they mark the anniversary of the occupation by Israel of Palestine. And we should reaffirm the right of the Palestinian people to establish their independent state with Jerusalem as its capital and to fulfil their self-determination right, and to call on all parties to uphold the international resolutions, namely 194, 383 and 242, and to condemn settlements that are built on occupied Palestinian territory, and to call on all countries to boycott these settlements on the 1967 occupied Palestinian territory. Thank you.

**Mr Dursun**

### **Employer (Mauritius)**

... opportunity to reconcile the professional and parental obligations. Employment creation remains crucial for the socio-economic development of Mauritius. We would like to see more support from ILO regarding the development of employment policies and that resources are committed for their implementation. We also believe that ILO should engage more with social partners in advocating for a conducive business environment, which is essential for the creation of decent and productive jobs. In the case of Mauritius, ILO can assist the tripartite constituents as we are currently designing our National Employment Policy and finalizing the Decent Work Country Programme. The recent visit of ILO Director for Africa has augured a promising era for effective cooperation based on our own context and developmental realities. Madam Chair, Excellencies, ladies and gentlemen, I thank you all for your kind attention.

**Ms Sorensen**

### **Government (Albania)**

Dear Madam Chair, dear ladies and gentlemen, it is a great pleasure to address the 107th Session of the International Labour Conference. Employment is one of the top priorities of the Albanian Government. There is no greater challenge than getting people into jobs. The past five years have witnessed a significant increase in the number of people participating in the labour market in Albania, an increase in the number of people employed across the country, and a decrease in the number of the unemployed. Yet some 670,000 Albanians of working age are not active in the labour market. Another 190,000 are still seeking employment, and many more are in search of better jobs. Ensuring equal access to economic opportunities for both men and women is not only a development objective but it is also about optimizing and maximizing economic growth. In view of an ageing population, utilizing the full potential of an educated labour force is a must to achieve higher economic growth and prosperity. Disparities in the labour market activity rate between men and women generate significant economic losses. A recent World Bank study estimated that the Western Balkan countries on average lose around 20 per cent of their GDP annually due to gender gaps in the labour market. In Albania, like in most countries in the Western Balkans, women are less likely to participate in the labour market. Over the past five years Albania has made significant progress in closing the gender divide in the labour market. Women's participation rates have risen from a low of 50 per cent in 2013 to 58 per cent in 2017. Nonetheless, the labour force participation of women remains significantly below European averages, with a considerable gender gap of

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nearly 18 percentage points. Like the labour force participation rate, the employment rate of women has been on a steady rise, from a low of just 40 per cent five years ago to nearly 51 per cent in 2017. Compared to men, the employment rate of women lags behind by nearly 14 points. In Albania, there is a significant need for rebalancing gender divisions of labour within the households. Today, 31 per cent of women are contributing family workers, compared to only 18 per cent of the men. A disproportionately larger share of women are unpaid family workers. In 2017, nearly 27 per cent of working women were engaged in unpaid family work, compared to only 15 per cent of the men. Addressing women's participation in the labour market requires a variety of approaches and policy measures, and more importantly, it requires interventions at various stages of life, starting as early as early childhood. At the end of January 2018, the Government of Albania committed to the development of an annual plan on jobs and growth, focusing on the role that all government ministries and all line agencies can play towards job creation. Over 200 measures have been identified for 2018 alone. More specifically, these measures relate to ensuring a conducive environment for job growth, an environment that attracts foreign investors and ensures and enables local companies to thrive and improve their access, not only to the regional market but also to the wider European markets. Secondly, the action plan and the measures look to facilitate the integration in the labour market of the most vulnerable groups, such as women, youth, people with disabilities, long term unemployed, Romani, Egyptian, etc, through the provisioning of quality employment services. Thirdly, equipping young people, and people of all ages, with the skills necessary for the jobs of today, and more importantly for the jobs of the future. Multiple measures have been planned to increase the labour force participation of women, such as active labour market policies that address the compounding difficulties that women face in the labour market, childcare support measures with a significant focus on the role that the private sector can play through corporate social responsibility, as well as supportive measures for maternity leave policies that promote the return of women back to the labour force. I would like to conclude by thanking the ILO not only for the organization of this conference, but more importantly, for all the support that it has and continues to provide in Albania in terms of the Decent Jobs Agenda. Thank you for your attention.

**Mr Kärkkäinen**

### Employer (Finland)

Thank you, Madam Chair. Ladies and gentlemen, I am speaking on behalf of the Employers' Confederations of all the Nordic countries: Finland, Denmark, Iceland, Norway and Sweden. We would like to thank the Director-General for this year's report on *The Women at Work Initiative*. We note with delight that gender equality remains one of the priorities of the ILO. We, the Nordic employers, are fully committed to equal rights and equality of opportunities irrespective of gender. A diverse and gender-balanced labour market provides companies with the workforce they need to prosper. We know that talent and skills are gender neutral. As economies with relatively small populations, the Nordic countries learned from early on to tap into a labour market with a high rate of participation of both women and men. Over the years, this has led to a boost of economic growth in our countries. Indeed, the Nordic countries are often championed as leaders on gender equality. According to the OECD, in the Nordic countries almost three in every four working-aged women are in paid employment, and the gender employment gap is among the smallest in

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the world. However, this doesn't mean things couldn't be better. Let me focus on this with a few points. One of the challenges is how the remaining difference in the labour force participation rate for men and women can be evened out. The solution could be found in inclusive policies and right incentives. In the first place, childcare needs to be available at a reasonable cost. Also, family leave policies should be aimed at encouraging parents to share the responsibility of household work and caring for children. It should be noted though that more and longer family leaves are not an optimal solution. Long-time absence from work can undermine the employability of the person taking the leave. Employers can do their part too. Child-friendly policies at the workplace, flexible working time arrangements and the availability of part-time work make companies attractive employers for workers who have to juggle family responsibilities and work, but these kinds of responses have their limits. In the end, and to a large extent, the role of men and women in the working life is determined by the choices individuals and families make. These are influenced by the values that people have. It is obvious that an equal working life requires an equal life outside the workplace. We acknowledge that there exist disparities between the share of women and men working in different sectors. Of course, we all know that there are no men's jobs or women's jobs. However, traditional preconceptions are deeply seated. Men and women still make differing career and educational choices, which unfortunately are reflected in different outcomes in earnings and career development later in life. The Nordic employers take this issue very seriously. For example, initiatives have been launched in Norway and Finland to address gender imbalances, specifically in the technology sector. We also invite the ILO and its constituents to come up with proposals. Looking forward into the future, we hope that gender equality will not be viewed solely as a women's issue but a joint effort. In our countries, young women make up the clear majority in many fields of tertiary education and are growing into leadership roles. Quite often it's the young men who are being left to the margins without education and work. Nonetheless, we should not lose sight of the particular obstacles women are facing. To conclude, a labour market where the full potential of both women and men is allowed to flourish contributes to a sense of fairness, inclusiveness and trust, and these are qualities that are often seen as the strong points of our societies. We support the Director-General in his call for push for equality. Thank you.

## **Mr Mendoza Estrada**

### **Worker (Guatemala)**

Good afternoon, Chair. With your permission, I would like to start by expressing our great regret and our great solidarity faced with the problems that our brothers and sisters are having at home as a result of the eruption of the Volcán de Fuego near the capital city of Guatemala which has killed various people, injured many and caused a lot of damage and suffering. Mr President, the union organizations of Guatemala congratulate the Director-General for the report presented to this 107th Session of the International Labour Conference, and given that we entirely agree that the fight against violence and harassment of women and men in the world of work is an integral part of the fight for decent work and for social justice in the world. This conference had hardly got started, Mr President, when we got a message from our brothers and sisters in Guatemala informing us that a private company in the city was holding a worker against her wishes, with a view to trying to force her to leave the union. The case was properly reported to the competent authorities, but up until now we have not heard of any specific results of that to tell you about. Unfortunately, this

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is not an isolated case. The violence against workers in general, against women in particular, is a daily experience in our country. So for us the things that the Report of the Director-General picks out are extremely relevant for us and encourage us to take action with respect to them. Guatemala is a country that is characterised by violence. The conquest was violent. The colonial system that came afterwards was violent. In general, all of our history has been characterized by serious physical, economic and social violence. After the 40 years of internal conflict, with thousands and thousands of victims, the peace process sent a great hope for the men and women of Guatemala, but the truth is that we are still waiting to see how the deep causes of this internal violence can be done away with. The last years have not been encouraging. Guatemala is one of the few countries in the world in which, after the period of the Millennium Development Objectives, the official data indicated that we had gone backwards rather than advancing. Recently information from international organizations has told us that Guatemala is the country that has the worst working conditions in Latin America. Here in the ILO, the complaint presented by workers from Guatemala and other parts of the world is still under investigation, which was motivated by the violence against workers, including nearly 90 unionists, men and women, assassinated in the last few years. In this situation, women are particularly badly affected. The differences in conditions of work, particularly in wages in the farming sector, as in other areas of the economy, for example, for women working in the informal economy, continue to be clear and worrying. And apart from that, there are well-known obstacles for women working, given that there is no adequate care system for those who are mothers, or for other reasons which, at the end of the day, create almost insuperable barriers to women. And in particular, indigenous women are affected by these. Apart from that, as I indicated in the story I told at the start of my contribution, women, even if they do manage to get work, are submitted to unacceptable situations of harassment and violence of various kinds. So the situation is urgent, and there is a need to act. The State has a great responsibility here, but at the moment has not faced up to its responsibility. Just to give one example, up until now it has been completely incomprehensible that Guatemala has still not ratified Convention 189, on domestic workers, of 2011. Although the convention has the support of the Tripartite Committee, and was presented to congress by the Minister for Labour, the Parliament has still not ratified it. And dispensable [vgr INAUDIBLE 4:51] as governors, business people and workers, we can design and implement a national policy which will aim to do away with all kinds of violence and harassment at work. And apart from that, we need a specific, real and evaluable policy which will make real steps forward so that decent work stops being an illusion and becomes a reality for men and women workers in Guatemala. We reaffirm our commitment to fighting for the eradication of child labour in Guatemala and everywhere else in the world. Thank you.

**Mr Hou**

## **Government (Cambodia)**

Madam Chair, Mr President, distinguished delegates, ladies and gentlemen. It is my great honour to be present here at the 107th Session of the ILC. On behalf of the Government of Cambodia, and on my own behalf, I would like to congratulate Mr President of the Conference on your election which indeed testifies the confidence and trust we all have in you for your full capacity to efficiently undertake this position. I would like to concur with the statement made by Director-General's report concerning *The Women at Work Initiative: The Push for Equality*. The

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Government of the Kingdom of Cambodia has been implementing Rectangular Strategy Phase 3 for Growth, Employment, Equity and Efficiency, wherein promoting gender parity is incorporated as one of the goals. Several supporting national policies have been put in place, namely the Civil Service Policy, Industrial Development Policy, National Employment Policy, Labour Migration Policy, National Policy on Technical and Vocational Education and Training, and Social Protection Policy. Women protection presents itself in the Cambodian policies and legal frameworks, reflecting our commitment to give new attention to women at work and beyond. In addition, Cambodia has been paying due care to the worker, in particular woman worker. These are things from various meetings with workers since August 2017. Samdech Hun Sen, Prime Minister has given several recommendations, among which care and protection of women are included. From 2018, male and female workers are entitled to free of charge health care services under the health care scheme of the National Social Security Funds, NSSF. Female workers during their maternity leaves are entitled to pay as prescribed under Labour Law and benefit from the NSSF. Female workers also benefit from additional allowance from Samdech Prime Minister when they deliver a baby or babies. Moreover, Cambodia is officially implementing the fourth cycle of the Decent Work Country Programme 2016-2018 while implementing the National Employment Policy 2015-2025 to support national development priorities. In terms of law enforcement, the labour inspection is being reformed and strengthened under close cooperation with the Better Factories Cambodia, BFC. To enhance the efficiency of the law enforcement, aiming at improving worker conditions and workplace environment, the Government of the Kingdom of Cambodia has put its utmost effort towards gender parity and protection for women. We keep in mind that our achievement would not be possible if there is no support from the social partners and development partners, and in particular the technical assistance of the International Labour Organization. Therefore, I would like to take the opportunity to express my gratitude to all of them for their valuable support and advice. Cambodia believes that the proposed Women at Work Initiative will certainly contribute to our ultimate goal in promoting and protecting women in the world of work. Thank you, Madam Chair.

**Mr González Arias**

### **Employer (Paraguay)**

Madam Chair, I would like to extend very warm greetings to the President of the 107th International Labour Conference and to the Director-General, and I would like to wish them every success. The Director-General's report addresses several issues and problems that women face at the workplace, and in a very detailed fashion it sets out the initiative relating to women in work. Despite the fact that over the last two decades considerable progress has been made in very many countries, we feel it is necessary to come up with new and innovative ideas in order to complement the political instruments that have already been designed to encourage equality but have been implemented to date without too much success. If we take a look at past methods, we realize that these have not been successful in overcoming the deep-rooted obstacles, structural obstacles which hinder the path of women towards equality. We face a major challenge when it comes to the future of work, and I think we are going to have to try and ensure that our new standards, the new initiatives, any new instruments, tools and guidance really bring about proper and effective change for a real participation of women on the labour market. All of us have a joint responsibility. We all have a role to play, whether we are talking about public

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institutions, the private sector through its employers' organizations, the workers' organizations and other stakeholders. Another issue which is up for discussion relates to violence and harassment at the workplace. There is a need to adopt new international standards in this area given that the concepts of violence and harassment at the workplace are not specifically mentioned in any international instrument but are only referred to in an oblique fashion. But when we come to discuss this matter we have to do so in a very balanced, serene fashion, in such a way that the standard that is adopted does not lead to the possibility for misinterpretations or problems which would impede ratification and application of the standard. The working group obviously owns the responsibility of achieving a balanced consensus and on real foundations, which would be to the benefit of tripartism, and that does not necessarily place the blame for some of the problems that exist on the sector of the employers, which, to a certain extent, has happened in the original text. We recognize the fact that the ILO has a very important role to play in any global efforts aiming to eradicate violence and harassment in the world of work. In my country, we are taking a look at a draft law aiming to bring about gender equality, and obviously certain aspects are addressed in this draft law, but we have to ensure that we don't end up with discriminatory provisions. Tripartism and social dialogue are absolutely essential, and any society that wishes to guarantee social peace needs these two fundamental elements, and in Paraguay we are convinced that the best way to approach social questions and labour questions is through tripartism and social dialogue. And we, in our Tripartite Advisory Council, have managed to arrive at consensus on important issues such as the minimum salary, minimum wage and the law which regulates pensions. The Federation for Manufacturing Industry and Trade, FEPRINCO, which I represent, has participated in a number of tripartite dialogues and also in work commissions, including the commission on fundamental rights at work and for the prevention of forced labour. I would like to stress also that there is technical cooperation, financial support which we receive in our employer group in my country from the International Organization of Employers. A lot of capacity building in tripartism is taking place in order to provide training on how to properly respect the Conventions and Recommendations of the ILO, and here we would like to express our gratitude for all the work that is being done by the regional IOE Office in Santiago, Chile. Finally, we would like to give our support to the reforms which are being carried out by our organization, such as promoting better work for inclusive growth, and we would also like to stress all the environmental issues, everything relating to youth employment, the inclusion of women in the world of work in equal conditions, the fight against inequality, and a sustainable development and social dialogue. Thank you very much.

**Mr Ben Omar**

## **Government (Niger)**

Madam President, distinguished delegates, ladies and gentlemen. It's both a pleasure and a privilege for me to address this distinguished assembly to make an input to this important discussion on the world of work. Madam President, as I begin my statement, on behalf of the delegation of Niger, and on my own behalf, I would like to extend our warm congratulations to you and the other members of the bureau thanks to your election, and commit support to you as you carry out your task. Madam President, the International Labour Organization, our shared organization, will soon be 100 years old. Over time it has travelled a lot, a long road, and has been able harmoniously to renew itself, evolve and adapt, and most importantly, thanks to

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its actions, the world of work has seen remarkable progress achieved. And yet issues such as unemployment, under employment, poverty, social inequality and precarity are still concerns worldwide. Given the relevance of the basic ideals, which were present when it was set up in 1919, as well as the values for peace and social justice which it reincarnates, this organization, more than ever before, faces the multiple challenges worldwide. Madam, the first time that the Centenary Initiative on the Future of Work was proposed to the constituents, my country, Niger, stressed that whereas the ideals of peace and social justice remain, the central target of the ILO's actions, major changes in the global economy and their effects on the world of work would require that we review the road we have travelled in order to better tackle the future. May I today say that the subjects dealt with by the various technical committees in this 107th Session are a source of further comfort to us. Yet again I would like to commend the Director-General on the initiative but also congratulate him on the efforts made to implement it, and for the quality of the report submitted to us. Madam President, ladies and gentlemen, as far as it is concerned, Niger is also continually seeking responses to the concerns of the world of work, particularly through the implementation of the second act of the renaissance programme adopted by the President of the Republic, and as reflected in our economic and social development plan for 2017-2021 and many other instruments. Thus, in the field of social protection, major efforts have been made. Particularly, we have seen the adoption of a law on the fundamental principles for social protection, and there are major areas of work, such as the development and adoption of texts to apply the law, the organization of a national dialogue to define the national basis for social protection and the process whereby we institutionalize universal healthcare. In the field of employment, there are major achievements, in particular in job creation. In fact 1,350,837 jobs were created between 2011 and 2017, well over the target of 350,000 which the Government set itself for that period. Other action is also underway, such as the preparation of a new employment policy and action plan, as well as the implementation of two major youth employment programmes. In the field of labour, we have seen the adoption of a national policy for safety and health at work, the revised list of job-related diseases, the launching of the process to formulate the Country Programme for the promotion of decent work for 2019-2021. In professional relations, social dialogue, one of the highlights of this 107th Session, will be strengthened by the completion very soon of the professional elections to be held in my country. This very morning in Niamey, the context of the implementation of the protocol under Convention 29, activities under Project Bridge were launched. And finally, in labour standards, I am pleased to note here that we have ratified all the fundamental conditions of the ILO. We have also ratified two governance Conventions, namely Convention 144 on tripartite consultation, and Convention 122 on employment policy, and very soon we will be ratifying Convention 183 on the protection of mothers. Madam President, to revert to the Report of the Director-General on Women at Work, whilst welcoming its inclusion on the agenda of this session, my delegation is also of the view that violence and abuse directed against women are endemic. Efforts have certainly been made worldwide to combat this phenomenon, but we would like to draw attention to the need to step up the means to combat it, adopting new innovative approaches in order to reduce the gap in decent work from that standpoint. Thus, in the run up to the first centenary of the ILO, we hope that guidance from the discussions on this subject will fit into this impetus. And finally, I would like to express my country's readiness to play its part in implementing this work. Long live international cooperation. Long live Niger. Thank you.

## **Worker (Cabo Verde)**

Madam President, Excellences, delegates and observers, representatives of governments, labour organizations and employer organizations, ladies and gentlemen, before I say anything else, we would just like to say hello to everyone here and just say what a pleasure it is for us to be taking part in this very important conference, representing the very, very highest level of workers of Cabo Verde. Additionally, we would like to thank you for the opportunity that you have granted us to bring before this conference this communication, which will present the point of view of those that have sent us on this mission from our ten islands in the middle of the Atlantic. Well, the centenary of the establishment of the ILO is just around the corner. This very important organization is based upon tripartite practices, and here it is our job to take stock of the great achievements which have been made in the world of work and to what extent these have been defined by the policies which were set from the very outset by the organization's founders. Throughout time, despite the different social, economic situations that the world has gone through, the different politicalized situations, the ILO has made it possible to remain firm and to stay true to its principles. Thus, it has become the very symbol of persistence and the capacity to achieve. Much of this can be traced back to its democratic character, its reliance on justice and also its tripartite nature. Ladies and gentlemen, the future of work is something which is of concern to us all in the four corners of the world, and this conference is a challenge to us to reanalyse the tripartite role when it comes to combating violence in the workplace and harassment against workers, and also calls upon us to develop and strengthen social dialogue with an eye to trying to achieve the objectives of sustainable growth. Cabo Verde is a young country with a democracy that is working well, and a multifaceted society where our main wealth is that of our workforce. Today, we have been independent for 43 years, and the country is developing and has made great progress. Why? Because our people have worked hard, both our men and women who go to work each and every day and take up their jobs in the workplace. Decent work is not fully achieved in our country, not as we would like to see it as representatives of labour. When it comes to violence in the workplace, well, there is very, very little physical violence as such in our country. That said, we deem that violence just does not end with physical violence. No, harassment also is a form of violence. A lack of respect for the rights of workers is another form of violence too. That's why we call here for a general reflection on what we are to deem violence in the workplace. As far as we are concerned, we will do our part in our country, defending where necessary and needed those who have sent us here to speak on their behalf, the workers. We are pleased to say that in Cabo Verde labour issues are dealt with and discussed at the tripartite level. This has been the case since the 90s. That, despite the fact we have yet to ratify Convention 144 of the ILO. Social dialogue has reached a stage of development which is considerable in Cabo Verde. However, our fight continues, and of course we want to try and achieve as much as we can via collective bargaining agreements. Ladies and gentlemen, we have a mission in front of us to speak on behalf of the men and women who work in our country. They are the main actors for the development of any country. It's a noble mission, but it's a challenge nonetheless, but we will be persistent. We will be consistent and determined. Those will be the main arms that can be used against those who would base their actions in the area of violence. Thank you very much and good will to all.

## Worker (Belgium)

President, ladies and gentlemen, this conference is taking place at the same time as we find ourselves in the final straights in the run up to the ILO centenary which will focus on the future of work. But what about the future of the ILO? Everybody congratulates themselves on the work that is being done by the ILO, and the words of praise will no doubt be repeated next year, but you can't make an omelette without breaking eggs. And are the member States going to continue to be willing to invest financially into the multilateral approach? Another equally important matter is the following. What is the position of the ILO within the multilateral framework, and in particular against the backdrop of the United Nations reform? At the time of taking a look at these questions, these issues, we are not at all reassured, quite the contrary. In fact, if you take a look at the proposals that are being submitted, they run the risk of questioning the position of our organization, whether we are talking about the position of the local and regional agencies of the United Nations, or when it comes to the integration of its action into some of the United Nations framework programmes for development, such as UNDAF. To date, our approach has always been to strengthen the position of our organization, and we are fully convinced that this also helps strengthen the position of the United Nations, which has always been a very weighted organization, especially faced with Bretton Woods, the World Trade Organization, and intergovernmental summits, and this is something I really feel that we have to reaffirm, given some of the serious challenges that we are facing at the moment. Firstly, there is a radical transformation of the world of work, given technological changes, so called disruptive evolutions, and then of course these are happening at the time same as environmental and demographic challenges, and a new area of tension between globalization and de-globalization, and those who contest the important role, the essential role the ILO has to play perhaps ought to think again. And secondly, we have the emergence of a wave of populism right around the world. One of the reasons or explanations given for this, to justify the phenomenon, is that the medium class is becoming ever more frustrated because of increasing pauperization and job insecurity, which are underpinning the world work at the moment, and also because they have the impression that the political and economic elite are ignoring them, purely and simply. So in the multinational context is there any other organization, other than our own, who can really give a true voice to the workers? Thirdly, we have the issue of inequality. The world over we are beginning to understand that the enormous concentration of income and wealth, and what goes hand in hand with this, so economic and political decision-making power, is having a very damaging effect for more than one reason. At the same time, we are realizing ever more just how important collective bargaining and social dialogue can be to help solve some of these problems. And who is better placed than the ILO to play the role of protector and incubator, given that their DNA is fundamentally made up of social dialogue, tripartism and collective bargaining? And fourthly, we have the 2030 Sustainable Development Goals, which obviously have very many goals aiming at sustainable development, and this is at the heart of the activity of our organization. And obviously it is a question of then trying to achieve these objectives in very close collaboration with the national authorities, regional authorities, social partners. And who can better guarantee the main role to be played here than the ILO? What we have to have is a specific implementation and objectives of Sustainable Development Goals. So we really have to try and sell these goals. We know that there is a lot of marketing, just as is the case for corporate social responsibility, but we have to do as

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much as possible in order to ensure that in 2030 we are not standing there empty handed, and we really have to urgently turn the SDGs into the three Rs: rights, rules and results. For the world of work, we have to have binding rights for workers, specific obligations, binding obligations for those who are there to guarantee these rights, and we have to try and achieve this by 2030. And who is better placed than the ILO in order to be the driving force for all of this? And whether we like it or not, the main activities of our organization consist in defining the binding standards, together with sanction mechanisms. As a result, I call upon you not to, through a not well thought out reform of the United Nations, deprive the ILO of its specific nature, its autonomy, and consequently its strength. This strength comes from its tripartism, ongoing dialogue with the outside world, the world of work and the world of ordinary citizens. Thank you.

## **Mr Sangsingkeo**

### **Government (Thailand)**

Madam President, distinguished delegates, ladies and gentlemen. On behalf of the Royal Thai Government, it is my honour to attend this important international conference. To begin, I wish to commend the Director-General, on your great effort to drive forward the issue of gender equality in the world of work. I am glad to learn that the ILO and the member States are developing instruments that help give systematic guidelines and inspirations for more effectively legal frameworks to deal with violence and harassment in the world of work, which has blocked career pursuit for women. The Royal Thai Government has committed to promote gender equality by integrating it in all areas of the national developments. Policies, measures and mechanisms have been put in place to empower women's developments, promote equality and protect women's lives rights, as seen in: our Constitution and the five-year 12<sup>th</sup> National Economic and Social Development Plan 2017-2021; our Gender Equality Act 2015 and Strategy for Women's Development 2015-2021, big steps in promoting women's status, protecting labour rights and equality; our current National Policy 'Thailand 4.0' to restructure the country into an innovation-driven society and leave no one behind on its path to become a high-income country. At international level, we are party to international agreements on women's empowerment and gender equality. Actually, we reaffirmed Convention 111 last year. The socio-economic status of Thai women has overall improved greatly. Women are on the rise to hold executive positions in government and private sectors. However, much is still needed to be done. And we are working hard on it, especially to improve the situation of those in the informal sector and migrant workers. In this end, Thailand reaffirms our commitment to cooperate with ILO and all stakeholders, nationally and internationally, and for the successful promotion of gender equality, decent work and pave ways towards the future that works for all. Thank you.

## **Mr Toure**

### **Government (Côte d'Ivoire)**

Madam President, as I start my statement on behalf of His Excellency Alassane Ouattara, President of the Republic of Côte d'Ivoire, I wish to commend the action of Mr Guy Ryder, the Director-General, and the commitment of his team to allow Africa to succeed in their major wager to make sure that we can transit towards a favourable, macroeconomic climate for decent work, particularly for young people. Through the tripartite approach in this important institution, we see its extraordinary

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ability to bring together all the components of the world of work, from all walks of life, to be a real forum for give and take on major issues relating to international standards, the development of policies and programmes to promote decent work for all men and women worldwide. Ladies and gentlemen, decent work inter alia means that workers can choose where they work with a decent wage, without consideration of gender issues, and this is why the report *The Women at Work Initiative: The push for equality* is, we feel, a true lodestone and encyclopaedia which makes it possible to understand, or at least to begin to see the emergence of ways to understand the inequalities at work between men and women, which mean that we can't always talk about decent work for women at the moment. The report is a very dense one and deserves a more in-depth analysis to go beyond the laws, policies and statements of intent which established theoretical equality between men and women in work, whereas the true situation is quite different. As the report stresses itself, the situation of women has hardly changed over the last 15 years, despite developments in laws and policies. For African countries, particularly for mine, there will be no economic development without better productivity, but there will be no better productivity without decent jobs and better social protection for one and all without distinction on the basis of gender. And as I said before, and has been recognised in the report, *The Women at Work Initiative*, with the action of bodies such as the ILO, pressure groups and feminist activists, many countries have made true progress in ensuring respect for and protection of women's rights. My country has not lagged behind in making changes in the laws to create a favourable environment for equality at work between men and women. Our constitution, the basic law of our country, is a true illustration of this desire to ensure that women have the same labour rights as men. I can quote Article 14 which says that, "Access to public or private employment is equal for all based on their qualities and skills and abilities." We prohibit any discrimination in access to jobs and in their exercise, whether that be based on gender, ethnic origin or political, religious or philosophical opinions. But as the report stresses, the relationship between growth and economic change on the one hand, and education and women's participation in the labour market on the other hand, is not as simple as you might think. Growth and improvements in living standards alone will not get rid of inequality between men and women at work. That is why His Excellency the President of the Republic of Côte d'Ivoire has established, as a national priority, the issue of promoting decent work for all young people, boys and girls, focusing on young women, in order to help them to have access to jobs, a vocation and to income. This obviously will be the cornerstone for social and political stability, the essential condition to ensure that we reach 2020 with a firm future ahead of our country. I would like to end by commending the Director-General and his team for this excellent report, which we intend to use as a compass to guide us throughout our future activities to promote decent work. And it is with these words that I would bring an end to this statement whilst thanking you for your kind attention.

**Ms Kidd**

## Government (Australia)

... government values its close engagement with the ILO and appreciates the opportunity to address the ILC plenary. In doing so I would like to acknowledge the work of the ILO's Director-General, Mr Guy Ryder, to progress the seven Centenary Initiatives. Australia particularly welcomes this year's plenary theme, which is another important opportunity for member States to engage with the Women at Work Centenary Initiative. While progress has been made, more needs to be done to reach

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SDG 5 of gender equality, and we look to the ILO to show strong leadership on this critical issue. The Australian Government is a strong supporter of the Women at Work Centenary Initiative. We were proud to sponsor the ILO's regional conference on Women and the Future of Work in Asia and the Pacific earlier this year. The conference brought together tripartite representatives from across the region to examine the opportunities and challenges faced by women at work, and generate evidence based policy recommendations to inform our response. For example, in line with the Director-General's Women at Work report, the conversation noted the importance of flexible work arrangements and non-standard forms of work to give women more options for balancing their work and care responsibilities. This conference will also inform the Asia Pacific region's contribution to the Future of Work and Women at Work Initiatives before the ILO's centenary next year. Given the increasing importance of this work for the ILO, it is critical that we all walk the talk on gender equality. We welcome the progress made at the 332nd Governing Body in March, where it was agreed that the ILO would report on those delegations that meet the long-standing minimum target of 30 per cent participation by women. It was also agreed that all groups would aspire to achieve gender parity in their delegations to ILC and regional meetings. This is an important step forward, and we urge all tripartite members to consider it seriously. We look forward to the Director-General's report on the representation of women in delegations at this ILC. Australia recognizes the Director-General's role as an international gender champion and his personal commitments in this regard. We consider measures such as the gender champions to be valuable in demonstrating leadership at the highest levels. But with such commitment comes responsibility, and we are pleased to see it followed through in a number of areas. For example, we acknowledge, and strongly support, the ILO's internal campaign to raise awareness of sexual harassment, to create a safer workplace, a key commitment of Mr Ryder as a gender champion. Another core commitment of international gender champions is the Panel Parity Pledge, where supporters take responsibility for ensuring gender balance on panels. This is an area where more needs to be done. Recently, we have seen unsatisfactory gender imbalance on ILO panels, including panels associated with the Future of Work. How could we possibly consider the future of work without half of the population adequately represented in the conversation? The visual signals associated with male-only or male-dominated panels are very powerful, and we urge the ILO to do better in this regard. We strongly encourage Mr Ryder to lead by example on this, not only on the panels he is invited to, or involved in, but for all panels run by the ILO. Finally, while the Women at Work report delivers some commitments, it was disappointing to see the lack of detail put forward to progress gender equality across the proposed five building blocks under this new push, especially given the report's admission that the ILO has so far failed to produce its desired results for women. While Australia can see the value in the ILO engaging more deeply across these five areas, we need the ILO to propose a more comprehensive package of concrete actions, that goes beyond standard setting and conversation, to address them. In his report, the Director-General reminded us that we need to supplement the tried-and-tested gender policies with new and innovative approaches to overcome the deeply entrenched structural obstacles to equality. We also need to collectively take responsibility for ensuring that women across the world are equipped to thrive, not just survive, in the future of work. Australia encourages all member States to actively engage on this initiative and support the ILO's efforts to mainstream gender into its operations. We look to the ILO to be a leader within the UN on gender equality. In this light, we strongly

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encourage the ILO to showcase a strengthened Women at Work Initiative prominently during next year's centenary celebrations at ILC. Thank you.

**Mr Limata**

## Worker (Italy)

Chair Person, distinguished delegates, as we are approaching to the ILO centenary we need to strongly reaffirm the pivotal role of the difficulties of work and social justice for peace and development for society for all, in the light of the future of work we would like to envisage. As pointed out by this here DG report, the new push for gender equality requires strong commitments of all. Therefore, we appreciate the launching of Women at Work central initiative among the several established. As highlighted in the DG report, there has been little change in outcomes for women on the ground despite advances in laws and policies, and despite the fact that women and gender issues were two of the first three Conventions of the ILO, that's numbers 1 and 3. Today, fundamental human and labour rights are still denied in many parts of the world. Safety, respect and dignity for all, calls for a strong engagement of the ILO constituents. Thus, we highly appreciate the task of the conference of negotiating the needs of international standards of fighting against violence and harassment at work. Many results were achieved but a lot more needs to be done, and the ILO has remained vigilant about this, especially committing to increase the number of standards of ratification, which are essentially pillars of the normative system and the lifeblood of global democracy, and look after the implementation carefully. Their monitoring must be assured by a strict independent and autonomous robust system of supervision and control. We therefore reaffirm the importance of the ILO supervisor system and the need to safeguard the mandate and function of the Committee of Experts, which has ensured effectiveness and respect of fundamental rights in law and practice. The ILO is crucial in ensuring policy coherence and application of standards to reach the goals we have ahead. Tripartite, with the added value of the ILO, shows that social dialogue, the involvement of social partners and collective bargaining at those levels, are the best tool to achieve social justice, and the ILO consideration can ensure constructive changes to provide the just transition towards sustainable economies and societies for all. We acknowledge that no one size fits all, but policies and programmes need to be arranged in line with the specific condition of countries, respecting the rights of all, with special regards to disadvantaged groups. And this has to be done using social dialogue, an instrument adapted to [vgr INAUDIBLE 2:24] which should place, reinforcing collective responsibilities. In an era where multilateralism is being accused of being inefficient, development cooperation plays a crucial role in instructing dialogue and collaboration. The 2030 Agenda is equally right-based and focused on leaving no one behind. The SDGs, and in particular the 14 indicators of which the ILO is the custodian or partner agency, requires strong commitment by all. The four pillars of the Decent Work Agenda are key drivers for achieving the SDGs. We need to reaffirm the importance of quality job, social justice and fight poverty as key drivers for peace, growth and social cohesion. Within the context of the UN reform, and delivering as one on Decent Work outcomes, the ILO has to ensure the SDG 8, decent work, being one of the cornerstones of the future strategies of the United Nations Development Framework assistance. Decent Work Country Programmes should be included in the common country analysis to be sure of prioritizing the key elements to achieve inclusive and prosperous societies. Re-convergence among the parties involved is therefore needed. In this regard, we consider that the International

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Training Centre of Turin can play a pivotal role, providing learning, training of research in all areas of significant importance, following the rights-based approach essential for implementing the agenda of just and equitable transition. North-South cooperation remains fundamental, but we acknowledge the growing importance of the South-South triangular cooperation in the light of mutual benefits for all. To ensure this, we would need to stress the importance of the four strategy components of the development cooperation strategy: focus, effectiveness, capacity building and resource mobilization. Regarding the last point, we strongly urge to increase the financing for development with a focus on decent work. Official development assistance, or the [vgr INAUDIBLE 4:27], should play a crucial role in this, but it's not enough. The 2030 Agenda recognized the increasingly important role played by the private sector and international corporations, hence the respectful and international labour rights, especially for the ILO core convention, calls for an inclusive labour market capable of matching enterprises' performance with labour and social protection as precondition of fair approach. Monitoring and evaluating partner assessment of public private partnership are fundamental for ensuring democratic ownership, inclusiveness and accountability, safeguarding the commitment of leaving no one behind. The Italian trade unions have been committed to this, to the principle of leaving no one behind, both financially and internationally, also to establish development cooperation institutes that have been working worldwide. We therefore confirm our full commitment to contribute to the achievement of the ILO goals within and with the ILO for a society for all, leaving no one behind. Thank you.

**Mr Ristadi**

## **Worker (Indonesia)**

Excellences, Mr Chair, ladies and gentlemen, I am Ristadi from Indonesian Workers' Delegation for National Trade Union Confederation or KSBNI. In this ILO 107, I represent all confederation of all trade unions in Indonesia, who also are members of National Tripartite Worker Delegation of Indonesia and Confederation. They are KSPSI, KSBSI, KSPI and Sarbumusi. Mr Chair, first of all we want to clarify that liberalization of labour market to some extent has created problem with foreign migrant workers who are entering a country without the proper document. This also happens in Indonesia. Therefore, we remind our Government to consistently implement the rules in accepting foreign workers and crack down on anyone who is illegal. We also ask our Government to give priority to Indonesian worker because there are many people of Indonesia who are unemployed. That is our statement. So it is not true if trade union of Indonesia refuses foreign workers or foreign investment. We certainly understand that every country is issuing policies that prioritize the interest of the State and its people, and of course we all know that this country must ask the foreigners who come to obey the rules of the country, including Indonesia. Therefore, please come to Indonesia, we welcome with good but obey our country rule. Mr Chair, after reading the report of our ILO Director-General, I agree in every sense with the ILO's commitment to equality for all. Indonesia also has a strong commitment to equality, by ratifying ILO 111 Convention, signed 1999. Equality in eastern countries is still in the process of habituation. Whatever the system of government, the cultural values of eastern still have influence to our life, although not so dominant in Indonesian people. But this is still one of our challenges. Equality is not just about comparison of numbers but about access, participation, involvement with decision-making process or control and

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benefits. Protective and affirmative action strategies, such ILO advice, should continue to be encouraged to eliminate discrimination. Technical programme support from the ILO, of course we do hope to continue to promote equality in Indonesia. Mr Chair, besides equality, the commitment to stop violence and harassment in the world of work is important part of our struggle for decent work, decent wage and decent living, one of them through strategies for strengthening social dialogue. The development of industrial world and labour world of one country related to other countries, therefore there must be a shared commitment and solidarity in the face of the development of the global situation. Ladies and gentlemen, finally therefore, we invite all trade unions in the world to maintain solidarity, manifest decent work, decent wage and decent living for all. Thanks very much for your kind attention.

**Mr Awan**

### **Worker (Pakistan)**

In the name of God, the Merciful, the Compassionate, ladies and gentlemen. First of all, like the Chair, I must appreciate the Director-General's report, and thereafter the report of the President of the Governing Body of the ILO, in which they have taken this initiative of introducing it on gender, and relatively with that of what so far achievement we have in the past and that we work in the future of this organization, because this organization is the only one forum for where the workers do have device to sit with equal footing with employers and their governments. The present debate on the violence and harassment in the world of work are, in our view, very close connected and difficult to separate and constitute if serious human and labour rights violation. However, there is a strong gender dimension with women increasingly paying the price of their enhanced role, for in the world of work and at society large by being confronted with violence and harassment and including thereafter sexual harassment. This impinges also on the ability to exercise other fundamental labour rights and is incompatible with decent work. It poses a threat to the dignity, security, health and well-being of everyone, and there is an impact not only on workers and employers, but also on their families, communities, economies and society as a whole. Chair, the recurrent discussion on social dialogue provides an opportunity to reaffirm the relevance of social dialogue with freedom of association, and collective bargaining is enabling rights that promote social justice and decent work. This discussion is quite timely. Inequality at a stark level and share of the wages as percentage of GDP has declined significantly in recent years. The ILO instrument, and that of the Conventions, particularly the Convention 87 and 98, which gives workers the right to unionize and bargain collectively, remain the least ratified of the core Convention, even though all of the constituents of this house have undertaken to achieve their universal ratification by 2019. But even when these Conventions have been ratified, too many countries' laws and practice include serious obstacles to workers' effort to organize and strike collectively for better wages, working conditions and decent work. Chair, on the matter of the general discussion on effective development cooperation in support of Sustainable Development Goals, international development cooperation is undergoing profound changes marked by the new finance for development framework and the UN reform processes. The ILO is the oldest United Nation agency. Its existence predates that of the United Nations itself. We will celebrate its centenary next year, when we will discuss the role of the ILO in the future of work. The workers want to ensure that the action taken with a view to strengthening the United Nation's system will help to further strengthen rather than weaken the ILO role and mandate. The ILO has a unique place in the

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United Nations structure that must be maintained, and can provide inspiration and guidance throughout the United Nations system. Chair, let us also thank the Director-General for his report on the situation of workers of occupied Arab territories. The occupation, now already 50 years on, continues to make the living and working conditions of workers of Palestine extremely difficult without real proposal for improvement. Unemployment has reached record levels, with youth and women the hardest hit. Renewed effort must be made in order to bring the occupation to an end, with an establishment of an independent and viable Palestine state, living side by side in Israel in peace and security, where then workers do have the right to attend their ultimate objective of better living and working conditions for the future. Thank you, Chair.

**Mr Yousif**

### **Worker (Sudan)**

In the name of God the Merciful, the Compassionate, Mr Chairman of the Conference, Mr Chairman of the Board of ILO, Mr Director-General of ILO, ladies and gentlemen, dear participants. May the peace of God be upon you. Greetings to all of you. I would like to salute this huge organization for persevering in achieving its objectives. We are attending the 107th ILC, and it is a clear determination that the organization is going on, and it has achieved a lot. I would like to greet all the people in charge and the officers of the conference, and I wish you well for all the rest ahead of you. I would like to express our support also for all the actions undertaken in favour of workers. Ladies and gentlemen, the report of the Director-General was exhaustive and very thorough, and it has tackled all the problems that we are facing with workers in a very exhaustive manner. The ILC meetings and the committees were responsible and undertook the task that they were assigned with. We, representatives of the Sudanese workers can't but support this direction and salute also all the great achievements. I would like to note also that the Sudanese Labour Union had tackled all these issues that we set ahead of us in order to find the good, efficient mechanism such as social dialogue. Ladies and gentlemen, dear participants, Sudan is amongst the countries that is very much interested in ratifying the Conventions relating to decent work and we support decent work. I would like to say also that the Sudanese Labour Union is playing its role in providing human services for the workers. It supports them and it protects their rights and their assets. We take this into account in all what is compatible with the Sustainable Development Goals. Ladies and gentlemen, dear participants, we, the Sudanese Labour Union, are participating here, and we request the organization and all the relevant actors to suspend the siege under which Sudan is finding itself, because this is affecting badly workers who cannot actually go to work and earn their living. We should not run away from this. We cannot run away from this. The only leeway that is left to us is to run away and escape and try to migrate. It is very important. This is a very important obstacle facing the whole society. Ladies and gentlemen, Sudan, despite all the pressures, all the catastrophes and all the crises, is still striving to extend all the givens of peace, and it has played a very big role. The Government has played an important role in that regard in order to guarantee a national dialogue. I hope that this conference will adopt recommendations that will serve the best interests of workers and it will extend decent work in all societies and that we are all striving at. In conclusion, on behalf of the Sudanese Labour Union, we would like to express our condemnation of the transfer of the American Embassy to Jerusalem, and we hope

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that Jerusalem will be the eternal capital for Palestine. We condemn highly this transfer of the embassy. Thank you, Mr Chairman, for your attention.

**Mr Mohbaliyev**

### **Worker (Azerbaijan)**

Mr President, ladies and gentlemen, on behalf of the Confederation of Azerbaijani Unions, and on my own behalf, I extend greetings to you and wish this session successful work. I would also like to thank the distinguished Director-General of the ILO, Mr Gary Ryder, for his recent visit. This meeting was a historic and significant one. The comprehensive dialogue held with Mr Ryder, the exchange of views on the current and future development of the countries of our region will, I do hope, bear excellent fruit. Ladies and gentlemen, I believe that the agenda for this 107th Session includes such topical issues which require that we, the social partners, pay even greater attention and activity to resolve. We know that globalization is an irreversible trend in today's world. Its course and results, to one extent or another, have an influence on the living standards of millions of people. At the basis of globalization we will find a freer movement of capital, goods, services, technologies, information and the labour force, and thus the economies of developed and developing countries are losing their national isolated nature and becoming a part of the global system. Unfortunately globalization also gives rise to negative problems for people, such as the uncontrolled movement of human resources, the uncontrolled growth in the population, the breakdown in the environment, social inequalities, famine, an increase in social injustice, a lack of natural and energy resources. Ladies and gentlemen, in each country the wellbeing of people depends on the social makeup of society, and this is the main indicator to the social development of any given society. For successful social development in society, at the national and international levels, we need to bring to life the relevant social policies. Our unions at home firmly stand for a fair globalization. We are trying to ensure that the whole population, including women and young people, have full, valuable jobs, decent, just, well-organised labour, meeting the domestic strategy for development. Our unions have mobilized within their mandate. They mobilized their efforts both nationally and internationally to achieve the tasks contained in the initiative of the ILO for future social justice. Distinguished participants, a great influence on our activities in this area has been seen in the creation and the beginning of activities of the National Trilateral Commission on Social and Economic Issues. In Azerbaijan, we are seeing significant changes in socio-economic development. The wide-scale reforms conducted, measures to implement the strategy for decent work are one of the conditions for enhancing the wellbeing of the population. Successful implementation recently in our country of the National Programme for Decent Work has made it possible to ratify two ILO Conventions and to prepare the National Plan for Youth Employment. In the last decade, we have achieved rapid development. We have become a country for above-average income. In order to enhance the social protection of our workers, to improve labour relations between employers and workers, by Presidential decree, we saw the establishment of a republican commission to regulate and coordinate labour relations, bringing together representatives of the three sides of the social partnership and various state structures as well. Today, this commission is operating successfully. Distinguished participants, we are living in a world where multinational capital is turning into a major employer. However, there are specific relations with the labour market for this capital, and there are problems with social justice. As distinct from the national

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employers, multinational capitals have no such obligations. The unions of the world are trying to build a social dialogue at the global level with the transnationals. The International Labour Organization, informing its policy at the global labour market, cannot evade the challenges facing the unions. For many years this issue has been coming up, and it is our hope that this time round the problem will draw the necessary level of attention in one of the centenary dialogues and become a subject of discussion. In conclusion, yet again may I assure you that we remain true to the principles of tripartism, social dialogue and social justice. Our confederation supports the policy to modernize the International Labour Organization. Thank you very much for your attention.

## **Mr Adikari Appuhamilage**

### **Worker (Sri Lanka)**

... this conference, in the crucial period of the workers, not only in Sri Lanka but also in the world. There were several trade union actions during last week also in Sri Lanka. Workers of the Water Board went for trade union action, demanding the salary increment as previously promised. Engineers in Sri Lanka Electricity Board started a Work to Rule action, and Sri Lanka railway workers started another trade union action on their demands. From January 2016, the public sector workers were deprived the prevalent pension system and a contributory pension scheme was introduced. The recruitment on fixed-term contracts significantly violates the workers' rights, including the rights to organization. Recruitments via third party, agents and outsourcing also have contributed to the real employer to avoid all the legal obligations to the workers. The recruitment via a third party is one of the brutal methods of exploitation, and unfortunately the previous and present Governments have been promoting this system in public and private sectors. Mr President, according to the National Minimum Wage of Workers Act number 3 of 2016, the national minimum monthly wage is 10,000 rupees (INR). INR10,000 is equal to \$63. Therefore, the National Minimum Wage Act becomes meaningless. The Act does not provide the required meaning to make a sustainable living. The Government and the employers together have been ascribing to introduce labour law reforms. The Government and the employers want more flexible labour market system. The eight-hour working day is threatened and nine-hour working day is likely to be introduced. There are proposals to recognize the Workers' Council and trade unions as equal institutions. The Workers' Council are totally in the hands of employers, and they are controlled by the employers. The largest social security fund, Employees Provident Fund, is facing a serious threat because of the mismanagement of the fund. The fund lost INR10 billion in the famous bond swindle in the year 2015. Mr President, the tea and rubber planters and sector workers are paid about only \$4.50 per day, and in some smallholdings the workers are paid even lower salaries. The workers of the world are not having basic material needs, despite the fact that they produce everything. They produce countless tonnes of food item every day, but in hunger. Though the mining workers work hundreds of metres below the earth in mining the most precious minerals, they hardly get sufficiency of the produce. They die due to cold and heat, despite that they produce electricity, stoves and air condition systems. They are deprived the right to education and knowledge. In the face of this situation, all speak about dignified work. They who grab fabulous profits speak about dignified work but pay only a minor part of the produced wealth as salary. They who are funded by monopolies and multinationals trap the working class in the totally disguised methods and exploit them. They speak about dignified work, they who

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condemn unemployed people, migrants, youth and women to pauperization, and at the same time cause wars and death in other regions of the world. They who want to deprive the workers from the right to strike and from their means to claim and defend their demands speak about dignified work. Dignified, full and stable work for all, full labour rights, equality and safety in work and life cannot be implemented by those who exploit and perpetrate slavery. Dignified work can be claimed and covered only by the workers and their class-oriented trade unions with continuous, relentless and militant struggle until the abolition of exploitation man by man. Thank you.

**Ms Díaz**

## **Government (Ecuador)**

Thank you, President. It's a great pleasure for the delegation of Ecuador to welcome you and congratulate you for being appointed as President of the 107th International Labour Conference, and Ecuador would also like to congratulate the others officers, the Vice-Presidents, and wish you every success in the work of the conference and the debates that are going to take place. The delegation of Ecuador would like to congratulate Director-General Guy Ryder for the presentation of his report on women at work, on the crucial role of women at work, and we agree with him when he says that there is a very long path to follow in order to achieve the goal of doing away with gender inequality. It is with great concern that Ecuador notes the figures that highlight the great debt that is owed to women when it comes to work and the labour market. Not only do we have a 30 per cent less chance of being able to be incorporated into the world of work, for obvious discrimination, but that we are also more likely to be victims of violence and harassment at work, and obviously what we have here is a latent debt. As far as Ecuador is concerned, achieving Objective 5 of Agenda 2030, i.e. achieving gender equality and empowering all women and girls, this is a top priority. Ecuador believes that this particular SDG must act as a catalyst for integral development, which is something that our peoples, our countries, are striving for. Ecuador welcomes with great satisfaction the fact that at this conference we are discussing and negotiating the terms of reference for a possible Convention, a binding Convention on violence and harassment at the work, and that we are doing this in a tripartite way. In this fashion, we are going to be able to update and institutionalize a matter which is not dealt with at the moment in labour standards, and which is of such fundamental importance. Ecuador feels that in dealing with equity and this kind of gender approach in a cross-cutting fashion does not simply mean adding a feminine component or a component of equality between genders to an existing activity. It's much more than increasing the participation of women. Ecuador is absolutely convinced that it's a question of incorporating the experience, knowledge and interests of both women and men in order to achieve a peaceful, prosperous and sustainable world. President, in Ecuador we have a law to prevent and eradicate violence against women, and we are currently discussing how to develop a new labour code in which the gender perspective would be cross-cutting, and the main goal of this new labour code would be to achieve equality. In a similar fashion, Ecuador also has its National Development Plan 2017-2021, and aims to eradicate all forms of discrimination and violence for economic, social, cultural, religious reasons, ethnic reasons, reasons of age, disability and a lack of mobility, focusing on violence, gender violence and other similar manifestations. If we have a legislative framework of this kind, together with the operational plans in this particular area, it means of course that in Ecuador we are going to be able to continue to empower women who have been victims of violence, train them when it comes to

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their labour rights, make civil servants more aware of these various aspects, and also take a plan to incorporate women in our plan and our initiative into the UNDP Gender Equality Seal Programme, and obviously this targets public and private companies. Ecuador also attaches great importance to tripartite social dialogue and obviously is very much committed to creating labour policies, together with employer and worker organizations, which will allow us to have a frank dialogue and properly incorporate and respect the fundamental human rights. Finally, President, Ecuador is fully convinced that this is a matter that requires great political will, and considerable effort is being made through tripartism and with consistent cross-cutting legal frameworks and a greater awareness on the part of the people. And if we can bring together all our efforts and actions then, without a doubt, this will lead to greater equity and equality for women in the world of work and in all areas of society. Thank you very much.

**Mr Riak**

### Employer (South Sudan)

Chair, distinguished delegates, on behalf of the employers of South Sudan, I have the pleasure of addressing this plenary. It is now six years since South Sudan joined the ILO, and every year we come to the International Labour Conference we get ourselves discussing issues relevant to the situation we are experiencing. In our country, South Sudan, emerging from 21 years of war and getting independence in 2011, issues like youth employment, labour migration and informal economy discussed as agendas in the 101 session of the ILC was relevant at that time. On this session, in the report of the Governing Body, presented to this session by the Chairperson, on the actions taken by the Governing Body 2016-2017, is informative and comprehensive. The report at the institutional level provided information on the strategic approach to future agenda setting of the International Labour Conference. The decisions of the Governing Body in relation to replacement and inclusion of some items on the agenda of the 108 and previous sessions and the coming sessions, the policy development level, the report also touched on issues to do with employment and social protection, social dialogue and development cooperation. That is all fine, but coming to the legal issues and labour standards, the report covered issues concerning the composition of the ILC delegates, as well as protection of the employers' and workers' delegates to the International Labour Conference, and the incomplete delegations of some of the countries to this conference. On this regard my comment is, in some cases late dissemination of information by the ILO Offices and the Government offices is a factor that effects the incomplete delegations to the conference. Because our Government also sometimes pays for only one delegate from the workers, one delegate from the employers, and the late coming of the information, arrangements sometimes affects the coming of the delegation in full sense. On the report of the Director-General, *The Women at Work Initiative: The push for equality*, the tripartite discussion on violence and harassment on this session showed how sensitive the issue is. The reason why I do propose, alongside the ongoing process of setting standards for eradicating violence and harassment, efforts to develop manuals for protection from violence and harassment should be considered. On the ILO at work, ILO programme implementation 2016-2017, we do appreciate the good job done in Africa in the area of decent work and the result achieved so far. South Sudan, in 2015, developed an interim Decent Work Country Programme, which was supposed to be implemented by ILO Sub Regional Office in Cairo. After the African regional meeting in Addis Ababa, South Sudan was

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transferred to Addis Sub Regional Office. This transfer left things to be ... [vgr INTERRUPTION 6:16] As I conclude, South Sudan is in dire need for ... [vgr INTERRUPTION 6:25] ... able to fully get integrated and active at the regional and international level. I therefore call on the international community to support the people of South Sudan to attain lasting peace to create a conducive business environment that attracts investors and assure job creation, employment and decent work. Thank you.

**Mr Sadien**

## Worker (Mauritius)

Mr Chairman, all protocol observed, ladies and gentlemen. I feel personally honoured to have been given the opportunity to attend this 107th conference of the ILO and to address this august assembly on behalf of workers of Mauritius. We recognize now that trade unions have brought to the field of intervention socio-economic, environmental, and climate change issues. It is therefore crucial for governments to ensure the active participation of trade unions in their discussions. Ignoring trade unions is tantamount to ignoring a large fraction of the population and depriving workers of a basic human right. Chairperson, distinguished guests, participants, industrial peace is a *sine qua non* for social stability, which in turn engenders economy growth in a given country. In this context, we feel gratified that Mr Guy Ryder, Director-General of the ILO, has put on the agenda, our discussions, the Future of Work. This will definitely incite social partners to reflect on challenges facing the world of work. Therefore, we recognize the importance for Mauritius to borrow and customize best practices from other countries. A good example where social dialogue has succeeded in Mauritius is the introduction of a national minimal wage as from January 2018, which has been made possible following a shared understanding among the three social partners through the National Minimum Wage Consultative Council. However, there are areas of concern for the trade union movement in Mauritius. The Employment Relations Act and the Employment Rights Act, two pieces of legalization which were implemented as from February 2009, are giving too much powers to the employers to hire and fire at their will. The present Government has committed itself to amend these laws to better protect the workers. We are still waiting for those amendments to be brought. Mr President, in the sugar sector, the Government have set up a joint technical committee, comprising of government and employers' representatives only, excluding workers' representatives, to look into the challenges facing the sector. Where is social dialogue in this case? The Public Gathering Act which hangs as a Damocles sword on the heads of trade unions has to be replaced. It is an illegal act for any group of more than 11 persons to meet peacefully in public. Through this legislation, trade unionists have been prosecuted on many occasions. I myself have been prosecuted by the police and fined under this piece of legislation. Since trade unions are still made to endure this undemocratic piece of legislation, which is also against several core labour standards of the ILO, we are impatiently waiting for this amendment. The National Economic and Social Council, which was an independent organization set up by an act of Parliament, has been dismantled in 2015 and replaced by a new one that is not really independent in terms of its composition and approach. There is no collective bargaining in the public service, which is key for promotion of quality public service. Salaries and conditions of service are decided in a unilateral manner by the Pay Research Bureau. Option forms issued to workers directly, and these options forms are irrevocable for a period of five years, meaning that any employee or union cannot

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appeal to any institution on salaries once the option form is signed. Again, on the issue of social dialogue we note that several parastatal organizations are not represented by worker representatives. Currently, the Deputy Prime Minister of Mauritius is strongly lobbying in favour of the privatization of water in Mauritius, which all unions and consumer associations are rejecting. In the process 150 workers have just been laid off currently in Mauritius. We are looking forward for the support and intervention of the ILO and trade unions worldwide to fight this prescription of the World Bank, which is serving multinationals instead of consumers. Trade unions should be considered as partners as they represent one of the three sides of a triangular platform of social dialogue. A country can have the best laws, or adopt the best convention, but can still be a bad student. To conclude, I would like to hasten to say that sustainable development will only be achieved through the promotion of participative democracy, access to information and practice of good governance. Social dialogue is not about window dressing, or about giving lip service, but means discussing in good faith. Distinguished guests, distinguished colleagues, ladies and gentlemen, I would like to thank you for your kind attention. Thank you very much.

**Mr Sougouri**

### **Government (Burkina Faso)**

Thank you very much, Mr President. It's a true pleasure and a privilege for me to take the floor of behalf Burkina Faso during this the 107th Session of the conference to pledge our full commitment to consideration around the current and future challenges in the world of work. I would also like to address our sincere congratulations to the President and all the elected officers on their outstanding election. You can be assured of my country's full support to you in your work. May I also commend and congratulate the Director-General of the Office for the various noteworthy reforms undertaken within the ILO and the assistance always provided to our States. President, distinguished guests, well aware that the world of work is undergoing deep changes, with major consequences on labour relations, our country welcomes the initiative launched by the Director-General on the Future of Work to commemorate the centenary of the organization. For this centenary, our common consideration of the future of work, and its implications for the very future of the ILO, should allow us to understand and effectively respond to changes in the world of work in order to allow the ILO to carry out its mandates in favour of social justice. Indeed, there are still major social inequalities globally. Precarity and social exclusion are still considerable, despite scientific and technological progress. And that's why, as we face up to the major changes in the world of work, we need to come up with relevant solutions to strengthen the mandate of the ILO. These solutions will have to make it possible for it to meet the challenges to make international labour standards more effective, particularly those contained in the Philadelphia Declaration. Mr President, my country appreciates the quality of the report from the Director-General. We welcome the wealth and the rich debate around the question of gender equality at work. This is of crucial importance for the very mandate of our organization, which works day in day out to serve social justice worldwide. After taking notes of the continuing gender inequalities and social exclusion, my country's political authorities have undertaken strong commitments with the adoption of laws and policies to guarantee and promote equality. These commitments are in keeping with the search for relevant solutions to ensure that women can properly develop. The Centenary Initiative on Women at Work will teach us more about the appropriate responses we need to bring to this problem. Turning to social dialogue and tripartism,

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we fully endorse the appeal of the Director-General for a fresh spirit to pick up the challenges in the world of work. The recurrent discussion on social dialogue and tripartism gives us the opportunity to reaffirm and feed the values which are at the basis of these two realities. Changes in the world and labour relations require that we take these values on board to guarantee peace, inclusion and social justice, which are fundamental targets in the Constitution of the ILO. The development of the appropriate instruments, which is a task for this session to effectively combat violence and harassment in the world of work, is a major contribution to improving living conditions for the vulnerable, particularly for women. It's also urgent to share experience and to pool our efforts to develop policies and programmes based on the search for equitable globalization through effective cooperation, providing fresh opportunities to promote fair and equitable development. This development needs to be able to generate more jobs and sustainable businesses which respect the labour rights, equality between men and women, and protect those most at risk. So, distinguished colleagues, we must more than ever before build a future which is of benefit to one and all. This requires that we act effectively and together. The relevance and legitimacy of this organization will be assessed on the cornerstone of our resolve and ability to find innovative means to pick up the challenges which the world of work faces. I have faith in our ability to arrive at this as we approach the centenary of the ILO. May we be successful in our work. Thank you.

**Ms Burrow**

## **International Trade Union Confederation**

Delegates, our world is fracturing. The Director-General aptly described a new brutalism in the world. The sad reality is that we are increasingly frightened of each other, which in turn is driving exclusion, even conflict. Multilateralism is at risk, and indeed it has been captured by the vested interests of corporate greed, and the people, their rights, their social protection and their environment have been relegated to second place to the dominance of the market. This House has stood for rights at work for almost 100 years. Its Constitution is as relevant today as it was then, and the Philadelphia Declaration spells out the priorities we must never forget. Where employment is secure, where rights are respected, where work is safe, and women and men are free from violence and harassment, from bullying, this humanity can help repair our societies. Therefore, the Sustainable Development Goals have our full support, but UN reforms must be about cooperation, not control. And the independence of the ILO governance, including the normative and supervisory mechanisms, programming and funding mechanisms, are essential. The ILO's staff are entitled to collective bargaining rights and the right to strike. To rebuild the trust of working people and to prevent a retreat into nationalism driven by extreme political forces, the world needs a new social contract, universal social protection, minimum wages on which people can live with dignity, collective bargaining that shares prosperity, negotiated industry solutions for decent work, just wages, and education and skills, including for those workers in non-standard forms of employment. Technology must never be a driver of exploitation. New technology can never mean medieval conditions for your people. And a social licence to operate for all businesses where they pay tax at the point of earnings, contribute to social protection systems, take responsibility for the employment relationship across all digital platforms, due diligence against the risk of exploitation in the workplaces both direct and in supply chains, and the establishment of grievance mechanisms for remedy at all levels of corporate activity is the minimum. The G20 said last year that violations of labour

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rights can never be part of the competition. So let's build a fair competition floor for a new economic model that people can trust. We congratulate the DG on the commission on the Future of Work and look forward to the report that covers all these dimensions, including commitment to vital, just transition measures. The centenary conference must equally focus on equality for women, and again we welcome the DG's contribution in his report with the vital areas of action. We urge all governments to start now, by actually supporting a Convention to mitigate violence against women and men in the world of work. And we urge the employers to work with us to strengthen social dialogue and collective bargaining everywhere at all levels. The Global Deal just adds an opportunity for a further partnership. Our message to employer is don't be frightened of negotiating a just future. It's your future too. And in conclusion can I say, the annexed report, the situation of workers in the occupied territory is just a disgrace. The workers of Palestine are entitled to decent work. Fifty years of occupation, it must end, and the killings must stop. We welcome the Swedish Government's recognition of Palestine as a State. And we ask all Governments to do likewise to ensure security for both Palestine and Israel, the workers in those countries and the opportunities for rights, decent work and social justice. Thank you.

**Ms Baghli**

## Organization of the Islamic Cooperation

I would like first to extend our appreciation to the Director-General for the outstanding work he is doing in preparing the ILO centenary. In this regard, we welcome his seven Centenary Initiatives, all of great importance, for defining the future. Among them, the Women at Work Initiative subject matter today is particularly valuable to the OIC. The Organization of Islamic Cooperation accords a great importance to socio-economic cooperation among its member States. At their fourth meeting in Jeddah, Saudi Arabia, in February this year, the Ministers of Labour elaborated a common strategy for manpower development and adopted different legal frameworks to harmonize standards and practices on labour issues among member States, such as the OIC Labour Market Strategy, the OIC Agreement on Mutual Recognition Arrangement of Skilled Workforce and the OIC Standard Bilateral Agreement on Exchange of Manpower. Similarly, the Ministers in charge of women's role in the development of OIC member States meet to promote women advancement and empowerment in the Muslim world and to contribute to enhancing women's full participation in the development process and enabling a brighter future for societies. As the rest of the world, OIC countries are undergoing substantial changes due to the ever-growing number of educated women. Though this phenomenon is most welcomed, necessary measures should be taken to allow them access to the world of work. During the latest ministerial meeting in 2016, the OIC revised its plan of action for the investment of women in member States. Economic empowerment enhancing women's access to equal economic opportunity in the public and private sector, and social protection, improving and ensuring women's social needs, safety and wellbeing are among the plan of action's objectives. Another key objective is the protection of women from violence, by combating all forms of gender-based violence, human trafficking on the one hand, and by ensuring that they are not deprived from opportunities and full enjoyment of their rights on the other hand. Furthermore, the OIC 2025 Programme of Action defines the advancement and empowerment of women, family welfare and social security as a priority area. It encourages women's participation in the labour force and their inclusion in social security systems. The Programme of Action equally sets the need to develop

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appropriate legislative and administrative measures to fight violence against women. Moreover, promoting labour protection, wages, working time, and occupational safety and health as essential components of decent work is at the core of the OIC 2025 agenda. Mr President, distinguished delegates, another area of great concern to the OIC, and to many other delegations as we heard, is the plight of the Palestinian people. We are thankful to the DG who submits high quality reports each year to the ILC on the situation of the workers of the occupied Arab territories. His report this year states that the highest unemployment rate in the world is in the occupied Arab territories. Besides unemployment, the daily life of Palestinians is becoming merely a quest for survival. Thank you very much.

**Mr Boix Lluch**

## Trade Union International of Pensioners and Retired Persons

I speak on behalf of all the retired people. We speak on behalf of the only organization which actually represents us. We have the same demands which have been reviewed from a class point of view. Karl Marx got it right, that there has to be a class struggle here. And this is inherit, basically, that there are classes pitted against each other in capitalism. This is something, until we change things here, we will only see that there will be mainly defenders of capitalism speaking in the house. But if we have them, the capitalists in charge will go from crisis to crisis, and we will see this as something that we cannot afford until capitalism comes to its logical conclusion. We are supporters of socialism, which will be the future in all countries of the planet, even if pro-capitalists try to delay this change. The experience of the former socialist countries has made it possible to learn from the mistakes made, and for that reason the second stage of extension of socialism will be the definitive one. While we do not recover the advantages of socialism for the majority of human beings, we will continue to organize ourselves within the context of capitalism. Today, I can announce that we are going to hold our second world congress of pensioners and retirees of class organizations at the beginning of next year in a country of Latin America. In this area of the world where there are large organizations with millions of members who defend the rights of pensioners from a class attack. In America, Asia, all continents we have organised the pensioners in the five continents to obtain a decent (vgr INAUDIBLE 2:21]. We will continue to support these pensioners in all five continents. We have shown that we can do much to defend their rights and to make their just demands be respected. We will continue to support the pensioners and retirees in struggles, country by country. So at the end of the day, all legislation will recognize that every person over the age of 60 should receive a public pension. We don't want to see private pensions which just our good for unions, who are not worthy of the name and capitalism. We want to make sure that people have sufficiently healthy food and free public attention to their needs in terms of health, culture, and local transport, and this regardless of whether the pensioner had sufficiently contributed during their active life as workers. If you didn't pay into the system was it really your fault? No, it was the fault of those who run capitalism, those who did not give you the job that you asked for. You, the pro-capitalist prefer to ... there are millions are underemployed people, in order to keep wages low, based on these false laws of the market, which are only applied to those who do not own the means of production. On the other hands, to the owners of the means of production, you grant the advantages and subsidies. You get every benefit via tax havens and other scams. Those that manage capitalism, those that are the owners of multinationals, many of you are here present in this room as I speak, those who are

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extracting the benefits of exploitation. Everything was very well observed by Marx and the Marxists. But little by little the majority of the population will stop political parties who promise one thing and do the opposite. They'll stop voting for them, the lies, the basis of the false bourgeois democracy. Even though for decades you have been deceiving the voters, this will soon end. We know that there is enough wealth on the planet to ensure that pensions are paid out of state budgets. It would be enough if people would simply allocate 2 per cent of gross domestic products of the capitalist states spent on war, as has been ordered by NATO, and direct that money, allocate that money to facilitate dignified lives for all the people in the world. We pensioners are on track to be 30 per cent of the voters, and from our class organizations we are going to ensure that no vote goes to political parties that defend capitalism. We are going to transmit to the new generations our important experiences of struggle against the exploitative businessmen. In our experience, we will see the achievements of the working class in the past decades, and thanks to the WFTU we have seen great achievements made, greater improvements for holidays, labour rights, safety at work, public health and education, and indeed, pensions. In addition, we have more than 100 years of experience of the good functioning of labour rights in countries that are actually tried to build socialism. Today, its inhabitants regret having lost the individual rights they enjoyed for decades, and will surely enjoy again in the future when we end the exploitation of man by man. You should know that pensioners and retirees will fight alongside the working class for our just rights until the last day of our lives. Long live the working class. Long live the World Federation of Travel Unions. Long live socialism. Long and a profitable life for pensioners and the retired.

**Ms Gómez Duque**

## Latin American Association of Labour Lawyers

We would like to welcome everybody who's present in the room, to the Officers of the conference, and in particular those who are responsible for translation and the logistics of the conference. On behalf of the Latin American Association of Labour Lawyers, an organization that brings together the associations of labour lawyers of 15 countries, we very much welcome the Director-General's report on the *Women at Work Initiative*, a new push for gender equality. It is of pressing importance that we realize that working conditions of the current time continue to be far more burdensome for women, and it goes without saying that gender-related issues are relevant and must be involved in any discussion today, and they must also form part of any future debate which is proposed on these matters and which relates to the world of work. We would like to stress the fact that currently we see that there is a new stage in the model of capitalist accumulation which is going hand in hand with a particular form of work. Over the last decades of the twentieth century, and in the first years of the twenty-first century, we have seen examples of this in outsourcing, flexibilization and deregulation of labour relations. These are phenomena that are noted at a world level but are being felt particularly in the Latin American countries where their dependant economies are subordinate to the legal apparatus. And we have seen that the minimum margins which are allowed for labour law and labour rights are impacted by the aggressive nature of the different sets of rules which regulate human work. And all of this, under penalty, and at the risk of not linking appropriately to the globalized world. Furthermore, there is also the fundamental question of the fact that the framework of protection for any kind of labour activity seems to be pushing away a lot of people from the world of work and doesn't actually cover them anymore. So these specific features and characteristics which cover the

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world of work at the moment mean that very many workers' associations are restricted in their activities and their socio-political activities because the forms of regulated organizations, which up until now have responded to the reality of labour relations, are hindering the forms of association, collective bargaining, and a strike which are allowed under national laws. And rather than promoting the strengthening of trade unions to protect the weakest part of the capital contradiction, we can see the doors being opened, the flaunting of collective bargaining agreements, and the recent legislative reforms in Brazil and Argentina are an example of this. So work is more than just a legal definition. It's an activity through which the human being makes of the world something for him or herself. And obviously we have to ensure that the degrees of protection that are required increase and do not decrease. And faced with the conditions that I have just described, the Latin American Association of Labour Lawyers has proposed a socio and Latin American socio-labour charter, which is not just a simple and arbitrary gathering together of rights, freedoms and guarantees, but something far more ambitious. It's the expression of a new model of labour relations which, based on the inviolability of the dignity of the individual who works, brings together in a natural and logical way this person's rights, and provides a framework for a true process of regional integration. The charter is based on the universal demand of decent working conditions and guaranteeing a real right to access maintenance and real stability of work. We also are aiming for wages and salaries which are sufficient to overcome poverty and which guarantee the right to integral education, to training and empowerment, which also guarantee a right to health and safety, the integral right to health, or to culture, to rest and recreation time for workers and their families. We also want a real universalization of social security systems, and we do all of this for certainty that none of these essential and vital rights can ever be properly guaranteed without proper liberty, freedom and trade union democracy, and without the right to collective bargaining, and without the possibility to go ahead with social protest and an unrestricted exercise of the right to strike. We, the Latin American Association of Labour Lawyers feels that these categories of rights should cover all kinds of workers, whether from the private sector or public sector, as well as any kind of worker in a condition of economic subordination and also self-employed workers ... [vgr INTERRUPTION 6:02] ... whether we are talking about workers in the urban or rural areas. And then of course we have to take specific account of the rights of indigenous peoples and other vulnerable groups. Workers of the world unite.

**Mr Noonan**

## **Building and Wood Workers' International**

Thank you Vice-President, delegates, observers, guests, good afternoon. It's an honour for me to address you to share the struggle of our union, the CFMEU, against the anti-worker and anti-trade union agenda of the right-wing Australian liberal Government. Last year our union along with the Australia Council of Trade Unions and Building and Wood Workers' International filed a complaint to the ILO Committee on Freedom of Association regarding the Australian Building and Construction Commission, the ABCC. Prior to its repeal, the previous iteration of the ABCC was the subject of an earlier complaint brought by the Australian Council of Trade Unions to the Committee on Freedom of Association, case number 2326, and for a number of years thereafter was dealt with by the Committee of Experts on the Application of Conventions and Recommendations, CEACR. In previous ILO jurisprudence, the CFA and CEACR took an extremely dim view of the ABCC,

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demanding that the Australian Government modify provisions regarding unlawful industrial action, eliminate excessive impediments, penalties and sanctions against industrial action in the building and construction industry, and ensure that bargaining is left to the discretion of the parties involved. Further, they requested the Australian Government take the necessary steps to promote collective bargaining as provided in C98, and introduce sufficient safeguards to ensure that the function of ABCC does not interfere with the general affairs of trade unions. The current law retains all of the provisions which the ILO has previously found in breach of Conventions 87 and 98. The ABCC is a revived institution designed to attack construction workers' rights to freedom of association and the right for workers to work in safe, healthy, and decent conditions. The BWI and CFMEU welcome the dismissal of baseless politically motivated criminal charges brought against our officials John Setka and Shaun Reardon. Trade unions in the Asia Pacific are working aggressively to safeguard hard-won progressive labour laws and opposing oppressive regimes. The unions of the Philippines are exposing the dictatorial tendencies of President Duterte and making him accountable for more than 13,000 deaths on the fake war against drugs and failing to fulfil his election promise to end contractualization. Cambodian unions are fighting to ensure rights to freedom of association and collective bargaining, as well as freedom of assembly and freedom of speech. Trade unions in Thailand are pushing for the immediate conduct of national elections being held hostage by the military junta. In India millions of workers have protested against regressive labour reform laws. In South Korea, the BWI welcomes the release of Han Sang-gyun, former president of the KCTU, who has been in prison for nearly three years, but the struggle for ratification of conventions 87 and 98 continues in South Korea. Meanwhile, our brothers and sisters in Fiji are taking to task the current Government, demanding that it comply with its obligations to ILO core Conventions. It is clear that in many parts of the world the rules are broken to the detriment of workers and their communities, and it is unions that are fighting back. The BWI is no stranger to changing the rules. For the last decade, BWI affiliates across the world have organised construction workers, many of them migrants in extremely vulnerable situations in mega sports events. The BWI's engagement in sporting events like the FIFA World Cup and the Olympics aims to ensure decent work, safe working and living conditions, and dignity for all workers. This has been our objective from South Africa to Brazil to Russia and to Qatar. In Qatar there have been significant positive developments as a result of BWI's campaign and engagement with various stakeholders. The opening of the ILO Project Office and the announcements made by the Qatari Government promising sweeping changes are positive steps forward. However, the real test will be if the lives of workers are improved on the ground. In BWI's sectors which are traditionally considered to be male-dominated industries, an increasing number of women are part of the work force, particularly in the global south. Sexual harassment, discrimination and violence against women are unfortunately very common in these industries, as in other sectors. The BWI strongly supports the adoption of an ILO Convention accompanied by a Recommendation on violence and harassment against women and men in the world of work, with a strong focus on the gender dimension of violence. Delegates, thanks for your attention, and thanks for your attendance here this afternoon.

## Confederation of Latin American and Caribbean Public Workers

President of the 107th ILC and government representatives, I would like to speak here today as the President of the Confederation of Latin American and Caribbean Public Workers. We very much like the Director-General's report on *The Women at Work Initiative: The push for equality*. The efforts of the ILO to fight for gender equality is something which is of great interest to unions, but it also means that you have got to see that this inequality plays on two different levels affecting most women. First of all, the inequality in the world of work but also in society in general. The mobilizations of women, which started with the 3 June 2015 in Latin America and which led then to the first international women's strikes in 2017, have given testimony to the fact that there's a lot changing in our societies, our economies and our cultures. Now, historically, women have had a subordinate role to men. They have had their liberty, their integrity, their work, and their life outcomes playing second fiddle. Women have been the ones who over the last years have made it very clear of the link between a patriarchal system which enables gender inequality and an economic system based on exploitation which leads to unstable jobs, precarious jobs, ones without decent salaries and with working conditions which affect health and the very wellbeing of men and women at work, as the main cause of the increase of violence and discrimination against women. Men and women working in the public sector are quite concerned about atypical or precarious types of work which come into the fore and the increasing use of outsourcing, which is even being used by the State for labour contracting. And here we invite the ILO to discuss in great detail the challenges which this presents for the future of work. In this context, we should mention that women are overrepresented in the most precarious forms of work. Within the labour union movement, women workers have made it very clear to us that we can no longer turn a blind eye to class inequality as it goes hand in hand with gender equality. Neither one can be solved. We have to solve gender equality at the same time we solve class inequality. Also, we see that in the history of the ILO they have been very involved, first of all in protecting women workers, but now this has to be extended in a more general sense to gender equality. And this as the Report of the Director-General means that the role of men in society has to change. The role of family has to change. There has to be a progressive integration also of woman into the cultural, social and economic lives of our countries. We need to promote protection of women who are also working in the caregiving sector. That's one of the first steps which will help us deal with the existing asymmetries. We need to make sure that the State does everything they can to provide better support to the caregivers sector. This will have a virtuous system. It will lead to more jobs being created. It will also mean that man will go into these jobs, which traditionally were considered to be women's work, and will lead to a redefinition of these types of jobs in the world of work. As a union, we think that when it comes to the solution for inequality, for violence or for discrimination which affect women workers, we need to make use of a specific tool. The tool here being collective bargaining. There we can define explicitly concrete mechanism which can be used to try to combat these problems. I would not want to conclude my speech without saying something about the time-money-agency conundrum as covered by the Director-General's report. Here we must recognize that men have had certain privileges, sometimes invisible privileges. One of these would be the possibility of trying to decide if we want to have a life with family obligations or not. Do we want to be parents or not? Can women make the same choice? Unless we have a right to family planning recognized as sexual

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education recognizes, it's very unlikely that women will enjoy from this right. As the head of a confederation that represents a large number of women and men working in the health sector, this is indeed a health issue, and we have to see that this is not the type thing that should be criminalized or dealt with via penal courts. We would also like to say that we wanted to be happy to say that this is the 40th anniversary of the public service convention, but now as we see the situation of public workers in so many countries where people are losing their jobs, we can't celebrate that event. Unfortunately, our Governments are quite often undoing the advances which were made in the area of collective bargaining over this period, including the first decade of this century. So we call upon the Governments of the world, and particularly those of Latin America and the Caribbean, to do away with all types and all forms of violence in the workplace, and including in that the doing away with the poor treatment and the stigmatization of public service workers. We believe that, via our work, we can help ensure and guarantee the rights of all workers in all countries.

**Mr Pronk**

## European Centre for Workers' Questions

Dear Mr President, Vice-President and delegates, the European Centre for Workers' Questions is very honoured to participate in the 107th Session of the International Labour Conference and to have the opportunity to address the plenary of this important conference. EZA welcomes very much the ILO's analysis, efforts and steps in its Women at Work Centenary Initiative as they are presented in the Report of the Director-General. The 73 workers' organizations from 30 European countries of EZA have established since 2003 an international platform for equal opportunities with the purpose to include the gender perspective as a permanent and transversal dimension into our work. The platform aims to promote gender equality at work. It is a forum of exchange of information, experience and good practices on equality issues. The platform is an enhancement of the seminars and the projects run by EZA and using the conclusions and results on a political level in Europe. We have to recognize that a targeted work balance everywhere, and also in Europe, remains still an important challenge that demands a great deal of patience and stamina from women who continue to face double burdens. Women are experiencing still important inequalities in work and pay, glass ceilings, inflexible models of work, difficulties and disadvantages in returning to work. Further challenges include the sharing of family responsibility, improving the perception of upbringing and care tasks by fathers, and the unilateral promotion of the dual role of women, and the continuation of barriers to equality. These are important issues in the field of social partnership and social dialogue. The European Union has established, and equal treatment legislation sets out, minimum levels of protection that apply to everyone living and working in the European Union. EU gender equality is also an integral part of the Charter of Fundamental Rights of the European Union which prohibits discrimination on any grounds including sex, at Article 21, and recognizes the right to gender equality in all areas and the necessity of positive action for its promotion. The ILO's fundamental Conventions on equality of opportunity and treatment form also a very important legal base to guarantee equality between men and women at work. As European Centre for Workers' Questions, we see an urgent need for the development of new culture, of equality and work life balance in Europe based on a strong legal foundation. There is a lack of models of work, education and care that are equally oriented and socially recognised. This lack must be eliminated quickly and social dialogue must be used for that. We are fully sharing the Gallup ILO survey

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findings, showing that both women and men in all regions identified work family balance and affordable care as one of the biggest challenges women face in the world of work, as is said in the report of the Director-General. EZA welcomes the ILO Women at Work Centenary Initiative with its various approaches and measures, among others, to fight violence and harassment in the world of work, to promote equal pay and to develop research and knowledge. We want to contribute to support the ILO's Women at Work Centenary Initiative with our educational activities. The Director-General declares, in his report, we are still a long way from the goal of equality and progress towards it is slow, uneven and uncertain. Thank you very much.

**Ms Yafa**

## Education International

I am Fatoumata Bintou Yafa, Secretary-General of the Elementary Teachers' Union in Senegal. On behalf of Education International, I am taking the floor to thank the Director-General of the ILO for his very relevant report. Education International appreciates the selection of cross-cutting elements relating to international labour standards, equality and non-discrimination and social dialogue, three elements which are crucial but are very often missing from the teaching profession. We also commend the initiatives of the ILO to support the constituents' actions to strengthen social dialogue, create decent jobs, to achieve social protection, health and safety at work, and for vocational training for refugees. Capacity building for the unions to tackle technological innovation, climate change and population change are one of the priorities of the twenty-first century for which support from the ILO will be decisive. Education International, through me, expresses the concerns and desires of more than 32 million teachers, men and women, worldwide. The ILO commission on the Future of Work leading up to the centenary, as well as the Sustainable Development Goals, underscored the need for States to train and recruit 70 million new teachers to allow all children, adolescents and adults to learn without discrimination in good conditions. Building the future with decent work is the motif of this conference. Decent work is what teaching staff and teachers are trying to obtain worldwide, but most Governments and private enterprises don't make it easy for them because they hamper their mission rather than supporting them, and it starts in infants school which is far too little widespread and is often inaccessible in emerging countries. Primary and secondary education is often of low quality with overcrowded classrooms and poorly trained and badly supported teachers, particularly in the countryside. In some countries, particularly in Western Africa or in South East Asia, you quite frequently see teachers facing 200 pupils. With such a situation the teacher has to find the means to teach. Who could teach reading and writing and maths to 200 children at the same time without exercise books, textbooks, blackboards or teaching materials? How can you achieve the aim of quality teaching in such conditions? Our countries are lacking in women teachers, women who could be models for little girls. Vocational training is poorly esteemed and higher education is inaccessible to most young future workers. Add to that the fact that our schools aren't always safe, particularly when you look at buildings, security, weather conditions, etc. Rather than being supported, teachers, men and women, are overwhelmed with administrative paperwork, red tape, tests and assessments. They have to meet various targets which are decided without consultation with them by administrations which are out of touch, whereas the mission of the teacher is to teach future citizens who can, of course, work but who can think, make well-considered choices for their own future and for that of the community. In so many countries, teachers, as civil servants, are deprived of the

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fundamental right to set up unions and several cases have been underscored by the Committee on the Application of Standards. We note that no mention is made of the following cases: in South Korea, members of the KTU education are still illegal members, despite ILO recommendations and the commitment of the Government; in Turkey, more than 28,000 teachers and university staff have been sacked since July 2016; 1,620 members of the EGITIM SENE Union, an affiliate of the Education International, will be stripped of their functions. And also, pupils and teachers are victims of violence and harassment, as we said in the committee on violence and sexual and moral harassment against women and men worldwide in the world of work. And this is why Education International really does hope, in the context of inclusive constructive dialogue, that Governments with ILO's support and the participation of the social partners will implement policies which can promote quality education for one and all. Thank you very much.

**Ms Longley**

## **International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations**

Representatives of Governments and employers, sisters and brothers from the Workers' group, my name is Sue Longley, and I am speaking on behalf of the IUF, the global trade union federation representing workers in agriculture, food processing, tobacco, hotels, restaurants, catering and tourism. I want to congratulate the Director-General and the Office on the excellent report, *Women at Work: The push for equality*. It addresses very frankly the challenges facing us, including questions about the role and place of women in this organization, and I certainly hope the figures this year are better on women speaking in the plenary, although this afternoon has already been a good indication of change. My organization, the IUF, represents many millions of women workers. According to the ILO, women now make up over 40 per cent of the hired labour force in agriculture and almost 70 per cent of the tourism workforce. Most of them are in jobs regarded as low skilled. They are underpaid and undervalued. Many are in precarious work. Outsourcing and contracting out of work are widespread in our sectors, and agriculture and tourism have many seasonal and temporary workers. Migrant workers make up a significant part of the workforce in both sectors. So what are the consequences of these non-standard forms of employment? Well, there are many, but the one I want to address today is sexual harassment. Women in agriculture, hotels, tourism, and also in food processing have to give sexual favours to managers and supervisors to make sure they get work. The DG's report rightly refers to the vulnerability of women to sexual harassment and acknowledges the impact of the #MeToo and the Time's Up campaign in drawing attention to sexual harassment, especially in the film industry and media, but we know that sexual harassment is a regular daily occurrence for women workers in agriculture, hotels and restaurants. Surveys around the world have indicated that a large majority of hospitality workers, up to 89 per cent in some countries, have experienced sexual harassment on the job in the course of their working lives. For this reason, we are calling on companies, on employers, to work with us to ensure an end to this scourge of sexual harassment. Last week here in Geneva, with affiliates from hotel workers around the world, we launched a global set of demands calling on the world's largest hotel company to work with unions to end this endemic sexual harassment which plagues the industry. We have very concrete demands. We want prevention measures, quicker response times to reports of sexual harassment. We want protection for workers who report sexual harassment

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from guests, managers or co-workers. We have a list of demands, very clear, a very precise programme of action. We then held a meeting here in the ILO to discuss gender inequality in the tourism sector. At that meeting, hotel workers told us of their personal experiences of sexual harassment and assault by guests, and I tell you it was very hard to listen to their stories, to see them in tears, recounting how their lives had been affected by this trauma, how management blame the victim and fail to take adequate measures to protect workers, but what bravery and conviction. I was proud to be with them, proud to offer the support we could, but I don't want you to think that women are passive victims of gender discrimination. In my experience women are organizing and fighting back in many places. Our affiliates have impressive campaigns at national level. In the Nordic countries, we are not on the menu. In the USA and Canada, Hands Off Pants On, both get the message to customers that sexual harassment is not tolerated. The IUF has now achieved national agreements with three transnational companies, one in agriculture, one in food and one in catering, on zero tolerance of sexual harassment in the workplace. All three agreements include procedures to ensure that the policy works. These agreements are being used by our affiliates to negotiate local implementation plans with management. The DG's report asks what's to be done to change things? Well, on sexual harassment I think for us it's clear. We need strong policy statements that sexual harassment will not be tolerated and there needs also to be urgent action to reduce women's vulnerability by improving their position in the workforce and challenging gender stereotypes. This can be done. You need to go into communities, talk with families about what jobs daughters, sisters and wives will be doing. We work with personnel departments looking at recruitment procedures. We challenge gender bias in selection procedures. We change perceptions from the bottom up with our affiliates. In Pakistan in 2016, we were able to get one woman hired as a forklift truck driver at a major global beverage company. She was the first woman truck driver in Pakistan. There are now 9 women working as forklift truck drivers and 19 in the factory. In conclusion, Chair, all of this says to the IUF that we want the adoption of a Convention and a strong Recommendation on ending violence and harassment in the workplace. It's not only necessary but it would send out the right commitment about the ILO's commitment to building equality. The IUF strongly supports the Convention Recommendation on violence and harassment in the world of work. Thank you.

**Ms Pavanelli**

## Public Services International

PSI would be very happy if we could celebrate the anniversary with a Convention and a Recommendation against violence and harassment in the world of work as decided on Saturday, particularly if they will consider the specific gender dimension of violence. Trade unions are the largest organized group of citizens globally. Our democratic organization does represent millions of people around the world and plays a crucial role in the society and in the ILO. The commitment of trade union members to build a better world is stronger than ever, as greater than ever are inequality and injustice. If we want to make sure that no one is left behind, we must be bold and say that another world is possible. The global system is broken. Things must change, and the time for change is now. We refute any apologetic discourse on the relevance of social partners and collective bargaining when we witness daily violation of workers' rights. Building coalition with civil society organizations is key for the broad-based policy shift that we need, but it cannot be an alternative to negotiations between the key actors in the world of work, nor dilute the social

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dialogue and the tripartite system. Since 2012 the ILO has been in crisis. At the same time the wage share in GDPs around the world continues to shrink and profit becomes sweeter for the happy few. Forms of workers' exploitation are multiplying, hurting migrants first. This proves the relevance of the ILO and unions for workers. Defending the ILO means renewing the vision and commitment of its founders to reduce inequality and build social stability, peaceful and democratic society for the next hundred years. Public services play a central role in defending human rights and achieving sustainable development, and States are responsible. This needs to be a cornerstone of the future of work and reflected in next year's conference. The challenges of climate change and digitalization require strong public investment and strong public governance to protect the individual and collective rights, ultimately to defend democracy. Last week PSI celebrated the 40th anniversary of Convention 151. While the low level of ratification continues to be worrisome, PSI salutes countries that have recently ratified it as the Philippines. Convention 151 goes hand in hand with Convention 98. The right to organize for public service workers must go along with the right to collective bargaining and the right to strike. Despite the willingness of countries such as Liberia to take steps forward, public sector workers in many countries continue to be denied the right to organize, particularly in emergency services. PSI encourages the ILO to support the introduction of social dialogue in the public sector as a priority. Transparency and fight against corruptions require protection of whistle-blowers and an international labour standard is urgent to support the national legislations that are starting to address the problem. The ILO mandate cannot be weakened, and its role in development has to look beyond the global agenda. Funding remains an important challenge, but engaging in public private partnership is not the solution. This is about providing technical know-how and policy advice to make a difference for working people. We do not want social protection coverage when it is about insurance companies selling empty promises to ensure their profit. We need public health and the human right to help for all, as we need public education, public water and public sanitation. We do not want that the ILO becomes the promoter of PPPs, that we know they do not deliver and cause long-term public indebtment, but that it strengthens the sectorial activities serving the communities and the constituents instead of private entities. Multinational corporations can play a crucial role in the global economy by paying their fair share of taxes where they operate and decent wages to their workers throughout the supply chain. To conclude, allow me to express our solidarity with the UN staff union and deeply regret the unilateral pay cut applied to the staff of UN organizations. The ILO centenary is the right time to recognize UN workers' trade union rights including collective bargaining. Thank you.

**Ms Bichelmeier**

## **Make Mothers Matter**

Thank you, Chair. Make Mothers Matter, MMM, would like to thank and congratulate the Director-General for his excellent report and welcomes this new push for gender equality. [vgr INTERRUPTION 0:41] ... is that the women's time-money-agency conundrum must be addressed as the main structural obstacle to further progress on gender equality. Central to this conundrum is the issue of unpaid family care work, that is the unequal distribution between men and women of the unpaid domestic and care work which is essential to reproducing and sustaining families, and which, in fact, supports the whole economy and society. Globally, women still do two and a half times more unpaid care and domestic work than men.

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It is also well established that when paid and unpaid work is combined, on average women work longer hours than men. Yet, instead of being recognized and valued for combining this care and professional responsibilities, women continue to be penalized, mothers especially encounter systematic discriminations and obstacles in hiring and promotion, and suffer for harassment and wage discrimination linked to motherhood, the motherhood pay gap. Addressing these issues goes well beyond the labour sector alone and requires a multi-sectorial approach also involving education, health, social welfare and fiscal sectors. Allow me to share with you some of MMM recommendations. First, promote care as valuable work and consider public spending on policies that support the unpaid care work of nurturing, rising, educating children as an investment in early childhood development and human capital and not as a mere expenditure. The potential return on investment is high. In addition to preventing social and health problems linked to burn-out and stress, and to countering declining fertility rates in developed countries, this investment could help ensure that every child develops to their full potential, which in turn could break the cycle of poverty, prevent violence and foster more peaceful societies. Second, provide accessible, affordable and high quality public services and infrastructure, in particular in the most disadvantaged and remote areas, with the explicit objective of addressing women's time poverty. Water, electricity, energy, ICTs, transportation, proximity to childcare and healthcare are needed to significantly reduce the time spent on unpaid domestic and care work and thus free up time for remunerated activities. Third, promote the equal sharing of care responsibilities between men and women, starting with paid paternity leave and shared paid parental leave. However, paternity leave alone will not do the job. It is the whole system that needs to be adapted to the new realities of fatherhood, including how boys are educated. Fourth, promote diverse work and family life reconciliation policies accessible to all, including the right to request flexible working arrangements to allow parents and other caregivers to access and stay in paid work. In particular, ensure regulations supporting equality, part-time work and job-sharing schemes, but allow both men and women to adjust their workload to their family responsibilities and reduce discrimination against part-time workers regarding career advancement, pay levels, social security, pension rights, etc. Fifth, caring and educating a child requires time. Take a life-course perspective and facilitate discontinuous career paths rather than leaner ones, allowing men and women to withdraw from work partially or completely to care for their children or dependent relatives and then re-enter the labour market without being heavily penalised. Sixth, building on the resolution adapted at the 2013 International Conference of Labour Statisticians, make unpaid family care work visible to policymakers and society by regularly conducting good quality Time Use surveys and legally recognize unpaid family care work as being a particular category of labour that gives status and rights to caregivers, including access to social security, education and training as well as care credits in the calculation of pension rights. In conclusion, addressing the issue of unpaid care work to progress on gender equality requires systemic changes and paradigm shifts. It's about putting care, education and the wellbeing of people and the planet at the centre of government priorities and policies. It's also about taking a long-term perspective and investing for the future, moving away from short-term GDP growth and shifting to a new economic model. Thank you, Chair, for your attention.

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**Mr Petersen**

## **Government (Brazil)**

Brazil would like to exercise its right of reply. The Brazilian Labour Legislation dated back to 1943 and needed to be updated in order to address the requirements of the economy of the twenty-first century. After a comprehensive discussion in Parliament where the regional tax was studied, discussed and perfected, the bill was approved by a significant majority, both at the Chamber of Representatives and the Federal Senate. Law 13.467 was enacted in July 2017 and entered into force in November last year. The new legislation establishes regimes that are compatible with the contemporary economy. It extends legal protection to specific situations of the economy that were previously uncovered, such as telework, part-time work, intermittent work and a 12 by 36 hour scheme. Hiring has been facilitated and formalization encouraged. Enhancing conventions and collective agreements between unions and employers is another key aspect of our modernized legislation. The aim is that each category be able to negotiate collectively the best terms to reconcile employment equality, increase our productivity and protection of the workers' rights. The labour rights enshrine Article 7 of the Federal Constitution a robust and unique protection for Brazilian workers are fully preserved. Coherently with the goals of formalization ensuring the rights of workers, the legislation increases eight times the amount of the fine directed to the employer who does not reduce [vgr INAUDIBLE 1:37] workers. The new legislation also reinforces the promotion of women's rights in the labour market including through implementation of a fine for cases of salary discrimination based on gender. The new legislation enforced for only the last six months has still a way to go in order to placate the unacceptably high unemployment rate left by one of the worst economic crises in Brazil in 2015 and 2016, but figures for the first quarter of this year show a promising way ahead with the creation of more than 330,000 jobs, a number not seen in Brazil in the last five years. I thank you very much, Mr Vice-President.

**Tuesday, 5 June 2018, a.m.**

**Mr Nur**

## **Worker (Somalia)**

Thank you, Chair. Distinguished delegates, ladies and gentlemen, on behalf of the Federation of Somali Trade Unionists, I bring you fraternal greetings from the working men and women in Somalia. Indeed, it gives me great pleasure to address the 107th Session of the International Labour Conference. I would like to congratulate the ILO Director-General, Mr Guy Ryder, for the well-researched and thoughtful report that he has presented to this august assembly for discussion. The Director-General's report on the Woman at Work Initiative, the ILO Centenary Initiative and the conference agenda item to address violence and harassment at work are all key in our quest to circumvent obstacles to gender inequality, in particular the structural factors that are responsible for the marginalization of woman at work and community. Somalia has been plagued by crises engendered by barbaric and cyclic natural disasters for more than two decades. This dark history of our country is a universal knowledge. Despite this challenge, we Somalis are hopeful and are committed to a better future by conciliating the gains and dividends of peace and resilience that characterize post-conflict and fragile States. Gender-based violence

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and decent work deficits are key chronic issues in Somalia. Women are not only breadwinners, they are also the economic backbone of our society, but this has for too long gone unnoticed in our besieged country. For this reason, the Federation of Somalia Trade Unionist supports the adoption of a comprehensive ILO Convention and Recommendation on violence and harassment against woman and men in the world of work. As this conference unfolds, the Somalia Government has made a significant and positive move in adopting the Sexual Offences Bill which combats sexual harassment and violence against woman. We congratulate the Somalia Government for this historic initiative, especially the wonderful work of the Minister of Human Rights and Women, Her Excellence Deqa Yasin, for challenging the dangers and ensuring that this bill is tabled. No country is desperately in need for decent work more than Somalia. Endemic poverty, mass unemployment underemployment are basic problems that are preventing the realization of peace and stability in Somalia. The Somalia authorities must provide an enabling environment for the operationalization of the Decent Work Country Programme and must uphold the respect of freedom of association and social dialogue. This is the reason that both workers' and employers' organizations in Somali are fully supporting the Global Deal initiative as a unique platform for social dialogue, decent work and inclusive growth. The status quo with union leaders and activists hounded and denied their legitimate right and space is unacceptable. Indeed, we expect our Government to encourage and empower trade unionist to help with the peace process. Mr Chair, the time is right for legitimate intervention. In line with the ILO's principles and standards, all draconian degrees and laws that have infringed upon workers' and unionists' rights in Somalia should be repealed from our statute books. I am thoroughly convinced that working together between trade unions, Government and employers is irrefutable, the path to us achieving our shared developmental aspirations. I thank you very much.

**Mr Tan**

### **Employer (Philippines)**

Thank you Mr President and fellow delegates to the 107th Session of the International Labour Conference and friends present. Good morning to you all. The Director-General's report on Women at Work and the push for equality is a rude awakening for all of us in this august Assembly. It is also a cause for soul-searching and even collective remorse as we struggle to answer the Director-General's provocative question. Why is the world of work unfair to women? It is a not a pretty picture that we see in the report. Empirical evidence as reported by international organizations, including the ILO and the World Bank, assume that, and I quote, "There has been little change in outcomes for women on the ground in the past 15 years or so, despite advances in laws and policies." Why is this so? Why has the favourable environment in terms of law and policy been largely ineffective in pushing the frontiers of gender equality and fairness in the world of work. In the Philippines particularly, there are existing laws that penalize sexual harassment and violence against women. The private sector for its part, like Zonta International, has waged a relentless campaign on anti-violence against women and pursued its core advocacy of women empowerment in all levels of society. The report says that in the Asia-Pacific region, where I come from, women at work have either dropped or stagnated. The formidable challenges to equality among men and women continue to the present, even after decades of studies and programmes have been undertaken to push equality and a fair deal for all women at work. Thus, women workers continue to receive less pay than men for work of equal value. This issue has spread across a

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wide area of work, from the entertainment industry to other service sectors of the economy. Women are most likely the victims of violence and sexual harassment in the workplace. Their suffering in silence has finally erupted into a worldwide phenomenon that saw them come out in the open and denounce the perpetrators of these unlawful acts. These protests materialized in many countries, like little bonfires of rebellion igniting the sky in many places. The insensitive picture of inequality as it impacts against women at work remains in many parts of the world. Name them, they are there. Casual employment and paid domestic work, discrimination in the preference for high-paying positions, stereotyping of work for women, treating them as secondary workers, as caregivers and not as breadwinners. It is therefore a deep sense of lack of achievement that has pushed us to make gender equality as one of the ILO's centenary objectives. In this spirit, there is a need to raise the voice in representation of women in the decision-making processes that govern the enterprise and the workplace. It is imperative to recognize the value of their work and contribution to the economy and to compensate their unique ability to balance family and occupational responsibilities. It is as good a time as any for men to acknowledge that gender equality and fair treatment of women at work is not a women's issue exclusively but also an issue for men as well. After all, and at the end of the day, we come to the unavoidable reality that women are God's best gift to mankind. Thank you for your kind attention.

## **Ms Telemaque**

### **Government (Seychelles)**

President, ladies and gentlemen, a very good morning to you all. It is my honour to be present at this esteemed conference for the first time as the Minister responsible for employment for the Republic of Seychelles. On behalf of the Government of Seychelles, I wish to extend my warm congratulations to the President of the Conference on his election for the 107th International Labour Conference. I am inspired to speak on the Report of the Director-General, Mr Guy Ryder, entitled *The Women at Work Initiative: The push for equality* as gender equality does not only affect individuals but also has implications on the labour market and the economy. Women have always fought for their rights and to be treated equally to men. However, we shall not forget that global gender parity is not yet fully achieved. Do we have to wait another century before we can finally say women have equal decent work opportunities and treatment? Ladies and gentlemen, this conference is a concrete expression of our joint commitment to initiate actions to secure and advance the position of women on the labour market. In this effort, we recognize that globalization has brought about development which has transformed the world of work, and the challenge of gender equality remains relevant. In this regard, I believe the demand for female workers should be viewed as equal with the demand for male workers. Therefore, addressing gender equality at work should start from education, skills development and empowerment programmes that need to be equally promoted and facilitated for both men and women. In doing so this can contribute in reducing discrimination in employment towards females' access to jobs and higher wages. Women often interrupt their education or work due to childbearing or marriage responsibilities. In this context, I also concur that indeed businesses and the society have a pivotal role to provide affordable and proximity childcare and support to parents. Employment family policies should create flexible working arrangements and pathways to resume education after having children. In this manner, women will feel more encouraged and comfortable to join the labour market and take on higher

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positions without fear of neglect of their family and household activities. Likewise, policies should be cognisant of the men's contributions towards gender equality. Men cannot be excluded from this model. Educating and empowering men are important to improve their understanding in order for caregiver and breadwinner roles to be shared equally. The Director-General's report recognizes that women are more likely to experience sexual harassment and violence at work. Hence, we need to seek for changes in culture and attitude of men so that they appreciate gender equality issues. Ladies and gentlemen, Seychelles has taken various initiatives to achieve gender equality and to protect women in the world of work. Our employment legislation and labour inspection systems are established to protect all workers against any forms of discrimination, sexual harassment and violence. For example, last month the Government increased maternity leave from 14 to 16 weeks and paternity leave from 5 to 10 days. We anticipate that these regulations will enable both parents to equally participate in the early childhood care. We also appreciate the number of women in high decision-making positions has steadily increased over the past years. This reflects our country's continued trust in Seychellois women. Whilst we are satisfied of the insignificant cases of workplace gender discrimination, like many countries, our labour market statistics reveal ongoing challenges. Both our national and youth unemployment rate is predominantly higher amongst women. Additionally, more men than women have higher qualifications and consequently higher earnings. These indicators are guiding my Ministry's strategies for the next five years. I am pleased to announce that Seychelles will be launching the second generation of a Decent Work Country Programme this year, and women's economic empowerment is amongst our key priorities towards achieving the 2030 Agenda for Sustainable Development. We anticipate to develop policies that respond to labour market trends including gender equality. Earlier this year, we received technical support from the ILO for the implementation of the SDG Goal 8, in regards to decent work, of which we plan to collect more data. The commitment of the Government and its social partners towards the cause of gender equality ... [vgr INTERRUPTION 6:42] ... national tripartite constituents of the ILO should work together to create a world of work in which women are respected, represented and have a strong voice, thereby making them economically secure and safe from any forms of ill treatment and discrimination. Mr President, ladies and gentlemen, I thank you. Thank you for bearing with me, Mr President.

## **Mr Van Wijngaarden**

### **Worker (Netherlands)**

Dear colleagues, ladies and gentlemen, the Dutch Workers' delegation to the 107th ILC welcomes the Report of the Director-General on Women at Work. The report contains a clear analysis of the unequal labour market position of women, where women are still, on average, paid less as men and are overrepresented in flexible and precarious work. Also, the report gives important insights into the mechanisms behind persistent inequality. Men and women are still not equally regarded as caregivers, resulting in women having to juggle paid work and care responsibilities. Last Tuesday, we had a discussion on working times where we spoke on the importance of adjustment of working times to achieve a better division of care tasks between men and women. With care responsibilities predominately on their shoulders and overrepresented in flexible employment, this results in a higher occurrence of stress-related diseases among women. Male dominated occupations are still higher valued and better paid, resulting in a wage gap between men and

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women. Even for men and women in the same job, there is a wage gap and it is concerning that mothers are considered less ambitious and less available for work while the reverse applies to fathers. The Director-General makes a strong and often overlooked point that men, too, need to be emancipated from long working days. Across the globe the labour market position of women is still not equal to men's. Figures show that the labour market participation of Dutch men was 75 per cent in 2016, while 65 per cent for women. While Dutch women are now more often in higher educational tracks, from the age of 30, their employment rate starts to lag behind that of men. This is because Dutch women often start working less or stop working altogether when they have children. Relating to this is discrimination in case of pregnancy. Dutch women often report that their contract is not extended due to the fact that they are pregnant. Three-quarters of Dutch women work part time and the share of women in senior positions is only 25 per cent. Accessible care facilities are often a cause for this, not only for childcare, but also for elderly and family care, in which women are overrepresented. The Dutch unions therefore strongly support the first building block to reach equality set out by the Director-General, the new care economy. Women are overrepresented in small and precarious jobs, leading to a lack of economic independence. There is a link between a lack of economic independence and the situation of social unsafety for women. If women are stuck in a dependant relationship, this hinders their participation in the labour market. Conversely, it is easier for women that are economically independent to get out of a violent relationship. We know that women disproportionately experience violence and harassment in the workplace. 2018 is the year when combating violence at the work floor is an important issue during the International Labour Conference. The Dutch trade unions strongly support an ILO Convention to end violence and harassment at the workplace because there is still not a law, at the international level, that sets a baseline for taking action to eradicate violence and harassment in the world of work. I would like to end this speech by stating that trade unions in the Netherlands welcome the Report of the Director-General on the situation of workers in the Arab countries. They very much regret that there is no noticeable improvement in the situation of Palestinian workers. They welcome the initiative of the ILO to promote decent work for these workers. Thank you for your kind attention.

**Mr Redfern**

## Government (Kiribati)

It gives me great pleasure to address you all at this very important conference. Mr President, Vice-President, Director-General, distinguished guests, ladies and gentlemen, greetings to you all from Kiribas, *kam na bane ni Mauri*. At the outset, I wish to take this opportunity to extend congratulations to you, Mr President, on your new appointment as Chair, with no doubt that under your able leadership will make this year's conference the most effective, inclusive and truthful to all. It would be remiss of me not to acknowledge the hard work of the ILO, the hard work, dedication and commitment demonstrated by the Director-General and his staff, who have worked tirelessly in fulfilling the role of the ILO. Kiribas wish to thank the Director-General and his staff for their commendable efforts and especially for the Director-General's report on the ILO programme implementation for 2016-2017. Mr President, ladies and gentlemen, at this juncture, I wish to share ongoing developments and reforms that are being implemented in Kiribas and to highlight the challenges that Kiribas continues to face, especially in complying to its international obligations to promote social justice through decent work in the working world. The

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Government recognized the need to work hand in hand with social partners in pursuing its international obligations to promote social justice through decent work in the working world. The Government of Kiribas has initiated its long-term strategy for the next 20 years, known as the KV20, which comprises of the four pillars such as, wealth, peace and security, infrastructure and governance. Kiribas paid attention to the four pillars of peace and work which are the four strategic objectives of ILO, which resulted in the introduction and passing of new laws in 2015, with further recent amendments made to strengthen enforcement of these laws which are the Occupational Safety and Health Act, and the Employment and Industrial Relations Code Act. Kiribas continued to struggle with high youth unemployment rate which stands at 54 per cent from the working age data in 2015. We acknowledged the continued support from Australia through the Seasonal Worker Programme and Northern Australia Worker Pilot Programme, and New Zealand through the Recognized Seasonal Employers for employment opportunities to our unemployed youths. Our task at this august meeting is not a simple one. We are gathered here to share and exchange our experiences and most importantly to make important decisions that will affect the future of the International Labour Organization and the future of humanity in the world of work. Excellences, distinguished delegates, ladies and gentlemen, with these few words I wish you all the best with our traditional blessings from the people and Government of Kiribas of *Te Mauri, Te Raoi ao Te Tabomoa*, meaning good health, peace and prosperity in your very important undertakings for your people, your governments, your organizations you represent and your country. I wish you all a safe journey back to your respective countries and may God bless you all. Thank you.

**Ms Teo**

## **Government (Singapore)**

Distinguished guests and delegates, Singapore fully supports the call by the ILO to strive towards a future of work with full equality for men and women. Women are important contributors to Singapore. For the better part of our early history, women's contributions was mainly domestic. However, by the turn of the twentieth century, women began to be active outside the homes, to take up roles as teachers, social workers, nurses and even doctors. There were many firsts from our first female Olympian in 1952 to our first female Air Force pilot in 1979, first female Supreme Court judge in 1994 and first female president just last year. Today, it is much harder for any woman to be first in this or that in Singapore. That shows how far we have come. Today, half of our university graduates are women. Women continue to contribute actively to the economy. Our female employment rate has improved steadily, from 64 per cent in 2007 it rose to 72 per cent in 2017. In terms of full-time employment, we are ranked sixth compared to 35 OECD countries. Women are also better recognized through our pay levels. In 2017, for those in full-time employment, the gender pay gap narrowed to 9 per cent, placing us tenth compared to 35 OECD countries. The progress of women has led to changes in our social fabric. Singlehood in Singapore has become acceptable and continues to rise. As with most fast developing countries, our total fertility rate has fallen below replacement level since 1977, in spite of our women's strong desire still to form families. Today's generation of younger women have more opportunities to excel in their chosen fields, but it is less likely that their parents can help care for their children. The challenge has therefore shifted from a lack of opportunities in the workplace to a lack of support at home. As a society, our firm belief is that women in Singapore should be able to

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pursue what is important to them, be it career or family or both, without having to choose between one or the other. Therefore, the Singapore Government will do what we can to empower women through choice, and to do so we must heed the call of the ILO and go beyond business as usual. First we are providing more care facilities to empower more women to choose to work. Over the past five years Singapore has increased preschool capacity by 50 per cent. Over the next five years the number of childcare places will double and become accessible to all. Second, we are strengthening women's control over their time by helping even more employers offer flexible work arrangements. In 2016, 77 per cent offer at least one form of flexible work arrangement, compared with 65 per cent five years ago. Because of our strong tripartism, the tripartite partners have also innovated and created the tripartite standards to further drive adoption of flexible work arrangements. Third, we have strengthened our laws against harassment, including violence and harassment at work. We launched a tripartite advisory on managing workplace harassment to guide employers to foster workplace environments where harassment is not tolerated. In closing, Singapore fully supports the ILO's call to strive towards a future of work with full equality of opportunity for women and men. There is much more we can do. We will continue to strengthen our efforts to empower our women through choice. Thank you very much.

**Ms Zhang**

## **Government (China)**

Distinguished Chairperson, ladies and gentlemen, good morning. Reducing gender gaps in the labour market to ensure women's access to full and quality employment is a demanding task facing all countries around the world. The Chinese Government praises the DG's report, appreciates that the ILO included Women at Work as one of its Centenary Initiatives and supports the international communities to conduct more targeted actions on this topic. The Chinese Government has made gender equality one of its basic national policies and attaches great importance to women's employment. Opportunities of decent work for women keep increasing and the employment quality keeps improving. First, the protection system for women workers keeps being perfected. Trying to make gender equality one of its basic national policies, law of the People's Republic of China on the protection of rights and interests of women and special rules on the labour protection of female employees explicitly stated the protection of women's specific rights and interests. The Chinese Government consecutively published three issues of China national programme for women's development, explicitly identified concrete goals and measures of labour unemployment social protection for security for women. China has set up a national working committee on children and women and a state council to coordinate and promote related government agencies to implement laws, regulations, policies on children and women to promote work on children and women, all about systems and institutions play important role in the protection of women workers' rights and interests. Second, employment quality and structure for women keeps improving, trying to uphold the underlying principle of pursuing progress while ensuring stability, focusing on innovation and improvement of economic macro-controls so as to ensure the economic performed within the proper range, the continuous economic development creating more jobs with high quality for women. Third, the coverage of a social security for women keeps expanding. The Chinese Government attaches great importance to ensuring various kinds of social protection for women workers. Compared with 2010, in 2017 the proportion of

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women participating in various kinds of social insurance increased greatly and was higher than the national average increase during the same period. The Chinese are now making efforts in securing a decisive victory in building a model [vgr INAUDIBLE 3:30] society in all respects. We will adhere to the people centre development, vigorously protect the legitimate rights and interests of women, optimize the development and environment for women, and improve for their social status so they can have equal rights to reform and development. Mr Chairperson, ladies and gentlemen, gender equality is an essential prerequisite to realize sustainable development and ensure decent work. Governments of all countries should take comprehensive measures in accordance with national conditions to continuously push forward the goals of gender equality. Therefore, I have the following suggestions. First: continue to expand employment channels for women; eliminate gender discrimination; promote women's employment in emerging industries and decent jobs and ensure women's access to equal employment opportunities; improve supporting policies for entrepreneurship to support and assist women with their entrepreneurial activities; implement more proactive employment policies and strengthen employment assistance to women with difficulties in getting employed. Second: keep strengthening education and training for women; improve talent cultivation, evaluation and incentive policies in vocational education and training for women and enhance the proportion of women amongst skilled workers; break down prejudice against women in all industries and vocations. Third: continue to safeguard legal labour rights and interests for women workers; improve and implement laws and policies conducive to gender equality by including the mindset of gender equality into public policy-making; regulate the employment practices of enterprises; solve cases of violation of women's workers' rights and interests in accordance with law; and a crackdown on violence and harassment at the workplace. The Chinese Government firmly supports the ILO International Labour Conference to adopt Conventions and Recommendations. Ladies and gentlemen, Mr Chairman, the Chinese Government stands ready to cooperate closely with [vgr international committees and make joint efforts. Thank you very much.

**Mr Leeyavanija**

### Employer (Thailand)

Mr President, on behalf of Thai employers, I would like to take this opportunity to express about *The Women at Work Initiative: The push for equality*. The world of work is unfair for women for a long time. Since men solely looks after for their household living costs from the past till now. In the past 20 years, and up until now, there is seriously promoted gender equality, but the status of women in each region is not equal. That may be due to the financial crisis spreading all over the world, and soon I believe that the digital economy era will bring new innovations and will make women more equal in the workplace. The time, money and agency conundrum, all these problems will gradually disappear when man turns to help women to do housework and by making awareness to men. Several ILO Conventions, which is about women are still inequality, but they were on the right way. We can see the development in this issue. Fair evaluation of women's work should be enacted as a mechanism for regulating job evaluation and providing fair compensation, as well as promoting the presence and representation of women must be a law. It's gratifying to issue a new labour standard to eliminate women's oppression in the next year's conference. I would like to commend this report for the achievement of gender equality, strengthen women, terminate discrimination and eliminate all forms of

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violence against women and the participation of women in all occasions. There are issues that I want to emphasize. Although there are new mechanisms to promote the status and role of women, which included future plans, it also emphasizes the acceptance of women in all situations. The obvious thing is in our dimensions of the general situation. Women also have to work twice as hard as men, both at home and at work to earn for a living. For Thailand, the mechanism has continued to develop. For example, an employer should treat both men and women workers equally in employment. Bachelor's degree graduation worker in Thailand are mainly women, which is more than men about 900,000 workers. This information reflects that woman executive is not less than man. In the past four years, our country is under the administration of the military government. Many laws have been enacted women to represent both the employee and employer in the tripartite commission, which is a good thing to admire. To be better, the military government should use their existing powers to amend the law regarding the execution of the tripartite commission to be more democracy. Thank you very much.

**Ms Emilianidou**

## Government (Cyprus)

Mr President, ladies and gentlemen, it is an honour for me to address the 107th Session of the International Labour Conference on behalf of the Government of the Republic of Cyprus. Since its creation, the ILO has proved to be one of the leading international organizations in terms of ensuring gender equality and non-discrimination in the world of work. With the Women at Work initiative, the ILO upholds and extends its effort, its credibility and authority on gender equality issues. Gender equality and women empowerment rank high on the national agenda of Cyprus, and equality opportunities are a fundamental priority of our employment policy. In this regard, Cyprus has made significant progress in the promotion of gender equality and the empowerment of women during the recent years and has put in place the necessary legal and public policy framework to effectively deal with the issues of gender discrimination. We formulated new policies in the field of employment, social inclusion, education, health, violence against women, trafficking in human beings and equal opportunities in public and political life. The employment of women in Cyprus is steadily rising. The aim of the Government is to increase the participation of women in the workforce by active measures. At the same time, Cyprus increased the production period against termination of employment for pregnant women. We have also introduced paid paternity leave. We believe that work-life balance policies help to increase women's ability to take part in the labour market and reduce the unequal share of paid work and unpaid care work between women and men. We have also established the Gender Equality Committee in Employment and Vocational Training to further enhance gender equality. A code on preventing and dealing with sexual harassment for the public and the private sector has already been concluded. The reduction of the gender pay gap is also central to our policies. The implementation of a broad mix of measures has contributed to the considerable decrease of the gender pay gap. The Government strongly condemns all forms of violence against women and promotes measures to maximize their protection. The ratification in November 2017 of the Istanbul Convention is a step that can make a substantial contribution to the development of an integrated legal framework and necessary policies to protect and empower victims of all forms of violence. Mr President, we welcome the Director-General's commitment to take action against persisting inequalities in several critical areas, especially in

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employment. We believe that the complex nature of the issue of achieving equal opportunities and empowering of women requires an integrated approach. A results-based management approach of the ILO Action Plan 2018-2021 will further enhance its effective implementation. Increased transparency and efficiency and annual monitoring of the progress on targets with a report into UN Women is of a great importance. We are convinced that the Women at Work initiative is very much needed. We urge the ILO and its constituents for a strong commitment and targeted efforts to promote gender equality. We call on the ILO to increase efforts and funding, where necessary, and supporting existing and new measures and strategies accordingly. Thank you very much.

**Mr Maiato**

## **Government (Angola)**

Your Excellency and President of the 107th Session of the International Labour Conference. Your Excellency the President of the Governing Body of the ILO and Your Excellency Sir Guy Ryder, Director-General of the ILO, delegates, ladies and gentlemen. Allow me, on behalf of the Angolan Government, on behalf of the government accompanying me, and for myself, to congratulate the President on his election as President of the 107th Session of this Conference, and to congratulate His Excellency Mr Guy Ryder on the successful management of the business of the International Labour Office. Mr President, ladies and gentlemen, the Angolan State has accepted as one of the foundations of development of our country a trust in individual human beings in all of their different aspects and has been defining policies aiming to promote educational structures which will make it possible to create and increase the status of a qualified workforce for the reconstruction and development of the country. As we understand that the search for decent work is intimately linked to one of the pillars of development set out by the Angolan Government, which aims to stimulate the development of human capital and the promotion of qualified and paid work through the promotion of the sectors of agriculture industry and the other key sectors for the diversification of the Angolan economy. These initiatives are founded on a basis of sustainable development, the reaffirmation of social justice and the wellbeing of families, providing incentives for tripartite social dialogue and collective bargaining with a view to promoting an environment for decent high-quality work. And in this sense, the Angolan Government very recently started a programme on the harmonization of legal labour relationships, one of whose basic presuppositions is the need for tripartite social dialogue. Mr President, ladies and gentlemen, in the Constitution of the republic of agriculture, the right to work is set out as a fundamental right, and thus the promotion of policy for the fomentation of employment is one of the priorities of the Angolan Government. Given that, we have been promoting activities aiming to provide incentives for the spirit of creativity and private initiative through support to entrepreneurships and self-employment with a view to mitigating the effects of the economic crisis. And to translate these objectives into specific terms, the country has a total of 635 centres of professional and vocational training providing 139 different training courses, and over the legislative period 2012 to 2017, they trained 225,912 citizens. At the same time, 886,440 new jobs were created, and there was a particularly strong development in sectors linked to the real economy. President, ladies and gentlemen, the challenges of today require that all those concerned, the Government, employers, workers and civil society, must be committed to the conception and implementation of policies which will provide decent work to

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everyone, every citizen living in our country. Given that, the Angolan Government has approved a national development plan for 2017 to 2022 and a programme for support for production, diversification of exports and substitution of imports, called PRODESI, whose implementation will have a significant impact in the development of human capital and in the creation of new jobs, thus contributing to the macroeconomic stability of our country. Distinguished President, in line with the extension of social protection to workers in the informal sector, the Angolan Government has approved a regulation on the legal employment relationship and the right to social security of domestic workers in conformity with ILO Conventions, and it's estimated in the next few years this could lead to more than 350,000 domestic workers being included in the social security regime, most of them women. As far as implementation of ILO policies is concerned, in the area of labour and social security, Angola has been adapting its legislation, bearing in mind the guidelines of this organization. And to that effect, work is underway on the technicalities of the ratification of a number of Conventions where we could particularly pick out Convention 144 on tripartite consultation. I wish everyone here every success in their work. Thank you very much for listening.

**Mr Schmit**

## **Government (Luxembourg)**

Mr Chairperson, first of all, allow me to congratulate you on your election to the presidency of this conference. In 2016, you hosted a very important meeting in Jordan, a meeting of the Ministers of Labour for the Union of the Mediterranean. This highlighted the need for deep strength and cooperation in work, employment and social issues. Delegates, Excellencies, Mr Chairperson, our annual conference is in the run up to the centenary of this organization which has made a very special contribution to multilateralism. It does not only bring together States, it also involves social partners. Therefore, it is a pillar of the multilateral system and recognizes the critical role of our civil society. I cannot but endorse the words pronounced by the Director-General at the beginning of this conference. Multilateralism is being disputed all over the world. People are returning to nationalism, protectionism and rejecting international cooperation, perhaps giving way to brutal power politics. Yes. In fact, what we're seeing is a new brutalism. People are rejecting international agreements, blindly denying evidence with total disregard for the disastrous consequences. For example, denying the evidence of climate change. Our organization brings together representatives of our civil societies, employers' organizations and workers' organizations. Therefore, we need to underline the fact that unilateral action and the rejection of international rules make our world a more dangerous place. This will prevent us from solving the main problems that we face, such as poverty, underdevelopment, unemployment, social injustice and the imbalances that we're seeing in our natural environment. In this world, which is in the throes of change, we can build on the knowledge that we have accrued over the decades here in this organization. Now we need to adapt them and develop them further. I would also like to commend the initiative called Global Deal launched by the Swedish Prime Minister with the support of the ILO and the OECD. This initiative which has already submitted its first report is aimed at promoting social dialogue and partnerships. We must make sure that we give globalization a real social dimension. Luxembourg is dedicated to tripartism and will soon join that initiative, and we've already been supporting it a great deal so far. We are at the heart of a new technological revolution which requires social innovation if we want it to be useful

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to mankind. This is the meaning of the future of work that the Global Commission will present next year. We hope that, based on this report, we will be able to negotiate new Conventions which will support the world of work using these platforms and using new economic models all over the world. The ILO has a new greater role when it comes to dealing with technologies which are transforming the world of work and creating new forms of work. Of course, there are new opportunities, and we need to seize these, but there are also many difficulties. There are precarious situations and things becoming more polarized. Therefore, there will be people who lose out, and we must make sure we do not leave them behind. My country is very focused on these new technologies, and we're using them to modernize our economy, make it more sustainable. We're also investing in skills of workers and trying to promote their careers. We're providing continuing education and training, and these are elements which can drive technological change and make it more inclusive. This new technological revolution needs to be used to benefit as many people as possible and not deepen inequalities in our society. We need to make the world of work fairer, more equitable and more inclusive. This also means we need to rigorously combat all forms of discrimination and harassment and violence at work. Women still face discrimination when it comes to salaries and access to certain jobs. They are the main victims of harassment and sometimes even worse, as we have learned quite recently. My country prioritizes non-discrimination and equality of opportunities. The gender pay gap in Luxembourg is 5.4 per cent. It is one of the lowest in Europe. It has been falling but we want it to disappear completely. Therefore, we have adopted a law which penalizes all gender pay gaps. Based on that, we work on the principle of equal pay for equal work, and we need to make this a reality because it is not so yet. We need to ensure that we step up efforts to achieve this, and the ILO is the ideal framework in which to do this. We are fully committed to the Women at Work initiative and the new push for equality. I would like to conclude by highlighting the importance of politics focused on decent work and decent employment. Millions of workers do not have decent working conditions or salaries that allow them to live a decent life. Only decent work will allow them to meet their basic needs in line with the SDGs. This needs to remain at the centre of our policies and all of our action to work towards social justice, and we must make sure that we work towards achieving those objectives. Thank you.

**Mr Shmakov**

## **Worker (Russian Federation)**

Chairman, ladies and gentlemen, comrades, we know from the United Nations Secretary-General António Guterres' report on progress towards the Sustainable Development Goals that 760 million people in the world continue to live below the poverty line. Now, though poverty may not be a sin for an individual person, for any community of people, poverty is stark evidence of the economic and moral failings of that society. In this connection, we fully share the view of the ILO's Director-General, Guy Ryder, that globally the most glaring climb against social justice remains discrimination against women in the world of work. That we must put an end to poverty and give billions of people access to means of subsistence is beyond question, but it is equally unquestionable that all people, men and women alike, have the right to fulfil their potential in conditions of equality and dignity. This was already proclaimed last century in the ILO's Philadelphia Declaration which underscores the inalienable right of workers to pursue both their material well-being and their spiritual development. Today, this is reflected in the 70 Sustainable Development

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Goals of the United Nations, and it is no coincidence that SDG8 sets the goal of achieving gender equality and equal pay for equal work by 2030. Poverty is multidimensional. Alongside its material components are indicators of social degradation. They transpire in inadequate labour and employment conditions, in a lack of access to education and healthcare, and poor living conditions. Poverty is a lot more than simply not having enough money. Poverty is linked to the alienation of people from society, from employment and from the results of employment. Poverty is a synonym of injustice, and the material and social imperatives here are very closely intertwined. The Director-General's report rightly underscores that the ILO's mandate includes the idea that work should be an act of self-fulfilment and the full realization of individual and effective goals. It is not for nothing that the ILO is called the 'social consciousness' of the United Nations. ILO's standards are the basis for achieving all of the end goals, and that is why any attempt to weaken the ILO's body of standards and its tried and tested supervisory mechanism constitute yet another case of poverty, the impoverishment of member States political will and the wretched selfishness of a number of employers. Poverty limits access for a significant part of the population to development resources such as highly paid jobs, good quality education and healthcare, and the successful participation in society of young people and women. Low levels of revenue for many families and the polarization of income are creating social divisions within society, hampering the successful development of a country. The newly re-elected President of Russia underscored that the main thrust of his work during this new term in office will be to fight against poverty and social stratification. We welcome this and will help put it into practice. Today, Russia's trade unions are fighting for the development of human potential as the main driver of economic growth and for creating an enabling environment for the self-realization of citizens and for higher wages and rooting out the causes of poverty. The most effective way of solving problems in the social and labour relations can only work in a framework of social partnership. Alongside our social partners, we will strive for modernizing the economy, diversifying its structures and transitioning towards an innovative model of development. The 20th anniversary of the ILO's Declaration on the Fundamental Principles and Rights at Work, which we are celebrating this week, should give fresh momentum to the struggle for social justice, equal rights and the social dignity of workers in the world. I suggest adopting a specific instrument, so an ILO Recommendation or Resolution, calling for equal pay for equal work between men and women. Overcoming the 20 per cent pay gap between men and women for equal work will help increase the purchasing power and demand of our population. This, in turn, would give a major boost to global development through the economic cycle of supply and demand. It is only by achieving social justice that we will solve the issues linked to economic well-being and that is the main task of the ILO on the eve of its 100th anniversary. Thank you for your attention.

**Mr Haji Apong**

## **Government (Brunei Darussalam)**

Mr President and distinguished delegates, first and foremost, I would like to take this opportunity to convey my congratulations to His Excellency Mr Samir Murad on his election as President of the 107th Session of the International Labour Conference. Mr President, we are pleased that this agenda surrounds several crucial yet interrelated items. It has been five years since constituents have convened to discuss the topic of social dialogue under the follow ups of the 1998 and 2008 Declarations,

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and this year's 2018 report by the ILO brings into focus the complementarity of effective labour law reforms as well as dispute and mediation approaches in managing the reality of employer employee interactions. The well-being and safety of workers and the success of enterprise can only be achieved when concerted efforts are made to provide clear and productive avenues for positive consultations and the resolution practices. In the same regard, I recall the foresight of the Governing Body in placing a standard setting discussion on violence against women and men in the world of work on this year's conference agenda in light of the goals and targets of the 2030 Agenda for sustainable development. We are pleased to know that ILO always pursuing the issue in the fullest extent of their potential. Brunei Darussalam takes a serious view of violence and harassment in any work-related places and recognizes the negative impact it has on the well-being of workers as well as business and productivity. We therefore have established strict laws against any immoral behaviour and sexual harassment at the workplace, especially towards women in work. And we also provide confidential counselling services for the victims of sexual harassment to overcome the psychological trauma. Mr President, focus on unacceptable working conditions for women has been in the forefront of the ILO agenda since 1919, and as the Report of the Director-General on the Women at Work initiative highlights, the greatest challenges faced by women today are the striking of balance between work and family as well as access to affordable care in the context of national social security system. Twenty-eight per cent of the total number of employees in Brunei Darussalam's private sector are women. Fifty-four per cent of Brunei Darussalam's civil service are composed of women, where today women hold highly ranked positions in the Government. The voices and perspective of women in the context of youth affairs and apprenticeships also resound prominently in Brunei Darussalam's legislative council. I am proud to share that in 2011 Brunei Darussalam has increased the minimum maternity leave entitlement for working mothers from 9 weeks to 15 weeks. Conscientious policy initiatives such as these provide opportunities for organizations to be progressive in the human resource practices and allow for women to further optimize their pertinent roles at work and at home. It is imperative that the world of work must adapt in accord to the needs of women who are, by themselves, undeniable principle contributors and integral factors in the formal labour markets. Mr President, I would like to take this further opportunity to commend the extensive Report of the Director-General on the ILO's programmes of implementation for 2016-2017, as well as the permanent support by the International Labour Organization on Vientiane Declaration on Transition from Informal Employment to Formal Employment towards Decent Work Promotion which was adopted by ASEAN Heads of State during the 28th and 29th ASEAN Summits in Vientiane in 2016. On behalf of my delegation, I would like to applaud the ILO's commitment in the overall pursuit of a fair, equitable and harmonious world of work. I am confident that the bone fide contribution of the organization to date will continue to bolster its relevance and mandate as an important factor in the UN development system, and we look forward to an auspicious conference. Thank you very much, Mr President.

**Ms Liew**

### **Worker (Singapore)**

Mr President, delegates. The DG's comprehensive report is a timely reminder that much more work needs to be done to improve the conditions in the world of work for women. The ILO and its tripartite partners must act more effectively and

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urgently to deliver gender equality. Delivering gender equality is not just about social justice, it also makes strong economic sense. The reports by the McKinsey Global Institute in April this year titled *The power of parity: Advancing women's equality in Asia Pacific* projected that advancing gender equality in countries in the region could add US\$4.5 trillion to their collective GDP annually by 2025, a 12 per cent increase over a business as usual GDP trajectory. This additional GDP will be equivalent to adding an economy the combined size of Germany and Austria each year. Singapore female literacy rate is over 95 per cent, and we promote equal remuneration as their male counterparts. As a testimony, in Singapore's progress on women's agenda, we are very proud to share that one of our Singapore national trades union congress, the NTUC's former Deputy Secretary-General and Workers' delegate Madam Halimah Yacob, many of you here may know her, was elected as Singapore's first female president. And I'm also glad that the IOC, for the first time, has placed on its agenda to end the violence and harassment in the world of work, and this has been very challenging, and I look forward to a positive outcome. Singapore's tripartite partners do not condone sexual harassment nor bullying in the workplace. With close to a million workers represented by the NTUC, and half of whom are female workers and members, unions play a very important role partnering employers to facilitate a harassment free, violence free workplace. The partnership is further reinforced by the 2014 Protection from Harassment Act that provides a legal framework for standards on socially acceptable range of behaviour within and outside the workplace. The tripartite partners have also jointly issued a Tripartite Advisory on Managing Workplace Harassment. The Advisory promotes and encourages employers to put in place preventative measures and recommends proactive management and remedial actions for harassment occurring in the workplace. Mr President, Singapore has seen the rise in the employment rate of women reaching 72 per cent in 2017, women where their age ranged between 25 to 64. This encouraging trend must be sustained by progressive workplace practices and policies to retain female talents. There have been immense efforts by the tripartite partners to promote and encourage organizations to adopt effective workplace strategies, including flexible work arrangement, FWA. Through the Work-Life Grant under the WorkPro Scheme, from the Government funding schemes introduced in 2013, NTUC has assisted more than 200 companies to implement FWA, and we have benefited more than 10,000 employees of both genders. To further acknowledge the positive impact that FWA has in supporting working mothers and caregivers, a new set of tripartite standards on FWA was launched in 2017, where adopters will further differentiate themselves as employers of choice. While the NTUC is happy to note that there has been progress made in the push of gender equality, there remains much more work that needs to be done. Advancement in technology has significantly impacted the world of work and with better infrastructure and equipment a new flexi-workforce is on the rise. NTUC has started the dialogue with the Government on how to help our employers to learn to manage the flexi-workforce more effectively as well as to offer more options of FWAs to cater for the varied needs of the workforce, including job sharing as a more accessible form of FWAs for working mothers. Mr President, in conclusion, I wish the conference a success and look forward to the delegates coming together to share ideas, realizing the ILOs Women at Work initiative. Thank you.

## Government (Bulgaria)

Dear Mr President, distinguished guests, ladies and gentlemen. Thank you for giving me the opportunity to join the discussion on the report on *The Women at Work Initiative: The push for equality*. We support the Director-General's opinion that now, in the eve of the ILO's centenary, it's the right moment for a renewed push for gender equality at work. With its Centenary Initiatives, Women at Work initiative and as well the Future of Work initiative, the ILO upholds and extends its credibility and authority on gender equality issues. During its 100 years of existence, the ILO has conducted a great deal of work in support of women and gender equality of which it can be proud and which will remain relevant in the years to come. Being the voice of the EU during the International Labour Conference, Bulgaria, as the President of the EU Council, underlines that gender equality and women empowerment rank very high on the EU agenda. The provision of equal opportunities for women and men, including closing the gender pay gap, is crucial for the realization of the objectives and strengthening the Europe 2020 Strategy. Gender equality is also a key issue in the context of the European Pillar of Social Rights and the 2018 European Economic Governance annual cycle. Bulgaria is also fully committed to the common goal of ensuring gender equality, empowerment and well-being of women and girls, and we have worked actively towards its realization during our presidency. Creating equal opportunities, non-discrimination and women's empowerment rank high on our presidency programme, especially with regards to our priority, future at work. Bulgaria has identified women in the digital world as an important gender equality topic during our presidency. According to recent Eurostat data, Bulgaria has leading positions in the EU in terms of women's representation in the digital economy, and we will continue to work towards enabling more women and girls to take up professional and leadership roles in the ICT industry. This topic ranks high on the agenda also with regards to overcoming the gender stereotypes. The increasing participation of women in a predominately male sector is indicative for the social progress towards gender equality. An evaluation of the European Institute on gender equality shows that the share of women employed in the information and communication technology sector is 16.7 per cent in European level. At the same time, the percentage of women in the sector in Bulgaria is the highest among all European countries, approximately 30 per cent. Data also shows that women employed in the ICT field are better paid in comparison to other sectors. The Bulgarian Government places a special focus on the development of measures for equal participation of women and men in the labour market, better reconciliation of professional and family life, access to vocational training and qualification, equal pay for equal work. The Law on Equality between Women and Men regulates the implementation of the state policy on equality between women and men. It achieves better alignment of the national legislation with the EU standards and the international legal acts in the field of equality between women and men, to which Bulgaria is a party. An important element of the gender equality policy is the National Strategy for Promoting the Equality between Women and Men till 2020. The main purpose of which is to create guarantees for equal treatment, equal access to the social resources and equal participation in decision-making of women and men. At a national level, we also pursue a well-managed policy for family support and reconciliation of private and professional life. Work-life balance policies can help reduce the gender pay gap. Investing in care facilities and in adequate family support and parental leave for both women and men contributes to reducing the gender pay

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gap. With the aim to ensure better reconciliation of professional and family life, a special project under the Operational Programme Human Resources Development is implemented by the Employment Agency, so called 'Parents in employment'. The purpose is to support parents who take care of children to return to work, in case they are employed, or to provide employment through labour mediation services for unemployed and inactive parents. Female workers and employees are entitled to pregnancy and childbirth leave of 410 days for each child. The daily cash benefits for pregnancy and childbirth are 90 per cent of the average daily gross wage or the average daily contributory income. If the mother decides to return to work during that period, she will keep receiving together with her salary 50 per cent of the benefit till the end of this 410 days period. Finally, we reiterate our full support of the Women at Work initiative and urge the tripartite constitutes for a strong commitment and targeted efforts to promote gender equality in the implementation of the ILO Strategic Plan 2018-21 in order to achieve a practical realization of the leaving no one behind concept. Thank you for your attention.

**Mr Antoniou**

## Employer (Cyprus)

Dear Chairperson, I wish to begin my speech by welcoming the Director-General's report regarding ILO's Women at Work initiative. The persisting inequality between men and women is a truth that is hard to swallow. Globally, women are only 70 per cent as likely as men to be in the labour force, earn approximately 20 per cent less than men and are more likely to be the victims of violence and harassment at work. The Director-General's report is a reminder that more needs to be done, and we look forward to evaluating further its findings and recommendations. Ladies and gentlemen, the world of work is changing and it's changing fast. New technologies are eliminating entire industries and new ones are created. Terms such as big data and 3D printing are now part of our vocabulary. Advances in artificial intelligence, automation and robotics, are already transferring beyond recognition the way we work. Boundaries between people, technology and the physical world are becoming increasingly blurred. The ways to grasp the opportunities and maximize the benefits of this development should have been on our agenda and inequality should have been discarded to the dustbin of history a long time ago. Unfortunately, this is not the case as we find ourselves today still discussing issues that are otherwise self-explanatory. In the pursuit for equality, legislating is useful but not sufficient. Businesses need to do more and employer organizations are duty-bound to encourage practices and norms that can breach and eventually eliminate all gaps. This is the moral thing to do. This is the normal thing to do, and at the end of the day, this is the profitable thing to do because equality is the foundation of robust enterprises and the cornerstone of competitive economies. Unless we recognize the problem and transform ourselves, we cannot bring the change we want. Let me tell you as more part of what my federation has been doing during the years. We began by making equality in the workplace one of our top priorities. To that end, we amended our federation's Article of Association, making equality part of our mandate. In 2004, we became the first social partner organization in Cyprus to prepare and disseminate among businesses a model code of practice for the prevention of sexual harassment in the workplace. In 2012, we developed a Gender Equality Certification System as part of a project run by the Ministry of Labour, under

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which enterprises implementing equal treatment and equal pay principles are certified as equality employers. In 2014, we initiated the Sound Labour Relations Project which is cofounded by the European Union and the Government of Cyprus, through which gender equality at work is actively promoted. In 2016, together with the Cyprus Association of Women, we launched the Women Excellence Award to promote positive role models and challenge stereotypes about women. By actively participating in the fight against inequalities, we consciously make employers part of the solution, and we will continue doing this with all available means, in close cooperation with this office. Distinguished delegates, ladies and gentlemen, there is no doubt that the world of work in our planet, with the invaluable contribution of this institution, is spectacularly better than 100 years ago and it is constantly improving. Nevertheless, in equality between men and women at work is a collective failure that needs to be addressed. Inequality takes different forms in different countries and different expressions in different cultures, but no matter how it is disguised, inequality is equally painful for those suffering its consequences. Let's make ILO's Women at Work initiative a global tool for a global redress of a global mistake. Thank you.

**Mr Moestadja**

## **Government (Suriname)**

Mr President of the Conference, fellow delegates, ladies and gentlemen. My country is now at the crossroads of fundamental renewal. The Multiannual Development Plan 2017-2021, the Decent Work Agenda and Sustainable Development Goals 2030 are main drivers of the renewal of the labour administration. Always taking tripartite consultations into account, decent employment and an inclusive and protective society are principles of these guidelines. Our aim is to incorporate labour policy in general government policy and we have succeeded. The Vice-President, on behalf of the President of the Republic of Suriname, very specifically mentioned the renewal of the labour legislation in its annual speech to Parliament while the Development Plan also mentions the importance of decent jobs and active labour market policy. Six labour laws have already been approved by Parliament in 2016 and 2017. Another six laws are now pending in Parliament on maternity protection, child labour, dialogue on enterprise level, the National Productivity Centre, employment protection and contract labour. I also mentioned a new occupational safety and health policy which will be submitted to Parliament this year. The ratification of the first labour Protocol was approved by Parliament last week. Suriname identified the child labour Convention 138 in January 2018. A plan of action will follow shortly. A new Minimum Wage Act and decent work and timely legislation have been submitted to the Labour Advisory Board. In the meantime, the Government of Suriname has decided to increase the minimum wage in the context of real economic possibilities. In line with the SDGs, the Decent Work Agenda and our Development Plan on Equality of Treatment Act and a Violence in the World of Work Act were submitted to the Labour Advisory Board after there has been a call from civil society for decades for legislation and policy in this regard. This topic coincides with the agenda of the ILC this year. More labour law reform is planned for this year. The new labour policy will confront our labour inspectorate with an implementation challenge and deficit. We have therefore proposed the ILO to incorporate a strengthening of the inspectorate programme in our new Decent Work Programme. In the coming months a rehabilitation programme

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will be prepared for the labour inspectorate. The first aim is to step up the basic inspection services and to adequately equip the service. The aim in the near future is to implement the modern labour inspectorate in terms of modern service delivery and incorporation of new skills. The establishment of a labour market information system is also high priority in order to implement an active labour market policy. To promote sustainable livelihoods and decent employment, the Board for Cooperatives was established recently. We realize that the economic downturn had its impact on wages and purchase power. We hope that the gradual improvement in the economy since this year will result in a rehabilitation of purchase power. However, it remains our mission to lift labour policy to the highest echelons of government policy which should be fair to workers and their families. I thank you.

**Ms Sarieroglu**

## **Government (Turkey)**

Distinguished Minister, distinguished Ministers, at the very outset of my speech, I would like to commend the Director-General for his comprehensive report *The Women at Work Initiative: The push for equality*. As mentioned in the report, the world is far from reaching the very objective of equality at work. Despite global legislative achievements and policies favouring positive discrimination and some progress in terms of equality of women at work the last 15 years, the progress still remains to be quite limited. That is why there is a growing need to support tested policy tools and integrate them into relevant pieces of legislation. Distinguished delegates, in Turkey we developed a multifaceted policy that both protects and prioritizes women, youth and people with disabilities in working life. Within this framework, we realized an increase of approximately nine million people in the labour force during the last decade. As a result of this increase in labour force, in employment figures, we became the most successful among OECD and EU countries. By making more effective use of our resources, we took many outstanding initiatives in order to integrate more women into the labour market and to maintain within, such as childbirth allowance, tax reduction and premium support and employment incentives. Our country is ready to share best practices with other countries. I wanted to underline this. Distinguished delegates, the National Mobilization in Employment campaign, which we initiated in 2017, entered its second phase this year, and within the framework of this campaign in 2017 we created 1.5 million additional jobs. We are extremely proud that this is a success story in parallel with Turkey's 2017 growth rate being 7.4 per cent. We are also pleased to see that our growth is employment friendly and includes all segments of the society. Throughout this period, out of 508,000 people who attended vocational courses and active labour market programmes, 55 per cent were women. Such incentives and other services we provide increase women's participation in the labour market and their involvement in social life. Within this framework, for a period of 18 months, the State will be subsidizing the insurance premiums and taxes of each and every woman employed until 2020. We give support for childcare, and for a period of six months we extend a stipend support and subsidize universal health insurance and the occupation accidents and diseases insurance premiums to all women attending our on-the-job training programmes and vocational training courses in industrial occupations. And 2018 year is announced to be the Year Against Child Labour, and we continue our close dialogue with the ILO on this matter. Distinguished delegates, as you all know we have faced the largest influx of refugees since World War II. Demographic change, challenged quite harshly by the recent crisis in Syria, is one of

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the most important themes within the discussions on the Future of Work, and this crisis continues to impact our labour markets. Nevertheless, our historical responsibility, our neighbourhood relations and our humanitarian take on this issue prompted us to have an open-door policy towards Syrians under the leadership of our president, Mr Recep Tayyip Erdoğan, and as a result of this policy, we still extend humanitarian aid and support across approximately 4 million people in various fields. To date, we've spent more than US\$30 billion to help and assist those under temporary protection. We take pride in being the most generous country in the world as for the humanitarian aid we provided, particularly to the refugees in our country as well as to others all around the world. However, we expect the international community to do more for the sake of humanity in terms of responsibility and burden sharing. Another important topic is the stance of the Director-General vis-à-vis the occupied Arab territories. As he pointedly suggested, putting an end to unfavourable conditions, settling conflicts in an expeditious manner and instilling peace will have a positive impact on working life. As Turkey, we wholeheartedly support this position. There is the humanitarian tragedy out there in Palestine. Turkey believes that it is high time we said no to such humanitarian tragedies on international platforms, took constructive and concrete steps and brought on international solutions. Despite the UN resolution calling on all states to refrain from the establishment of the diplomatic missions in Jerusalem, some countries are still moving their embassies to Jerusalem. This attitude does not coincide with the desired attitude I've previously explained. Existence of this problem for more than half a century does serious harm to the concept of justice. Decisions of these countries are null and void to us. There is an obvious need for peace and ... [vgr INTERRUPTION 6:40] ... the international community must be persistent to achieve it. With these words, I wish you all a successful conference yielding fruitful results for all. Thank you very much.

**Ms Dalli**

## **Government (Malta)**

Distinguished guests, good morning. Malta acknowledges the work carried out by the ILO since 1919, and throughout the years, in the field of equality at work. It has not only raised the principle of equality but has also set standards that can guide us in our initiatives to ensure that our labour markets do not discriminate against women. The Women at Work Centenary Initiative underlines the reality that we still have a long way ahead. It also underlines the need for countries to adopt new approaches that aim at weakening the deeply rooted factors hindering the achievement of equality in our society today. Figures released by Eurostat show that while Malta has one of the EU's best male employment rates with 83.1 per cent of men aged between 20 and 64 in work, just 55.5 per cent of women within that age range are employed. We have had an increase in the female participation rate in Malta as a result of a number of initiatives, which have led to the economic success of the island and one of the lowest unemployment rates in Europe and have created a labour market that embraces female participation. Several initiatives such as universal childcare, breakfast clubs for schoolchildren, enhanced family-friendly measures, an increase in several leave entitlements, such as maternity leave and IVF leave, have all contributed towards an environment that helps families to achieve a balance between the world of work and family responsibilities. On the other hand, the introduction of the maternity leave fund from which employers recover salaries paid during maternity leave encourages employers to hire all employees irrespective of

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gender, thus strengthening equality in recruitment. The gender pay gap is an issue we are currently working on in order to further mitigate the democratic deficit in employment. Another encouraging statistic, also as a result of Government action, is with respect to headship positions within the public service. Statistics gathered recently have shown that their presentation of women in headship positions in the public service today stands at 30.3 per cent, a substantial increase from a few years ago. In the coming months, throughout amendments to labour legislation, the Maltese Government will continue in its work to eliminate existing deficiencies in the achievement of full equality. Moreover, every employer will soon be obliged to have a written and freely accessible family-friendly policy in place. We are also working on an eventual ratification of the Domestic Workers Convention in order to build upon the existing national law protecting domestic workers. The achievements I have just mentioned rested on effective social dialogue. The strengthening of social dialogue in Malta has been the backbone of a relatively calm industrial relations climate. Discussion with social partners and civil society is an ongoing process of our open government approach. Just last year a national agreement on the minimum wage was reached between the Government, the opposition and the social partners. The measures agreed upon are purposely designed to preserve wage relativities and industrial relations while addressing social inequalities. In Malta, diversity and tripartite consultations achieved through consultation structures such as the Employment Relations Board and the Malta Council for Economic and Social Development, together with the involvement of civil society. I am very pleased to note that during this year's conference one of the committees is discussing violence and harassment against women and men in the world of work. The Maltese Government welcomes the ILO's action in this area and augurs that the discussions taking place will result in the approval of a Convention supplemented by a Recommendation. It is important to place the proposed Convention in a human rights context, and it would be ideal to recall the impact of violence and harassment at the workplace and the labour market. We also encourage implementation of definitions which reflect as much as possible the current realities of the world of work. The application of the absolute prohibition of violence and harassment should not be limited only to the traditional context but should be extended to cover other dynamics including coverage of third parties. The recognition of the right to a world of work free from violence and harassment, coupled with integrated national approaches, should form the basis of an eventual Convention. Prevention of violence and harassment through pre-established employer intervention, such as through policies, is of fundamental importance. One should also consider the ever present need for education and awareness amongst society at large, as this matter affects us all. There is a pertinent need to consider the input that the social partners may provide in the areas of prevention and education. No legal instrument can ever be effective if it is not complemented by a strong, efficient and effective monitoring and enforcement mechanism. The Maltese Government places the issue of violence against women and men at the top list of priorities when Malta had the presidency of the Council of the EU, which led to the EU's signature of the Istanbul Convention in June 2017. I truly hope that more countries sign and ratify the Istanbul Convention in order to ensure protection for women and girls in all spheres of life. Malta ratified the Istanbul Convention, and last April the Maltese Parliament approved the strengthening of the Gender-Based Violence and Domestic Violence Act. I thank you.

## Employer (Russian Federation)

Chairman, ladies and gentlemen. Achieving the 2030 Development Agenda and its Sustainable Development Goals is extremely relevant both for the global community and for Russia. The goals of Agenda 2030 are fully in step with the goals of ensuring scientific and technological progress and social and economic development in Russia. These goals were set forth by Presidential decree by President Putin a month ago, and they are to be achieved by 2024. The main goal is to place the Russian Federation among the world's five largest economies by achieving faster economic growth rates than the global average and by increasing labour productivity and boosting employment. This should be done by increasing wages, raising the standard of living and life expectancy of our citizens, creating comfortable living conditions and opportunities for their self-fulfilment and for tapping the talent of each individual whilst respecting gender equality. Achieving all this will require serious structural changes, systemic measures to ensure a balance and sustainable form of economic and social development. According to Russian business, a number of tasks must be tackled in order to expand the scope of economic freedoms and to develop entrepreneurship. This includes ensuring fiscal stability, moving away from excessive and ineffective government control and supervision, developing modern infrastructure including digital infrastructure and raising the quality of the judiciary. These tasks cannot be achieved without increasing trust between the State and businesses, including by creating more predictable economic and social policies and principles for social partnerships. As the ILO Director-General's report rightly notes, the spread of new technologies is opening up new opportunities but also creating new challenges, especially on the labour market. This process will lead both to some jobs being created and to others disappearing. It will have an impact on business competitiveness, on labour relations and the forms of employment, and it will require the development of new professional skills and competencies. In Russia, a lack of skilled workers remains one of the main obstacles to dynamic economic development. That is why developing our human capital and modernizing vocational education, including by introducing flexible hands-on and adaptable educational programmes, remains one of the main tasks for businesses but also for the State in general in the near future. The concept we are discussing today, the Future of Work and achieving the Sustainable Development Agenda, will require effective international partnerships. The growing trend of circumventing the United Nations Security Council to adopt sanctions and the United State of America's unilateral actions in the field of trade could bring down the entire system of international economic relations. It undermines the efforts of international organizations to create enabling conditions for achieving the SDGs and for solving pressing social economic challenges. That said, the sanctions introduced against the Russian Federation have, in part, helped boost our economy. We are successfully carrying out a programme of import substitution, and we are anchoring the production of global companies in Russia. This has given an additional boost to the development of agriculture and to a whole range of industries. We believe that in the end, sooner or later, the futility of these sanctions will be recognized by all and will be relegated to the past. As we stand on the eve of the 100th anniversary of the ILO, which we will celebrate next year, I would like to say that we are certain that joint efforts of international social partners will be pivotal, not just in shaping the future world of work but also in creating a sustainable and predictable world order. Thank you for your attention.

## Government (Tunisia)

Mr Chairman, ladies and gentlemen, at the outset, allow me to congratulate Mr Samir Murad, the Minister of Labour in Jordan, for his election as President of the 107th ILC. I would like as well to thank Mr Guy Ryder, Director-General of the ILO, for his efforts in strengthening the organization and enhancing its relation with member States with social partners as well as international organizations. I would like to say that I share the Director-General's assessment of the key milestones achieved by the organization in the past ten years towards achieving decent work, namely the enforcement of international labour standards regarding equality, lack of discrimination and social dialogue. I do think that achieving new milestones requires a closer linkage between all those standards on one hand, and the economic and social policies of countries on the other hand, so that the international labour standards do become a benchmark tool in order to establish and achieve social justice in all regions and all countries. The report has extensively discussed the role of women, especially as the report has noted the increasing number of women and female workers in vital sectors including education. Yet women are still faced with discrimination, lack of equality and job opportunities in promotions as well as in wages. The report also has noted that the high number of female workers in informal economy depriving them of their basic rights at work. Ladies and gentlemen, Tunisia is one of the pioneer countries that have achieved gender equality. This journey has started in Tunisia with the enactment of civil status bill, or law, in 1956 and an employment bill in 1966. These two laws have been the backbone of our journey towards achieving equality and eliminating all types of discrimination against women. This legal framework has been strengthened by the new constitution that stipulated that the country is bound to achieving equality, equal opportunity and to eliminating all types of discrimination against women. These laws and legislation have achieved a quantum leap in the situation of Tunisian women. The enrolment rates of girls in Tunisia has reached 99 per cent, whereas female university graduates' percentage has reached 60 per cent against 40 only for males. In August 2004, we have enacted a new law that will penalize sexual harassment and impose criminal sanctions against perpetrators. We have also adopted gender equality in all elected constitutional councils, which is one of the principles that have been brought up by the revolution of 2011, consecrated by the Constitution, and this shows a good awareness about the new position of women in democratic transition and in individual and collective freedoms. To further protect women against violence at work, we have also enacted a new law in August 2017, and the new legislation has included a number of arrangements to help the working women have some time free to take care of her children, and we have adopted some arrangements regarding pregnant women as well as nursing or breastfeeding women. The President of our Republic has taken an initiative in order to present a new draft bill to the People's Assembly so that we acknowledge the principle of equality and inheritance between male and female citizens. Ladies and gentlemen, in July 2017, and in the presence of the Director-General, Tunisia has signed the Decent Work Programme for Tunisia for the period 2017-2022. And the three partners, the Government as well as the Tunisian General Labour Union and the Confederation of Industry Trade and Handicraft in Tunisia have agreed on a number of measures including a new form of social dialogue, reforming social security, a new model of professional relations as well as the importance of professional training. Ladies and gentlemen, I seize this occasion to address my thanks to the organization for standing by the side of social workers and their partners in the occupied Arab territories. I

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would like to say that the reason behind the [vgr INAUDIBLE 5:31] in Palestine and other occupied territories lies in the continuous occupation and also the human blockade imposed on the people of Palestine. And the international committee is turning a blind eye to this. We have to stand by the side of the Palestinian people in their right to self-determination and establishing an independent state with Jerusalem as capital, and thank you.

**Mr Huang**

### **Employer (China)**

Mr Chairman, ladies and gentlemen, let me first congratulate the Chairman and three Vice-Chairpersons on their election. I believe this conference will be a complete success under your leadership and with the support from the tripartite constituents. With this unique principle of tripartism ILO, cooperated closely with governments, trade unions and the employers' organizations of member States and played a critical role in promoting gender equality and social justice in the past 99 years since the establishment. The Director-General's report to the conference, *The Women at Work Initiative: The push for equality*, calls for each member State to focus on protecting the rights of women at work including the formulation of relevant laws and policies, eradication of occupational discrimination and inequality at work, fair evaluation of work value of women, increasing women's representation in society and economy, realizing equal pay for equal work, ending violence and sexual harassment at work, empowering women, and enhancing joint efforts of tripartite constituents to realize decent work for women. We appreciate and support the report. Under the leadership of President Xi Jinping, China pays high attention to women's liberation, elimination of gender discrimination, promotion of gender equality and encouraging equal job opportunities for women. The Chinese Government promotes gender equality as the basic national policy and the foundations for social progress, allocation of labour force and the realization of modern prospering society. With the continuous social and economic development, the employment and environment for women in China has been improving with increasing women employments in various sectors. According to the China National Bureau of Statistics, women employees accounted for 43.1 per cent of the total in China in 2016. There have been significant changes for women employment, particularly those in private sector in China in recent years as a result of the transformation of government functions, deepening reform of the economic system and adjustment of industrial structures. It has become the top priority for both Government and social partners to promote gender equality, enterprises and guarantee the rise for equal employment. As the national employers' and the business organization, China Enterprise Confederation participates in the national tripartism together with the Government and the trade unions, participates in relevant activities of the ILO, adheres to ILO principles, encourages enterprises to assume their corporate social responsibilities and promote gender equality at work. In recent years, we cooperated with the ILO in promoting gender equality at work including conducting surveys on women employment in enterprises in China, publishing books like gender and women entrepreneurship, a guidebook of gender equality and enterprises and so on, and training for the enterprises to eliminating discrimination at work and awareness raising of ILO Convention 111. These activities helped Chinese enterprises to better understand international labour standards and the best practices, strengthened their awareness of gender equality, made use of relevant tools to contribute to better environments for women employment and promoted sustainable enterprise development and social progress.

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Dear Delegates, under the leadership of President Xi Jinping, China is now implementing the strategic vision of building a moderately prosperous society in all aspects and realizing the Chinese dream of great rejuvenation of the Chinese nation. Enterprises and entrepreneurs are a major driving force for both social and economic development and realization of decent work and the harmonious society. We will continue to communicate and cooperate with the ILO and the employers' organizations of other countries for realization of gender equality and social justice for all. Thank you.

**Mr Farrugia**

## Employer (Malta)

Dear President, distinguished guests, in the report on social dialogue and tripartism presented for this year's conference, social dialogue is regarded as a means to achieve social equity, economic efficiency and democratic participation. Malta is a good example of how strong tripartite social dialogue structures have contributed to economic growth. The social partners were key players in the debate to join the European Union in 2004. Their role was essential in identifying and recommending policies to vindicate the negative impact of the international recession a few years later, and these policies were successful in keeping the country out of recession and minimizing unemployment. In 2012, a Jobs Plus agreement was signed by the social partners which focused on intensifying active labour market policies to increase labour participation rates. In 2017, a historic agreement was signed which guarantees that any employee will not remain for more than one year on the minimum wage if employed with the same employer. Malta also has an inclusive working environment with significant progress made over the years in the rate of employment of minorities. I am optimistic that the current heated debate on the equality bills in Malta will result in a positive outcome for all parties concerned. All these initiatives have yielded positive results. Since joining the EU average GDP per capita has increased from less than 75 per cent of the EU average to 95 per cent. Malta has one of the lowest unemployment rates in the EU. There has been a healthy increase in female participation rate driven both by positive incentives and economic necessities, and yet the increase in domestic labour supply could not keep up with the rate of job generation. The shortfall in labour supply in the private, which has partly been caused by an increase in employment in the public sector, is being matched by an influx of foreign labour both from inside and outside the EU to the extent that in the private sector today 30 per cent of employees are non-Maltese. This momentum of real GDP growth in excess of 5 per cent in 2017 has improved the state of the country's finances with a fall in public debt to 51 per cent of GDP from a high of 70 per cent in 2011. In spite of these positive indicators, the country still faces serious challenges, some of which are a consequence of its economic successes, others which are self-created. The Malta Employers' Association believes that an essential imperative is that the current level and types of activity should not come at the cost of placing at risk the country's economic sustainability. Malta is undergoing a period of rapid demographic change, mostly brought about through the influx of foreign workers, and given Malta's geographic limitations, this is resulting in an overheating of the property market which, in turn, is becoming a major cause of wage inflation which is not backed by productivity. Employers are calling for a long-term strategic approach to such a radical social and economic transformation to have a managed transition that will address the pressure that this expansion in population has on the social and physical infrastructure, our education and health services and natural environment.

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Our main growth sectors, gaming and financial services, are inherently volatile and heavily dependent on our international reputation and rigorous corporate governance. Unfortunately, recent events involving financial institutions of repute are placing our reputation and economic future at risk. The brutal assassination of Daphne Caruana Galizia, Malta's foremost investigative journalist, has left an indelible mark on the country's social fabric. Our governance is also being undermined by having members of Parliament occupying executive positions in public entities, thus creating a serious conflict of interest between their legislative and executive roles. The changing nature of jobs is also an issue which calls for the involvement of the social partners. Malta still has a worrying incidence of early school-leavers which threatens to make us ill-prepared for the demands of an increasingly digitized economy in the coming years. In the EU, it is estimated that between 25 and 45 per cent of employees are either overqualified or underqualified for their jobs, which underscores the importance of education policies that calibrate as much as possible education and attainment with the needs of an ever-changing industrial environment. A precondition of successful tripartism is a bottom-up approach to socio-economic measures that involves all social partners at national, regional and global levels. It is regretful that during the ILO conference this year a bad example has been set as the officers openly expressed support for the Swedish Global Deal without seeking, let alone obtaining, the approval its constituents. Clearly, this goes contrary to good governance and is also contrary to one of the four strategic objectives of the ILO, that of social dialogue and tripartism. The Office should explain why and how such an instrument has been developed without the involvement of the employers. This top-down approach is uncharacteristic of the ILO, particularly coming on the eve of its 100th anniversary which is a landmark of numerous positive achievements that have, through social dialogue, shaped the world of work worldwide. Thank you.

## **Mr Saysompheng**

### **Government (People's Democratic Republic of Lao)**

Excellency, Mr Chairperson, distinguished delegates, ladies and gentlemen. On behalf of the Government of the People's Democratic Republic of Lao, it's a great honour and pleasure for me to address this 107th International Labour Conference. This is a very significant event in the context of member States' implementation of the Sustainable Development Goals and their Country Programmes for Decent Work. Please allow me also to take this opportunity to congratulate you and the Vice-Chair upon being elected to lead our meeting. I would like to support this year's discussion on Women at Work. This is one of the key issues that will complement the ILO's centenary, and I would like to share with you a few points on the progress of our work in our country, the challenges that we have been addressing and the plans that we have been working on for our work in the People's Democratic Republic of Lao. So far, the Lao PDR has achieved some key progress in implementation of the 8th National Socio-Economic Plan. There has been increased national economic growth and workers have seen an increase in their success in protecting the rights and the benefits that they enjoy. This is because of the work of the Lao Government, through the Ministry of Labour and Social Welfare working along with tripartite organizations and the sectors concerned, in adapting the legislation and regulations of the Lao PDR to translate the Conventions that we have ratified, such as the Convention on the elimination of all forms of discrimination against women, into regulations in our country. Women workers as a result of this also are protected and are treated in equal terms with male workers at work. They have opportunities to

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access development of skills. They have equal payment and wages and rights to leave in periods of pregnancy and on childbirth. In addition, there have been projects included in our Decent Work Programme. Ladies and gentlemen, our Government places a great priority on labour inspection as a key instrument to follow up and monitor the implementation of the provisions of labour legislation relating to the protection of women and workers in general, in the workplace and in factories. It has conducted training exercises and raised awareness of labour law in the workplace and on entrepreneurship at a central and local level in order to help people understand and implement labour legislation. On this auspicious occasion I would like very much to thank the ILO for its valuable technical and financial support to the People's Democratic Republic of Lao. This assistance is a valuable and important contribution to our national socio-economic development and to our activity in labour and social welfare. I sincerely hope that the ILO will continue to provide this invaluable support to the People's Democratic Republic of Lao. To conclude, I wish the conference every success. Thank you very much.

**Ms Kim**

### **Government (Republic of Korea)**

Mr President, ministers of the member States, workers' and employers' representatives and distinguished delegates. Since its launch in May last year, the Moon Jae-in administration has pursued a society where labour is truly respected as a national agenda, bringing a lot of changes to labour policies in Korea. As the first female Minister of Employment and Labour of the Republic of Korea, I am pleased to introduce to you policy changes brought by the new Government under the theme of Women at Work. When I worked at a bank in the past, I witnessed gender discrimination prevalent in the workplace, and I decided to start a labour movement. As a labour activist, I took the lead in enacting the Equal Employment Opportunity Act and revising the law to include the equal pay for work of equal value principle. However, even today, 30 years after the establishment of the Act, women still have fewer opportunities to participate in the labour market, face discrimination in employment, promotion and pay, and are very vulnerable to violence and harassment at work as well as career interruptions, not just in Korea, but in many other countries around the world. Under the circumstances, I believe the Director-General's report on gender equality in the world of work and the agenda for discussion at the technical committee, ending violence and harassment in the world of work, are very meaningful and cannot have come at a more opportune time. In this sense, the Korean Government strongly supports the ILO's Women at Work initiative and has taken various measures in this regard. First, the Government is eliminating factors behind women's career interruptions by laying a foundation for work-family balance. As the Director-General's report underlines the growth of care economy as a way to support women's entry into the labour market, we need more workplace childcare centres where working parents can willingly leave their children with trust. Starting this year, the Government is establishing public workplace day care centres in residential areas and transportation hubs for low-income mothers and fathers at small and medium-sized enterprises. Next year the Government will further promote public workplace day care centres through a four times increase in the budget to about \$55 million. Second, the government is taking strict measures to root out discrimination and violence against women. Recently, the #MeToo movement has been growing in Korea, raising public awareness about sexual harassment and violence and spreading efforts to put an end to them. Taking advantage of this movement, the Government

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has revised a law last year to take stronger action against gender discrimination in hiring and ensure that perpetrators of sexual harassment or sexual violence face heavy punishment while victims receive stronger protection from secondary victimization. Third, the Korean Government is striving to improve the way people work and their work culture. Koreans have worked the longest hours per year in the world. In February this year, the National Assembly of Korea passed a law to reduce the maximum weekly hours of work, paving the way for a better work-family balance. Furthermore, the Government plans to give more people the right to request reduced working hours. Currently, this right is limited to those who are pregnant or with childcare responsibilities. The target will be expanded to include those who need to take care of their family members or those who need medical treatment due to illness. The Government is also promoting flexible work arrangements to allow women to decide how many hours they work every day. Finally, the Korean Government is breaking the glass ceiling by increasing the number of women in senior positions, and it plans to gradually increase the share of female executives in public organizations to as high as 28 per cent by 2020. Of course, it is still not high enough but as the Korean Government has just taken the first step toward more women at work, I would like to ask for your continuous support. Mr President and distinguished delegates, gender equality in the world of work is a common task which requires cooperation among countries around the world and with international organizations. I hope that this year's conference will be a valuable opportunity for the ILO, as well as workers, employers and governments from around the world, to share experiences and develop important policy ideas for all. For Korea's part it will step up its efforts to achieve a society where labour is truly respected through continuous dialogue with workers and employers and will do its best to ratify the Conventions. Before I conclude, Korea, after a long history of enmity and confrontation is now at a watershed moment for a path towards peace and prosperity. Following the two inter-Korean summits, the first historic talks between the heads of North Korea and the US are just one week away. I would like to ask for your support to ensure that this summit will serve as an opportunity to shift Korea from the status of an armistice to a complete end of war and from conflict to peace. Thank you.

**Mr Lindström**

## **Government (Finland)**

Dear Colleagues, ladies and gentlemen. I would like to thank Director-General, Guy Ryder, for the excellent report on gender equality. The Finnish Government stresses the importance of this topic. Among the Centenary Initiatives gender equality should have a high priority. ILO should step up its activities aimed at improving the disadvantaged situation of women in the global labour market. Gender equality is already covered by several ILO standards. Conventions on equal pay and on discrimination at work belong to the ILO core Conventions. Their obligations are included in many trade agreements and corporate social responsibility initiatives. Mainstreaming gender equality and non-discrimination in all ILO activities has to be further enforced. Good examples of gender mainstreaming are those Better Work projects which promote decent work in the female-dominated garment sector. Those projects promote, at the same time, all aspects of decent work, such as equal treatment and equal pay, health and safety, and their right to join trade unions and bargain collectively. Dear Chair, it is, however, not enough for the ILO to mainstream gender equality and non-discrimination in all its activities. Activities having as their principle aim gender equality and non-discrimination are necessary as well. The

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Gallup-ILO shows that women and men in all regions have identified work-family balance and affordable care services as one of the biggest challenges women face in the world of work. An equal share of family responsibilities between mothers and fathers should be promoted. When fathers use their right to parental and paternity leave, mothers can go to work. It is also important to develop new care economy to promote the employment opportunities of men and women with family responsibilities, as prescribed in the Report of the Director-General. As the report says, the potential of the Conventions on workers with family responsibilities has not been fully exploited. This Convention has only been ratified by 44 member states, including Finland. The ILO should therefore initiate a campaign to promote its ratification. A new general survey assessing the work-life balance and the relevant legislation in member states and identifying the obstacles to ratify the Convention could be a good way of paying attention to the urgency of the matter and finding a solution. There is still a lot to do in all regions and member States in tackling the gender pay gap. The recent ILO *Global Wage Report* illustrated that collective bargaining is an important tool when promoting equal pay for work of equal value. We also support the Equal Pay International Coalition. Both women and men need protection against violence and harassment at work. The new standard, which is under preparation in the current and the next labour conference, improves in particular women's situation in the labour market, since women are more often victims of violence and harassment. Finland supports this standard setting work, but I would also like to stress the need to avoid unnecessary details which may generate obstacles for member States to fulfil or ratify the standard. The new instrument may gain special attention in the media and among the citizens because of its topicality and as the instrument will be adapted by the ILO centenary conference. We hope that the centenary instrument will also have a high priority in the future work of the ILO. One of the Finnish challenges relating to gender equality in the labour market is the relatively low employment rate of the recently arrived female refugees and asylum seekers. We try to tackle this problem inter alia by language training and vocational training. As we lack skilled labour in many sectors, it is also in the interest of the employers to find employment immediately or through work-related training for these workers. I hope that our social partners could also help these persons integrate in the labour market and into society. Thank you, Chair.

**Mr Taboubi**

### Worker (Tunisia)

Mr President, ladies and gentlemen, allow me at the outset to congratulate you on your election, and I would like to thank Guy Ryder for his important reports with special emphasis on the discussion of this general debate on the role of women and the new push for equality. As part of our contribution to enrich the discussion and to contribute to the centenary instrument, we would like to present to you the most important outcomes of a field study that was conducted by the youth section of the Tunisian Workers' Confederation. Tunisia is one of the leading countries in giving special importance to the situation on women in society. This was reflected through legislation and the implementation of such legislation. The legislation in 2011, under societal pressure, introduced several pieces of legislation to increase or to embody the equality between both sexes and to combat human trafficking and to deal with violence against women. The field study I made reference to deals with violence and discrimination, not only in the workplace but also in education and their role in society. Discrimination between

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sexes is clear to be seen in the work and the labour market. Women only fill 41 per cent of jobs available, especially women with university degrees. We also have a problem of girls dropping out of school. This leads to social dangers where they become susceptible to illegal employment or exploitation and this, as a result, leads to discrimination, violence, and early marriage. And early pregnancy leads to women's exclusion, and women are made redundant as a result of their pregnancy, they do not enjoy promotion and cannot assume high-ranking positions. It is true that women in Tunisia have acquired important achievements. However, violence and discrimination continue to leave its shadow on the situation of women, especially in social life. It is worth noting here that radicalism, extremism also have a negative impact on the achievements women have been able to realize. Whereby women is always affiliated to men, there is a refusal of equality and there is an attempt to try and use women as a tool in extremist approaches. Ladies and gentlemen, allow me to use this opportunity to make some recommendations in order to contribute to the role of women. First of all, we need to adopt a model code of conduct where women are protected against violence. Also, we need to take strict measures in dealing with exploitation of domestic workers and also we need to deal with human trafficking and the role of employment agencies. And, in the fourth place, we need to have proper inspection measures and to raise the level of awareness whereby women are made aware of the need to report acts of violence and the use of minors. Fifth, we need to have a trade union campaign to improve awareness of decent work and social protection. There is a need for an observatory to encourage work on equality, and we also need to provide crèches to provide leave for pregnant women and nursing women. We also need to introduce into curricular the level of awareness that deals with violence and harassment. Mr President, ladies and gentlemen, we are facing a difficult economic and social situation in Tunisia, and in the light of the political instability, we have to allow trade unions to play a significant role through active participation to deal with a national dialogue that will allow all parties to assume their responsibility. In conclusion, I can only support the views of the Director-General on the situation in occupied Palestine. We strongly condemn the massacres committed by the Zionist entity which led to the deaths of scores of people and hundreds of injured. We laud the struggle of the Palestinian people and the rights to a state and its capital in East Jerusalem. [vgr INTERRUPTION 7:04]

**Mr Önen**

### **Employer (Turkey)**

Mr President, ladies and gentlemen, I greet you on behalf of Turkish Confederation of Employer Associations and wish you a successful session and a constructive conference. Mr President, TISK has been a credible partner of the ILO during the last 60 years. We have mutual trust and a high level of understanding in labour and social issues. Next year will be the centennial of this unique organization. As the first specialized agency of the UN, ILO's expertise and knowledge accumulated over the 100 years must be renowned and celebrated. We believe that we have to give priority to formulate a new roadmap for the new future of the ILO. At this point, it is recommended that the ILO should broaden its mandate to address all social and economic challenges which are faced today by its tripartite constituents. Within the framework of Centenary Initiatives, which were introduced by the Director-General in 2016, the Future of Work initiative enabled the broadest

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discussion on possible scenarios of our labour markets, especially the debate on the Global Commission on the Future of Work will serve as a basis for the conference committee in 2019. Turkey has shown an outstanding economic performance in the last two decades, and numerous measures are being taken by the Government and private sector. However, Turkish enterprises have been facing some challenges such as human capital deficits and skill mismatches. The National Employment Strategy was introduced in 2014, covering several economic and social measures, and it was a milestone for the Turkish labour market. Following this, a series of incentives were introduced in 2017 and also in 2018. These incentives have greatly contributed to the increase of employment, and they affected the labour piece positively. As indicated by the Director-General's thematic report, the effective participation of women in our labour market is a precondition for the overall success of our economies. The gender sensitive policies to tackle women's underrepresentation in workplaces must be developed by relevant stakeholders. As the main factor into our national policy-making process, in respect to social issues, the ILO has an exclusive role to play in this field. Concerning the women's labour market participation, the Turkish private sector and Labour Ministry has been working to increase women employment, and these are promising endeavours in the women's labour force participation, whose effects are to be observed in the near future. Mr President, this year the conference agenda ahead of us responds to various issues in our social and economic environments. The discussions among tripartite constituents on violence and harassment at work, international development cooperation and social dialogue will provide us with concrete policy options on these important topics. The elimination of violence and harassment at work is crucial for employers. However, there are various complexities on the definition of harassment and violence. In our view, with regard to the possible protective measures against these behaviours, legal uncertainty must be prevented and diverse realities of member countries should be taken into consideration. Regarding the international development cooperation, we would like to underline that employers' needs and concerns must be taken into consideration with this cooperation. Mr President, with regard to the application committee, Turkey has shown a high level of compliance to the international labour standards. Turkey has ratified all eight fundamental Conventions, and recently ratified the Conventions on health and safety at work with regard to mines and construction sites. I want to conclude by reminding the participants that last year Turkey hosted the 10th European Regional Conference of the ILO, and we had the privilege of having important consultations with prominent social partners around the region. The Istanbul Initiative was adopted as a result of this important meeting, and it will serve as a roadmap to our tripartite commitment to address regional problems. Once again, we would like to thank the Turkish Government and the ILO to have organized this conference in Turkey. Thank you for your attention.

**Mr Kim**

## **Worker (Republic of Korea)**

Mr Chairman, distinguished delegates, before I got on the flight to Geneva, I had been involved in a sit-in in front of the House of the President in Seoul along with KCTU members. The protest was staged against a regressive revision of the Minimum Wage Act, which had been passed on May 28, by the ruling party of the Government that respects labour along with the Conservative opposition, and today the cabinet council decided finally to promulgate the revised legislation. President Moon had pledged to increase the minimum wage to 10,000 Korean Won (KRW) by

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2020, and on the basis of that, the minimum wage for 2018 was set to 7,530 KRW. Then the pro-business media started attacking the increase and employers started adopting various measures to avoid paying this increased amount. In the end, the ruling party took a lead in drafting and passing a revision to the law to nullify the increase in the minimum wage. Moreover, it is possible for employers unilaterally to change the rules on working conditions to the disadvantage of the workers. If the Government wants to reduce income equality in the country, then it should hold business conglomerates responsible and not take back what has been given to low-wage workers. The KCTU is organizing a 100,000 worker-strong national rally on June 30, and bringing all of our strength together, we will defeat this minimum wage reduction act. Chair, delegates, the KCTU's process is deeply related to the question of Women at Work, the subject of our discussion today. So far in Korea, it has been women who have been leading the campaign for a higher minimum wage. When the statutory minimum wage is set, this directly leads to a pay rise for almost all women workers who are paid the level of the minimum wage. Korea's gender pay gap is currently the largest among OECD countries, and this is an expression and a result of all of the different kinds of discrimination that women face up to. Women are usually paid less than men when they start their first job. Women are concentrated in low-paid and precarious jobs. This is due to deep-rooted segregation of different occupations by gender, and women's jobs are generally undervalued. Women are considered to be responsible for childcare, and this exposes women to discrimination in promotion and leads to breaks in their careers. Sexual violence and harassment by male managers who have power over them are a threat to a safe working environment. Korea desperately needs the new push for gender equality suggested by the Director-General. The #MeToo campaign has revealed numerous cases of violence and harassment faced by women workers in the world of work and a collective determination to change has come about. It has been found that trade unions are the most effective tools to prevent and resolve these widespread problems. With the power of the union, women can be stronger and can bring equality to their workplace. To support and strengthen the movement, the new standard on violence and harassment at work should be a Convention accompanied by a Recommendation. As one of the Centenary Initiatives, the campaign for the universal ratification of the fundamental Conventions has been geared up. The Conventions are vital for those who are fighting for a society where everyone can enjoy their fundamental rights. The Korean Teachers and Educational Workers Union, which was deprived of its legal status by the corrupt Government, is still struggling for its recertification, even now under the new Government. Workers in Samsung are in the forefront of the fight against transnational corporations' global non-union management policy and aggressive union busting. Workers in non-standard forms of employment are campaigning for their fundamental rights. Ms Lee Young-joo, the former General-Secretary of the KCTU, is still in jail for exercising the right to strike and the right to peaceful assembly and to association. It's time for the Korean Government finally to ratify ILO Conventions 87 and 98, which have been delayed for 26 years, to guarantee freedom of association for all workers including teachers and public officials. They should not delay ratification. The Moon Government should immediately begin the process of ratification. Thank you very much for your attention.

## Government (Jordan)

Excellencies, President, Director-General of the ILO, ladies and gentlemen, the Director-General, during the inauguration, presented his report on *The Women at Work Initiative: The push for equality* and the work which is underway to try and reduce the gap which exists between men and women. It's important that we strengthen women's participation in the world of work, but we need to do more to overcome the obstacles which women are confronted with. The Director-General's report could be seen as a roadmap for all of us in order to strengthen women's participation and also to overcome the violence and harassment which they are confronted with. President, in Jordan, we have issues relating to the world of work, but we need to do more in our country. We need to introduce programmes to get women into work and to combat the situation as it is at the present time. The Government of Jordan has introduced an executive programme to increase women's participation in the labour market because we believe that having women working is an important aspect in combatting poverty, and we are trying to do more in this area. We are also re-examining our labour code, which was introduced in 2010, and we are looking to introduce important elements which will aim to increase women's participation in the labour force. At our summit on work, we will have a debate on decent work in order to guarantee security in those countries which are emerging from conflict. We have already expressed our opinion on this issue. We have said that international cooperation is vital for reassigning responsibility, and we all need to show solidarity. President, the crisis in Syria has now reached its eighth year. Jordan has done absolutely everything it can to receive refugees, and we have been confronted with significant obstacles in organizing our labour market given the number of Syrian refugees that we have had to receive and who are looking to work, or who are working, in the informal sector of our economy. Jordan has been able to do a great deal despite the difficulties we have been confronted with. We have launched a national plan to overcome the consequences of this crisis and in order to provide decent life opportunities for everyone, the opportunities to work, the economic opportunities for all Jordanians as well as Syrian refugees. Jordan's development partners, who we would like to thank for the efforts which they have undertaken. It is vital that the international community continues to support Jordan and to follow up those efforts which have already been undertaken by Jordan to provide services to refugees and society as a whole. Jordan has examined the Director-General's report on the situation of workers of the occupied Arab territories, and we are disappointed by what has been noted on the barriers which Israel has imposed on Palestinians wanting to enter into the labour market. These are obstacles to development, obstacles to Palestinians accessing the labour market, and we must overcome these obstacles which are the result of occupation, and we need to break down these barriers. In conclusion, I would like to thank Guy Ryder for the efforts which he has undertaken, and I would like to also thank all those working for the ILO and the regional office in our region for the work they have done to support Jordan, and we hope that they will continue to do so. We would like to also thank all the governments in our region and the governments and the workers for the confidence which they have shown Jordan in electing us to the presidency of this conference. Thank you.

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**Tuesday, 5 June 2018, p.m.**

**Ms Neghza**

### **Employer (Algeria)**

Madam Vice-President, the Director-General of the ILO, members of the ILO, Excellencies, Ministers, Presidents of trade unions, Excellencies, the Presidents of the federations of employers, ladies and gentlemen, first of all it's a pleasure for me to congratulate the President of the Conference upon his election to the presidency of the 107th International Labour Conference. This reflects the confidence that you have placed in him. Ladies and gentlemen, could we once again express our serious commitment to collaborating at all levels. I would like to express my great esteem for this new struggle undertaken by the ILO Director-General, Mr Guy Ryder. We're very much aware of the efforts he has deployed with a view to providing momentum in the Euro-Mediterranean region and especially in Africa with a view to creating new employment opportunities for women, support young people and enable them to integrate into society whilst limiting child labour and exploitation. Ladies and gentlemen, the pioneering role of women in work is an important source, which has not fully been taken up, to enable economic growth around the world, and that is despite the fall in participation of women in the home in recent decades. But there is major growth in developing countries of 42 per cent of women working in 2018. You can compare that to 20 per cent work by men, but we do not have indicators showing any improvements between now and 2021. Now there are pioneering women in business, the number though is rather small compared with men. There are still obstacles encountered by women to gain access to management posts, high-level management, compared with the opportunities available to men. In that respect, Madam Chairman, we must actively work through the intensive programmes which encourage all States and all organizations to develop methods which will enable integration of women in business and creativity. Ladies and gentlemen, with respect to young people, our approach to this major category of society consists of fighting to guarantee social, political and security stability and achieving economic prosperity and well-being. I would like to call your attention to previous experiences of projects to support young people around the world that have succeeded. We adopt an optimistic strategy based on building awareness and culture amongst young people, also individual capacity building, and also we want to provide training services limiting bureaucracy so that young people can actually gain access to information technologies, and financing can be provided to put into practice ideas that young people have. We are seeing an increase in the phenomenon of child labour, ladies and gentlemen. This is due to economic factors, because there is a material need to work, the figure is 67.7 per cent, and there are other social factors, 10.8 per cent of children working because they're not going to school. Now, from a humane and a social point of view, this is quite dangerous for the future stability of our societies and our economies because we'll have generations who are not educated, and it will be easy to mobilize them to destroy the ethical and moral fabric of our society. So we would invite you to take all necessary measures to raise awareness and to visit the various countries so that those who commit crimes against young people will be prosecuted. I'd like to conclude by mentioning the suffering of the Palestinian people because of lack of stability and security in the region. They have been deprived of the possibility of building a better future. We must give them the right to education and decent work whilst allowing them to live dignified lives in a context of security throughout the Palestinian state. In conclusion, congratulations once again Mr

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President, and on behalf of Algeria, I hope that your entire team will be greatly successful as you complete your tasks. We wish everyone peace, stability on the basis of positive partnership. Thank you very much.

**Mr Yalçın**

## **Workers (Turkey)**

Distinguished President, distinguished delegates, first of all I would like to thank the President of the Conference, his deputies and ILO administration and his team who realized this very important session of the conference without any inconvenience. I hope that the 107th Session of the International Labour Conference provides us a better and fairer rules map. We are currently living in a world where tension is constantly on the rise, and it necessitates more effort and effective action to protect humanity, dignity, labour and to provide and sustain peace all over the world. The occupation of the Masjid al-Aqsa and the malignant decision to recognize Jerusalem as the capital of Israel should be on the agenda in Geneva as much as it is in Istanbul. The world has a problem of terrorism and terrorist organizations. Unfortunately, a collaborative action could not be reached in order to put an end to terrorism. Turkey has been putting up a fight against FETO terrorist organization, YPG, PKK, PYD and ISIS. However, Turkey is left alone in the struggle against terrorism. Wherever terrorism takes place, the target of those terrorist attacks is humanity and the victim is the entire world. With only this attitude, we can effectively combat and defeat terrorism. We have to realize the brutal competition and the destruction conducting to get a great share of the African gold and the Middle East oil. We firmly support the fact that the world is bigger than five and labour is greater than the capital. We attach great importance to the UN and ILO Sustainable Development Goals and fair distribution of income is, I think, the ultimate goal here. We have to clear our world and minds from the tricked economic definition based on a theory of scarce resources and unlimited needs. Mahatma Gandhi says, "There is enough in this planet for everyone's needs but not everyone's greed." I think this is a very meaningful statement. Esteemed delegates, if we cannot put tripartite organizations and trade union rights into the centre of those discussions, how can we have the power to win a victory over global exploitation? We, as MEMUR-SEN, The Confederation of Public Servants Trade Unions, are struggling to increase the rights of the public servants with our organised powers. Rates of public servants organizing trade unions have reached up to 70 per cent in Turkey. Turkey has a rising rate of 15 per cent in terms of workers trade unionism. Despite some limitations on the rights to organize, the rates have increased. Their representation is better now. We ask for the right to organize of retired people to be guaranteed by legal arrangements. The ban on strike and politics for public servants in Turkey needs to be abolished. Significant progress has been achieved in terms of right to collective labour agreements. However, there are still restrictive provisions and interpretations related to the scope of the collective labour agreements. We have public servants arbitration board, and we need structural and functional changes in this arbitration board. Unregistered employment in the formal economy, youth unemployment, labour force participation, female labour force participation and employment are still among the most important problems in Turkey. We invite all humanity, especially Europe, to take responsibility for the issue of refugees and integrating them to our labour force and to make effective contributions. In terms of occupational health and safety, the public sector needs to set an example. After the heinous military coup attempt on July 15, the state of emergency was announced in Turkey. Although this

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does not affect our daily lives, we think that the necessary conditions are now there to end the state of emergency. There are public sector staff that have been removed or dismissed from office as a result of this failed coup attempt and the State of Emergency Procedures Investigation Commission has been formed, and those that are found to be innocent will be reinstated to their jobs, and there are certain criticisms with regards to the pace of this investigation commission. We believe that the world is bigger than five. We believe that the labour ... [vgr INTERRUPTION 6:24] ... We think the labour is above the capital. I greet you all with respect on behalf of Turkey's labour sector, represented here. Thank you very much.

**Mr Swe**

## **Government (Myanmar)**

Madam President, the single delegates, ladies and gentlemen, it is a great honour and pleasure for me to address this august assembly. The International Labour Organization, ILO, has been exerting relentless efforts for almost a century to ensure workers all over the world enjoy their rights fully in accordance with the objectives set up since its establishment. During this time span, it has been able to lead on effective labour standards in compliance with global socio-economic conditions. I am also very pleased to observe the significant progress in promotion and protection of the rights of the workers. Madam President, since decent work and gender equality at work are fundamental platforms for advancing social justice as envisaged in SDG Goals 5 and 8, the ILO Director-General's comprehensive reports to the conference entitled *The Women at Work Initiative: The push for equality* is not only timely for the current situations but also highlights the future works to be undertaken. Thus, this constitutes an urgent call to place necessary emphasis on gender equality. I am glad to know that consultation on gender equality is initiated with a view to standardizing it globally. Many member States, including Myanmar, are still facing challenges, particularly in putting labour standards relating to gender equality at workplace into good practice and its full realization. As political traditions, economic and social backgrounds among the States are different, the time to achieve their respective goals in the areas of promoting labour rights, including gender equality, would vary. However, I am confident that with our political will, we will be able to accelerate our actions for gender equality. Madam President, Myanmar has been promoting gender equality norms in letter and spirit as prescribed in her Constitution. The laws enacted in the past have less provision reflecting gender equality. However, the new laws drafted in these days will be covering gender mainstreaming. Likewise, gender aspects will be included in revising the existing law to bring them in line with the global trends. In addition, Myanmar strongly rejects any forms of sexual violence and harassment and discrimination at the workplace. Myanmar has ratified the Convention on the elimination of all forms of discrimination against women, CEDAW, and we have been implementing the provisions of the Convention by adopting necessary domestic policies. The National Strategic Plan for the Advancement of Women 2013-2022 and Thematic report on Gender Dimensions are the examples of promoting gender equality in Myanmar. At the same time, more efforts are being made. The law on protection and prevention against violation of women is now being drafted. Madam President, the labour law reform is an ongoing process in Myanmar with the assistance of social partners and development partners, including ILO. We were able to hold a total of ten rounds of national tripartite dialogue forums. The recent forums had led to endorsement to Myanmar Decent Country Work Programme 2018-2021 and 5-point Roadmap for better labour sector

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development. I sincerely hope Myanmar would be able to sign the Decent Work Country Programme with the ILO in the near future. Madam President, naturally, challenges continue to remain in promoting and protecting of labour rights for Myanmar. However, they are not insurmountable. The Government of Myanmar, working on the newly developed culture of tripartite dialogue, will certainly be able to reach desired goals in future with the technical assistance and support of ILO and the international of partners. Thank you for your kind attention.

**Mr Majoul**

## **Employer (Tunisia)**

President of the Conference, ladies and gentlemen, I am delighted to be here to address you. I would like to congratulate you, President, on your election to the lead of this conference and wish you the very best of success in your work. It is also a pleasure for me to express my gratitude and congratulations to Guy Ryder on his report. We commend the way in which he has approached the issue and the in-depth substance. We would like to also congratulate the ILO staff and the Regional Bureau and thank them for their support which they have shown to Tunisia through various projects, working with the different social partners to help our democratic transition and to provide us with all the conditions for economic development and for providing jobs and social justice. The work undertaken by the ILO on the ground has been effective and has made it possible for us to put in place a social contract and a Decent Work Programme. They have also helped us to improve our pension system and to provide us with an employment strategy for the country. The success of any programme requires all stakeholders to be involved and needs to provide the opportunity for a free exchange of views and everyone needs to be represented. In Tunisia, we have held dialogue at institutional level, and we have also paid a great deal of attention to our legislative reform. We have supported social dialogue through the introduction of a National Tripartite Council and work is underway within that council. We have also undertaken work to re-examine our Constitution, looking at sustainable development. We have put in place the necessary framework, with the help of the ILO, and we have also drafted and signed a Memorandum of Understanding with all stakeholders involved. Ladies and gentlemen, our conference is looking at effective development cooperation to 2030, and this needs to be based on active participation in order to attain the 17 SDGs. We are also working to promote civil society. We believe that the development of the private sector is extremely important in order for us to achieve the goals which have been established: the goals of eradicating poverty, of guaranteeing personal development and guaranteeing decent work for all. The private sector has the qualities required to succeed. We are creative. We are effective, and we have a vital role to play in various areas: health, education and energy. We are the motor of development in our country. We propose that the ILO needs to pay attention to how cooperation between the private and the public sector can be promoted, particularly in vital sectors such as infrastructure, and it is also vital that investment policy is examined and entrepreneurship. All these are vital in order to guarantee decent work for all. The Director-General's successive reports have examined the situation of workers in the occupied Arab territories. We have seen the situation in the West Bank and the difficult situation which the Palestinian people are living in at the present time. We call upon everyone to respect international law and the Palestinians' right to self-determination, to have their own state with its own capital. We call upon the

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organization to pay more attention to peace and freedom as vital elements of its programme of work. Thank you very much.

**Mr Ngige**

## Government (Nigeria)

Madam Chairperson, Director-General, distinguished ladies and gentlemen, I bring you all warm greetings from the Government and people of the Federal Republic of Nigeria. Nigeria appreciates the work carried out by this organization between 2016 and 2017, especially the implementation of the strategic objectives of the ILO, which are at the heart of the Decent Work Agenda. We also commend the Director-General for the choice of the topic for this conference, *The Women at Work Initiative: The push for equality*, which reflects some of the major areas of concern and aspiration towards promotion of decent work. Chairperson, the provision of youth and women employment and the enhancement of the status of women at work continues to be a big challenge in our society. This has been exacerbated by the economic recession brought about by the fall in oil prices, militancy in some parts of the country, especially the North East, and the issue of returning migrants, the majority of whom are women and young girls trafficked for slavery and sex work, poses a problem. For a country in which females constitutes 49.4 per cent of total population of over the 200 million population, it is therefore imperative that issues which hinder increased and effective women participation in the labour force should be addressed. To address the issue of gender inequality and youth unemployment, the Government drew up and has been implementing the Economic Recovery and Growth Plan. The Government has also initiated a School-to-Work programme called N-Power, designed to empower young men and women with skills to facilitate their entry into the labour market. In terms of specific measures that address inequality, our Government recorded some successes in the following areas. The principle of equal pay for equal work for all without discrimination on account of sex is enshrined in the constitution of Federal Republic of Nigeria. A Presidential Initiative on the North East, PINE, is in place to promote girl-child education and special packages for women in the region for their economic empowerment. Employers of labour in the both the public and private sectors are by regulation requested to provided workplace crèches for nursing mothers for ease at workplace. In the public service, the Government recently increased the period of maternity leave from 12 to 16 weeks to allow enough recuperation time for both baby and mother, especially in the area of breastfeeding. In addition, all disciplinary proceedings against any female staff which might have been taken during the period of maternity leave shall be put in abeyance until the expiration of the leave. Employers of labour are also barred from removal of women from work due to their marital or maternity status. Other areas of achievement include, but not limited to, provision of Micro-credit soft loans to market women and female artisans and women entrepreneurs through our Government Enterprise Empowerment Programme. There is also offer of free medical services to pregnant women and children under five years in many federating states of the country. The ratification, domestication and implementation of the Maternity Protection Convention 186 and a conscious effort to ensure that more women enjoy maternity protection in the country is already in place. We have also the introduction of Home Grown School feeding programmes at national and sub-national levels to address the issue of male school dropout and female dropout. This has eased the burden of feeding on many mothers, especially those at work, and has created greater additional jobs as cooks

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and caterers for our women. However, Mr Chairperson, a lot needs still to be done. The most effective method of eliminating the gender gap from the workplace lies in vigorous opposition to employers' discriminatory conducts and policies and harassment in all forms wherever and whenever they occur. It is for women who are victim to these abuses to take legal actions and report to labour inspectors. The infusion into labour inspection laws and code of practice with severe sanctions and serious punitive measures are prescribed as future deterrents. In this respect, we will need the technical assistance of the ILO in the area of gender audits considering the good news that the ILO has a pool of over 80 certified audit facilitators. Finally, in conclusion, we expect that this transformation will start so that the women will be supported to attain their full potential alongside the men especially in the world of work. Thank you.

**Mr Rabiei**

## **Government (Islamic Republic of Iran)**

In the name of God, the Compassionate, the Merciful, Madam Chair, honourable Ministers, distinguished representatives of the workers and employers. At the outset I would like to extend my congratulations on the occasion of the holy months of Ramadan, the months of blessing, to all the Muslim sisters and brothers in the delegates and to all fasting workers. On the Women at the Work initiative, and in view of the rapid social and economic developments, our world requires further thinking and work so as to provide a better and brighter future for women. This initiative needs to be addressed in conjunction with the Future of Work initiative. In order to enhance the world of work, we all need to work together to promote peace, inclusion, social justice and decent work. Unfortunately, we are living in a world where some countries do not respect international agreements and drag parts of the world into violence and bombard innocent children and women for the purpose of their own economic and political interest. I regret to state that some powers in the world generate crisis and produce violence which mostly affects children and women. Our social dialogue, which is also on the agenda of the ILC, a one-size-fits-all approach should be avoided as the countries have their own specificities. We believe that social dialogue at international or national levels within the social groups and even the families requires a decent life. My country, with more than 100 years of experience in tripartism is following the labour matters. During the current administration, we have increased the number of workers' and employers' organizations by 50 per cent. Ending violence and harassment in the world of work is also of significant importance. Development of morality at the workplace is a must, but still unequal conditions, wide spread poverty and circumstances arising from political economy of international relations in the area of work lead to reproduction of violence. Violence in the world of work cannot be eliminated without addressing inequality and poverty at national and international levels and merely through ethical advice. Creating job security, ending violence against children and women or at workplaces is our national will. On the other agenda item of the conference, we believe in and support effective development cooperation. Madam Chair, I have the honour to state that women in my country have a higher standing, both in the families and in the society. Today, women and girls account for about 60 per cent of the entrance to the universities of the country. They are actively contributing to the advancement of the economy through either their invaluable work at home or in the public and private sectors of the country. At present, women constitute about 41 per cent of the governmental employees, so a 10 per cent increase in this respect was

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achieved. Moreover, the target has been set to accomplish allocation of at least 30 per cent of the top managerial posts to the qualified women of the country by the end of the current administration. Of 800,000 jobs generated last year, 60 per cent devoted to women. My Ministry strives to further empower women, particularly women head of families, to enter the labour market through, among other things, providing them with the free of charge skills and training and providing access to equal opportunities. Both men and women may wish to enjoy flexibility associated with some types of work so as to juggle work and family. I am of the view that ground should be prepared in order for them to take up such jobs in a manner that the pertaining conditions are in compliance with the labour standards. In this respect, the ILO should further improve the notion of reconciling work and family. Distinguished delegates, the Islamic Republic of Iran has always been dedicated to and is steadfast in its national and international commitments and has spared no efforts to fulfil them. Whereas we have gathered here in this august conference to discuss how the world of work could be improved around the globe which, of course, necessitates a collective responsibility for all the constituents, unfortunately some unfair and cruel sanctions are imposed on the economy of countries, including my country, with no justification. Sanctions that, by nature, targeted at hurting the livelihood of ordinary and vulnerable people and the workers. I deem it necessary to express the concerns of my Government regarding the sufferings and the killing of children, women and workers in the occupied Palestine. The global community and the international organizations, including the ILO, which first was the objective of justice, need to be more sensitive in this respect. Thank you for your attention.

**Mr Haque**

## **Government (Bangladesh)**

Madam Chair, I congratulate you in your election to the Chair of the 107th International Labour Conference. I also wish to place on record our appreciation to the Director-General for his comprehensive report on *The Women at Work Initiative: The Push for Equality*. I commend the efforts made by the chairperson of the Governing Body for placing before us a detailed report on the last three sessions of the Governing Body. Madam Chair, we have made substantial progress towards achieving gender parity in the world of work over the past decades. Despite this, closing gender gap remains one of the most pressing labour market and social challenges. ILO's Women at Work Centenary Initiative is the right move towards the direction. The 2030 Agenda also gives added impetus to bring positive changes in the lives of women. We need to seize this opportunity to address it as a top priority. The Bangladesh family believes that development targets cannot be achieved if we leave our women behind who account for half of the population. One of the major steps taken by our Government was to pursue the National Women Development Policy guaranteeing equal opportunities and entitlements for women. We are creating a conducive work environment for women by ensuring their safety and security, providing them with accommodation facilities and introducing day care centres in and around their workplace. As a result, our female workforce has risen from 24 per cent to around 40 per cent over the last four years. Madam Chair, Bangladesh is the second largest exporter of ready-made garments in the world, and women represent 70 per cent of the workforce in that crucial sector. In an unprecedented way, and with the agreement of the factory owners, our Government has been able to raise their wage by 77 per cent, women being the beneficiaries mostly. We have taken measures to facilitate women entrepreneurs of small business

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to market their commodities. We have set up Joyita, an organization of the young women entrepreneurs to encourage them in small in medium sized business and creating jobs for some other women. Women in Bangladesh are also actively participating in government and politics. Uniquely in Bangladesh, the Prime Minister, Speaker of Parliament, Leader of the Opposition and Deputy Leader of the House all are women. The World Economic Forums *Global Gender Gap Report* puts Bangladesh among the first seven countries for reducing gender gaps in politics, whereas we overall rank 47th among 144 nations of the world in minimizing gender gap. Women are a significant source of untapped talent in the global workforce. Providing them education and increasing their digital fluency can help them move into productive jobs. Our Government has made education free for girls up to 12th grade and is giving them stipends. We have achieved almost 100 per cent enrolment at primary level with gender parity. We are providing women with greater access to information and technology, along with skill development training as we aspire to build an inclusive, knowledge-driven Digital Bangladesh by 2021. Despite significant advancement, we have more to do stopping incidents of violence against women. We are making all out efforts in ending all forms of discrimination and violence against women, including in the workplaces. We further look for the outcome of the standard setting discussion of the ongoing conference on violence and harassment against women and men in the work. Madam Chair, as I speak, continued aggression and oppression in the occupied Palestinian territory is demolishing the livelihood of Palestinians and limiting their access to economic opportunities and decent work. We are encouraged that the DG of ILO has visited the territory recently. Madam Chair, we need a strong political will to ensure gender equality in all walks of our life and livelihood. Let us once again take a vow to achieve gender parity in all aspects, including at the world of work and make the globe a better placed for women. I thank you.

**Ms Khine Khine**

### Employer (Myanmar)

Greetings from Myanmar Federation of Chamber of Commerce and Industry. The employers of Myanmar wish to achieve a robust and stable industrial peace in the country with improved labour market governance. We applauded the GB's decision at the 332nd Session on reporting of forced labour cases no longer be required for Myanmar. It is a valid proof of well-coordinated and cooperative inclusive work of all concerned institutions and constituents. We thank the ILO for the tireless and endless effort and support provided. Since May 2015, Myanmar employers actively participate in National Tripartite Dialogue Forum, which in its fourth years of progressive tripartite engagement of constituents, covering Decent Work Country Programme, labour law reform, communication strategy and child labour eradication. The DWCP 2018-2021 has successfully been drafted, agreed upon by tripartite bodies this year, January, during the 9th NTDF. I am proud to say that it is going to be signed in the very near future. It is very important for Myanmar employers to prioritize the reform of labour organization law 2011, which limits the establishment as well as rights of employers' organizations. Settlement of labour dispute law is equally important as a priority law for reform because of the shortcomings in the current dispute resolution system, both in law and practice. As much as we, the tripartite constituents, value the culture of tripartite dialogue, the employers would like to call on all stakeholders to acknowledge the outcomes from the process. We fully support GB's stand on labour law reform process through

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effective tripartite dialogue to promote freedom of association and in line with international legal standards. It is equally important that the implementation of a law should be improved and appropriate enforcement of a law occurs in practice. We know that the ILO has shared advice with tripartite partners in Myanmar that prison sentences are not conducive to good industrial relations and should not be included in the law for minor or administrative labour law violations. It is very discouraging for the private sector to see other social partners fail to heed this advice. This will damage industrial relations in the long run and be a barrier in building trust among tripartite constituents. We also note that the implementation of industrial action on the ground is sometimes inconsistent with the law and international standards. Often, unions on strike will blockade businesses and not allow management or other workers to enter or leave the business. This has led to numerous violent confrontations. Enforcement of relevant laws has been insufficient, and in the long run is detrimental to building peaceful industrial relations. Myanmar Foreign Investment Law has drawn attention from the international businesses to invest in Myanmar. It is crucial that all of the other laws are clear and easily understandable by all nationals. In general, some laws are outdated and irrelevant to the modern private sector. These laws need to be relevant to the businesses of the twenty-first century, not limited to the businesses of five, six decades back. There is also a need to make sure that there is coherence among the stipulated laws. We are grateful that ILO Myanmar gained a better understanding of the state of businesses in the country, has agreed, extracted salient points of notable labour laws and published *ILO Guide to Myanmar Labour Law* in five languages - Myanmar, English, Korean, Chinese and Japanese - in 2017-18, which has been most helpful for the private sector. Myanmar has progressed with National Action Plan on the elimination of child labour with key activities and strategies, such as improve access to quality education and vocational education, updated and coherent legal and regulatory framework with implementation enforcement, provide support to children withdrawn from worse form of child labour practice, etc. All targeted to be realized by 2023. Congrats to tripartite work of Ministries concerned, workers, employers and to ILO for the guidance. We cooperated with the Minister of Industry and recent, over 40,000 small, medium enterprises and industries registered, among hundreds of thousands exist, employing workers approximately 10 times of the enterprises. Formalization of the non-formal sector is in the interest of employers, which we believe provides both businesses and workers protection of the law. With the initiative ACT/EMP, the Myanmar Chamber has conducted Women in Business survey early this year. The survey showed that the most significant barrier was the view that women had more family responsibilities than men, and the most in-demand supportive or corrective measure was assigning for women managers more responsibilities. In labour intensive garment industry, over 90 per cent employed are women. They are profound evidence of basic sewing workers upgraded to lower, upper, middle management and even to top management regardless of their level of education. In support of Women at Work, it is suggested that another set of survey to be conducted collecting data on how many of them have worked their way up, how and what assistance to be provided to facilitate the process. This can be used as showcase to encourage all women at work. Being the employers from a country that is under two stages of transition, we are travelling a rollercoaster journey in search of industrial peace. Even if all the statements that I have made today come to realization, which is the unavoidable duty and responsibility of tripartite constituents, together with constructive support of other stakeholders, I am confident the time is not that far to

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achieve what we all are after. Please, from long awaiting industrial peace to long live industrial peace for us and for the world of work. I thank you.

**Mr Thailuan**

**Worker (Thailand)**

Madam Chairperson, thank you for giving me an honour to speak on behalf of the trade union from Thailand. The work committee, the report of the ILO DG for the women at work consentally [sic] and the worker delegate who is taking care of more than 5 million women workers. I would like to share the situation in Thailand. In Thailand, female workforce is supporting the country economy most helpfully, and I think a lot of the gender problem is not only the old tradition and social norm that considers a woman as a second-class citizen but also because of the female workers themselves who strongly believe in that idea. They believe men are more superior. In many societies, they believe that male make a better leader of the family than the woman does. They work and share the same amount of responsibility. The majority of the women workers is the blue-collar workers, working in the low to the middle level. The opportunity to grow in their career path is low. [vgr INAUDIBLE 2:11] highly educated female employees can make an advancement in their career. The successful moment is [vgr INAUDIBLE 2:25] assumes to be the single and diverse. Many people who still believe in the old social norm can even say something hurtful about them like no man can stand [vgr INAUDIBLE 2:47] a woman. It is a very [vgr INAUDIBLE 2:49] for blue-collar workers to have an opportunity to develop and advance their career paths. They can only be supervisors. That is the most that they can be. To be at the executive level is almost impossible for them. It is because that the social belief or the gender bias always coming up in their head and on top of that. The low pay salary also play a big part to bring their self-esteem down. We have the type of union activities, try our best to promote equality in the workplace and encouraging women not to underestimate themselves. We develop the knowledge base [vgr INAUDIBLE 3:52] a leadership scheme for them as well as encouraging female workers to be committee members at the tripartite level. The only way to promote gender equality for us is to encourage female workers to leave the old social value behind, to change their attitude and to believe that they are worth the same as male workers. It is the only solution I can think of. Another area that we have to pay more attention to is sexual harassment in the workplace, which has a direct impact on the victim such as anger, fear, depression, more of the misbehaviours and significant [vgr INAUDIBLE 4:54] and properly resolve it. This also due to the weakness of the labour protection law which they mention only a few words and without guidelines for the prevention and liberty of such behaviours. The victim may be [vgr INAUDIBLE 5:19] action for bringing the claim. Thank you for giving me a chance to share my thoughts on this issue. [vgr INAUDIBLE 5:38]. Thank you, Madam.

**Mr Nghimtina**

**Government (Namibia)**

Thank you very much, Chairperson. Ladies and gentlemen, Namibia congratulates you, Mr President, and the entire Bureau on your election to steer the 107th Session of the International Labour Conference. The sessions adopted by the ILO, ILC are particularly important to Namibia as one of the only countries in the world whose national Constitution directs that the state must act in accordance with

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the Conventions and the Recommendations of the ILO. Our Government has initiated key programmes in cooperation with the ILO to drastically upgrade the public employment service to effectively coordinate employment creation and to introduce a nation of minimum wage. In addition, the objective of the employment creation has been included in the new United Nations Namibia Partnership Framework Agreement in order to strengthen coordination across sectors. Namibia is also close to establishing the National Social Security Pension Fund. Mr President, Namibia applauds the Director-General for his report on the Women at Work Centenary Initiative. My Government agrees with the five building blocks identified by the DG for a new push for equality, namely expansion of the care economy, valuing the work of women fairly, improving women's control of their time, raising women's voice and representation, and ending violence and harassment in the world of work. We think that there is a need for the ILO to hold an expert meeting on the care economy with a view to employment creation and decent work in this sector. We also advocate including protection for persons in non-standard and informal forms of employment, in which women predominate, in all future Conventions. Namibia, in 1998, promulgated the Affirmative Action Employment Act. This piece of legislation promotes equal opportunity in employment and women are part of the designated group. In the political arena, the ruling party, Swapo, adopted the 50-50 gender balance policy. This policy is in line with the SDG 5, target 5.5, that ensures women's full and effective participation and equal opportunities for leadership at all levels of the decision-making in political, economic and public life. His Excellency Dr Hage Geingob, President of the Republic of Namibia, will receive today the African Excellence Award for the African Gender Award due to his continued effort to establish a legal and a policy framework for the promotion and the protection of women's rights in Namibia. This distinction will be awarded by the network Gender Is My Agenda Campaign, GIMAC. Despite all these achievements, a lot still needs to be done. In addition, the Government has commenced a three-year programme with ILO assistance, consisting of gender training for Ministry staff and social partners, gender assessment of the Ministry's work and the mainstreaming of gender responsible programme in the implementation of Namibia's National Employment Policy. Namibia's second Decent Work Country Programme, which will be signed by the DG when he visits Namibia in early August this year, will aim for ratification of the Family Responsible Convention 1981, number 156, and the maternity protection Convention 2000, number 183. We will conduct a time-use survey to support the policy formulation to enable women to have greater control of their time and a greater access to labour market. Namibia will assume the chair of the SADC in August this year. As part of the ILO centenary celebration, Namibia is committed to include a segment on the Women at Work initiative on the agenda for the annual meeting of SADC Ministers of labour and employment and social partners in early 2019. My Government is actively participating in the committee discussions this year on a standard setting on ending violence and harassment in the world of work and look forward to the adoption of a path through Convention in the area next year. Finally, my President, we reiterate Namibia's solidarity with the Palestinian people and will stand by them in their legitimate struggle for independent and sovereign Palestine State. I thank you.

**Mr Pinder**

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## Government (Bahamas)

Madam Chair, all the executives of the ILO and distinguished delegates to this 107th conference, good afternoon. I bring remarks on behalf of Senator The Honourable Dion A Foulkes, Minister of Labour of the Commonwealth of the Bahamas. "On behalf of the government of the Bahamas, I wish to congratulate you, Mr President, and your Vice-Presidents on your election as Chairman and Vice-Chairman, respectively, of this 107th conference. I am certain that colleague ministers, particularly from the Caribbean region, are assured that under your able leadership this session will be extremely productive. Mr President and Vice-Presidents, due to a horrific accident that recently occurred in the Bahamas, I am unable to attend this session. I stand with mixed emotions and I am sad to report that on Friday, June 1, during the Labour Day celebrations, a tragic accident occurred on the parade which resulted in deaths of 4 trade unionists and 25 being injured. Consequently, our nation is now in a state of mourning as we try to recover from the loss of lives and heal the scars that will forever be remembered. We ask the delegates to keep the people of the Bahamas in your thoughts and your prayers, and in particular, the members of the Bahamas Financial Services Union who were directly impacted by this accident. Ladies and gentlemen, during the 106th Session, my Government announced that, in conjunction with the Social Partners, we plan a series of incentives aimed at improving the standard of living and quality of life for workers in the Bahamas, and in particular, reducing the level of unemployment among the youth. To this end, we have undertaken the following steps. Launched a series of job fairs dubbed "Labour on the Blocks" whereby the Department of Labour, in partnership with the business community, holds six job fairs in community parks in New Providence and Grand Bahama. This initiative has resulted in over 8,500 persons being added to the employment skill database and employment opportunities for 100 Bahamians. Appointment to a select committee on skills, employment and training aimed to ensure that all training institutions in the country are working closely with the private sector to develop a national training strategy for Bahamian workers. Over the next 12 months, my Ministry will focus on additional measures to reduce the high level of unemployment and ensure that a cordial relationship exists with our social partners by enhancing legislation to empower the Bahamas Industrial Tribunal to enforce its ruling and decisions, ensuring that all heads of agreement recognize workers' rights. Further, amending section 20 of the Industrial Relations Act to facilitate the ILO Recommendation on trade union independence. The Department of Labour will complete the decentralization process to ensure that citizens have better access to its services. It is anticipated by August of 2018 residents in New Providence will have access to three sub-offices which will all be equipped as a one-stop-shop centre, based on international standards, offering full cadre of services to the job seekers. Finally, Mr President and Vice-Presidents, I wish to express my heartfelt congratulations to Mr Guy Ryder, Director-General of the ILO, for his leadership of this great organization and to recommit the full support of the Government of the Bahamas as you execute your duties in this time of office. God bless the ILO and God bless the Commonwealth of the Bahamas." Thank you.

**Mr Matsas**

## Worker (Cyprus)

Ladies and gentlemen, please allow me on behalf of the Cyprus Workers' Confederation to congratulate the ILO for choosing this very important topic for discussion, as well as the Director-General for a most comprehensive report setting

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footing for a genuine discussion under which social partners could promote socially justified approaches. Despite the fact that equality in employment is a long-lasting issue of concern and that numerous steps forward have been made in various strategies, and legislative and policy measures have been introduced, promoted and implemented, there is still an evident distinction between theory and practice. It would not be an exaggeration to highlight the fact that the whole situation became even more difficult during the financial crisis since women were much more affected and harmed in relation to employment, remunerations and fringe benefits, work-life balance in precarious and non-regulated employment. The ongoing growth and financial recovery indicate once again the need to set a more ambitious, yet again promising and well necessary strategic plan in establishing a more applicable framework in support of equality and work-life balance issues. Indeed, the financial crisis has badly affected economic balances, but at the same it did harm regulation of the labour market, social policy and social justice. It goes without saying that the financial crisis itself, especially in countries like the Republic of Cyprus, having tried to go through a Memorandum of Understanding regulated by the Troika, could be an answer or partly the answer as to why things have slowed down on the issues related to equality. However, this could also be just an excuse for not being able to move things distinctively forward, especially on enterprise level. Thus, unfortunately, we still seek to face realities which relate to the glass ceiling, the glass wall, the sticky floor and the glass cliff. At the same time, special note and concern should be given to challenges deriving from new forms of employment which promote further deregulation of the labour market, including atypical employment as well as digitalization, an issue which needs much further and in-depth discussion, which seems to mainly affect women in the labour market, creating at the same time social isolation, further pay gap and less democracy in the labour market. If we need to refer to a number of good practices, please allow me to highlight a recent development resulting through bipartite and a perspective tripartite cooperation in Cyprus, leading to the design and to an agreement of a code soon to be incorporated in collective agreement, dealing with tackling sexual harassment and violence in employment. More importantly, since it is clear throughout the whole Report of the Director-General that the push for equality is urgently needed, it is essential to indicate and promote specific measures in tackling the problem. We do not need, of course, to reinvent the wheel, but it would be helpful if we: focus in designing and promoting specific in-house training and vocational programmes, as well as research studies, in an attempt to improve information spread and to create an appropriate culture; deepen and widen the legal framework on equality, the European Commission proposed directive to support work-life balance for parents and carers needs to be adapted by the Council of the European Union in order to provide adequate solutions for the needs of modern societies; provide a specific tangible and attainable roadmap in achieving certain goals related to equality and employment, and governments and social partners should acquire a centre role in designing and promoting social policies supported by public finances; establish new, and strengthen existing institutions, bodies and committees, promoting and monitoring equality involving social partners in the wider civil society, giving special emphasis in women's participation in order to be able to reach more balanced decisions; and of course, include or improve equality issues and clauses in collective agreements and work-related arrangements. Madam Chair, after all, human nature does not change, but when people accept the same rules and the same institutions to make sure they're applied, their behaviour towards each other changes. This is a process of civilization itself. Sustainability in employment and work needs a solid ground of policies promoting equality and equal

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opportunities between men and women and, of course, ending all forms of discrimination against women. Closing gender gaps in employment is a prerequisite in reaching decent work as a driver of sustainable development in the framework of the 2030 Agenda. In concluding, let us all realize that gender equality is not a women's issue but rather a concern to all, and it should go without saying that attaining gender parity does not lead to a zero sum gain, but it creates instead the necessary and appropriate conditions for establishing a more democratic and balanced society and labour market. The challenge is ahead, especially on EU level, and we need to put the European Pillar of Social Rights in practice. At least it's worth a try in giving a new impetus and another push for equality. Thank you.

**Ms Eltsova**

## **Government (Russian Federation)**

Madam Chair, colleagues, increasing prosperity and employment, and improving the quality of education and healthcare are issues which concern the inhabitants of all countries in the world. The Russian Federation is taking a comprehensive approach to achieve the UN and the ILO's SDGs. This includes a long-term strategic plan for the country's socio-economic development and the implementation of legislative standards for labour and jobs and also guaranteeing tripartite dialogue. In our country, when developing our long-term economic policy, we take into account standards and developments in social policy. We have long-term programmes in place for the implementation of social policies such as the programme promoting jobs and the education programme. It is important to create high-skill jobs which guarantee high social standards. In 2018, in our country, we began to implement the programme increasing productivity and supporting jobs. As a result, the State is providing consultancy services for employers and providing professional development opportunities for employees, and also measures to promote jobs for the unemployed. These measures have led to the achievement of the following economic indicators. In 2017, there was a growth of 7.3 per cent in real terms in the nominal average wage over 2016 levels. That's 3.5 per cent in real terms. On 1 May 2018, a federal law entered into force introducing a minimum wage at the level of the minimum subsistence level, which is 26.3 per cent of the average wage in the Russian Federation. We have seen unemployment registered at 1 per cent at the end of April 2018. That is 785,000 people. We have also seen a dynamic increase in demand for workers. There were 1.5 million vacancies registered with the employment service at the end of April. In order to streamline the social partners' efforts, we have signed a general agreement between the All-Russian Trade Union Association and the All-Russian Employers Association and the Government of the Russian Federation for the period 2018 to 2020. This agreement includes the major directions for the development of labour issues in Russia. Another important issue which I would like to note in my speech, and which is a very important issue, is increasing women's rights. On the 8 March 2017, the Russian Federation adopted a National Action Strategy for Women from 2017-2022. This aims to improve the conditions to protect women's health, to improve their prosperity and to increase women's participation in political and social life. In developing social and economic policies in Russia, an important role is played by the cooperation programme between the Russian Federation and the ILO for the period up to 2020. Through this programme we receive information on best labour and social policy, and we are grateful to the ILO for the expert support it has provided us, and we hope our

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cooperation will be fruitful going forward. Thank you for the opportunity to speak today at this session. Thank you very much.

**Mr Sohn**

## **Employer (Republic of Korea)**

Mr President and distinguished delegates, the Director-General addressed several gender inequality issues in this report, and those issues cannot be resolved quickly as they are tied to deeply rooted religious, cultural and historic values and customs of various countries. Nevertheless, giving everyone a fair opportunity to compete and be compensated fairly based on their performance must be a common goal that we must pursue together in the age of the Fourth Industrial Revolution. In Korea, although there has been a major increase in the number of women in the workforce, and their treatment in the workplace has improved over the years, there remains a noticeable 36 per cent wage gap between men and women. However, simply regarding this statistical difference as a sign of gender-based discrimination will not help resolve the issue. We need to clearly identify the cause of such a difference and come up with the appropriate measures to address those specific causes. The issue we are trying to resolve here is unfair discrimination solely based on gender not differences that exist for legitimate business reasons. In this regard, I would like to make a few proposals to the ILO and social partners. First of all, we should provide more opportunities for women to participate in the labour market. In order to do so, more jobs need to be created to accommodate the increased workforce. It is becoming increasingly difficult for companies to create new jobs because of oversupply and increased productivity and efficiency from improvements in digital technology. Now is the time for our member States to focus their labour policies on creating new jobs through start-ups. To make this happen, we must part with outdated regulations that serve as a hindrance to new business development. Secondly, we should help women stay longer in the workforce. As of the last year, an average tenure with their current employer for Korean women is 4.7 years. This number is only 65 per cent of the average for Korean men, which is 7.3 years. In addition, only 23 per cent of Korean women have careers spanning ten or more years, compared to 41 per cent for Korean men. Career interruption due to childbirth and care for women is the main reasons for such differences. Therefore, the companies must lead the efforts to provide a better work-life balance for women. Women should not be forced to choose between work and family life. Further, we have to establish a wage system that provides compensation based on performance and the value of work if we want to realize the principle of equal pay for men and women for work of equal value. In Korea, 63 per cent of businesses with 100 or more employees will utilize a seniority-based wage system where the wage goes up automatically every year, and this practice contributes directly to the wage gap between men and women because men have far longer average tenure than women, as I mentioned earlier. In recent days, I'd like to note that Korean companies have begun to step up their efforts to break the glass ceilings by increasing the proportion of women executives, for instance. I believe this is a very meaningful development and a step in the right direction towards securing future competitiveness and sustainable growth. Finally, let me close by asking the ILO for its continued commitment and efforts to find, share and implement the best practices regarding workplace equality. Thank you for your attention.

**Mr Valero**

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## Government (Bolivarian Republic of Venezuela)

Thank you, Madam Chair. It is my honour to present this statement on behalf of the Non-Aligned Movement countries as President and Chair of the Movement, Geneva Chapter. Chair, the Ministries of Labour of the Non-Aligned Movement are committed to the ILO objectives and principles and express thanks to the Director-General of the organization for his efforts to make the ILO a centre of excellence. The Non-Aligned Movement, NAM, is awaiting the results of the Committee on Violence and Harassment in the World of Work. NAM takes note of the report on social dialogue and tripartism. As part of the 2030 Agenda and the Sustainable Development Goals, NAM also expresses thanks for the document *World Employment and Social Outlook: Trends 2018* and notes with concern that unemployment globally has surpassed more than 192 million. In 2019, the number of unemployed will increase by 1.3 million. Since the growth rate of the labour force exceeds employment creation, the Movement urges the Director-General to continue with his efforts for the ratification of the Instrument for Amendment of 1986 to the ILO Constitution and urges member States that if not ratified it, to do so. NAM appreciates the efforts of the Office to strengthen its supervisory system in the ILO. The Committee on the Application of Standards, the selection of individual cases, has to respect a balance between the four regions and the different Conventions. The list has to be balanced with respect to the core Conventions, the technical Conventions and the governments' ones. NAM recognizes the importance of the 2030 Agenda, specifically SDG 8, which promotes inclusive and sustainable economic growth, full and productive employment, decent work for all, the protection of labour rights and the promotion of safety at work. The Movement reiterates that the right to development is an inalienable, intrinsic, interrelated and interdependent human right, and the realization of this right could promote the achievement of all of the SDGs, in particular SDG 8. NAM expresses thanks for the General Survey on the instruments concerning working time, considering that the number of hours worked and rest periods have important consequences for workers and employees. The Movement repeats that the unilateral measures of coercion jeopardize human rights, including the right to development and the right to work. NAM opposes and condemns these measures and urges States that apply them to revoke them completely and immediately. NAM underscores the challenges that countries face when hosting a large number of refugees, particularly in the labour markets, and asks the office and the international community to increase their support and assistance to those countries in keeping with the principle of burden sharing. The Movement takes note of the report on the Women at Work Initiative and its contribution to development of rich and emerging economies. The Movement contends the military occupation lasting more than 50 years in the occupied Palestinian territory, including Eastern Jerusalem, a territory which constitutes the State of Palestine. NAM expresses thanks for the recent visit of the Director-General of the ILO to the occupied Palestinian territories, the first visit in two decades by a Director-General of the ILO. The Movement is deeply concerned by the Israeli occupation, the stagnation in the peace process, the persistence of political instability and the worsening of the humanitarian crisis in Gaza. The unemployment rate there is higher than 40 per cent, the highest in the world. NAM is pleased to note the Report of the Director-General of the ILO on the situation of the workers in the occupied Arab territories and expresses its major concern with respect to the violation of human rights as perpetrated by Israel, the occupying power. The Movement supports the efforts to unite the Palestinian national struggle and establish an independent State of Palestine with Eastern Jerusalem as its capital, and it expresses its support to the people of Palestine to

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exercise their rights to self-determination, national independence, sovereignty and the right of return. NAM also urges the Director-General of the ILO to pursue his efforts with international donors in order to obtain financial support for the fund and social progress and economic progress of the Palestinian people. NAM is very pleased to play its constructive participation during the discussions on the subjects on the agenda of this 107th International Labour Conference. Thank you.

**Mr Thanongsinh**

## **Employer (Lao People's Democratic Republic)**

Excellency Chairperson, distinguished delegates, ladies and gentlemen, it is my great honour to represent today the Lao National Chamber of Commerce and Industry, or LNCCI, and as a representative of Lao Employers, in line with our Government supporting or fulfilling the SDGs, in this case SDG 8, promote sustain inclusive and sustainable economic growth, full and productive employment and decent work for all. We at LNCCI, as the apex private sector organization in Laos, are proud to participate in the discussion and the implementation of the strategies, plans and activities led by our Ministry of Labour and Social Welfare, especially in regards to the implementation of the range of the Country Decent Works Programme in alignment with the scope of the ILO. Ladies and gentlemen, working to promote empowerment of business growth as well as its sustainability is a very important contribution to the development of the social and economic growth of Lao PDR in order to achieve the goal of leading the nation to be graduated from the LDC in 2020. To achieve these objective and goals, we would like to emphasize the inclusivity and the participation of women and their contribution to the economic and social development programme. Their contributions are so invaluable and help greatly in leapfrogging the achievements and completion of our goals and targets. We also would like to support the Women at Work and focus on strengthening industry relations in the tripartite cooperation. The Chamber of Commerce and Industry, representing the business community in Laos, sees the importance of the promotion and development of sustainable business, as shown by our involvement in boosting business compliance with the law and regulations, as well as the protection of rights and benefits of the communities in the business sector. Together, we encourage business growth, employment, innovation and CSR, which is seen by a variety of projects and services activities such as the Lao Business Forum, the Lao SMEs and Asian Business Awards, the set-up of Small and Medium Enterprise Promotion and service centres, Lao Branding Facility Centres, Women's Entrepreneurial Centre, which provides various training, seminars and workshops for our members which focus in encouraging women and young entrepreneurship start-ups, staff and workers participations. Distinguished guests, LNCCI has a key duty to help protection of the benefit of its member and support and promote both local and foreign investment in Laos. The National Chamber has paid great effort in encouraging decent work to Lao workforce countrywide. On the other hand we also promote tripartite cooperation for better industry relations in the workplace for protection of women and men at work without any discrimination. We work closely in the tripartite in improving the livelihood of the workers by focusing on issues such as minimum wages, skill development, work matching and planning for various actual and ad hoc industry needs, occupation safety and health, labour market needs, as well as vocational and skills training. Similarly, we also implement surveys and studies related to employment throughout the years and also provide feedback, comments and input to concern law and policymakers in relevant field and sectors. Once again, to conclude

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my note on behalf of the LNCCI and the Lao Employers, I would like to thank the ILO for the support, both tactical and financial assistance, in the implementation of activities related to Lao Employers in the past, and we look forward to more cooperation, fruitful and successful activities in the near and long-term future together. I would like to wish all delegates a great success in your work, happiness to you and your family, wish the 107th International Labour Conference a great success. Thank you.

**Mr Bugeja**

## **Worker (Malta)**

Distinguished President, distinguished delegates, since its creation the International Labour Organization has played a central role in promoting tripartism and social dialogue between or among representatives of workers, employers and governments on issues of common interest relating to economic and social policies. It is also the core instrument in promoting better living and working conditions as well as social justice. In the debate over the impact of globalization and the distribution of costs and benefits of global economic change, social partners have a crucial role to play to draw attention to its social effects and to ways of jointly addressing them. Successful social dialogue and collective bargaining structures and processes have the potential to encourage good governance, advance social and industrial stability, boost economic progress and create decent and quality jobs. The diffusion of new business models and the increasing automation and digitization of work are changing the typical employment relationship based on which social dialogue, industrial relations and trade unions management cooperation have historically been built on. The diversification of work, such as jobs in the online platform economy, and the continuing rise of non-standard forms of employment, pose challenges of representation and inclusiveness. These challenges are further aggravated by technological advances, demographic shifts, climate change and deepening globalization. Without a strong and effective social dialogue structure, unscrupulous employers will continue to exploit and abuse workers' rights. Presently in Malta, we are experiencing a robust economic growth of about 6 per cent annually. This was achieved through various active labour market policies which brought unemployment to the lowest level ever recorded. There are around 43,000 foreign workers and employment levels are nearing the 100,000 gainfully occupied. We have also registered an economic surplus for the second consecutive year, which resulted in a significant decrease in public debt. Last year, average wages have increased by about 6 per cent when compared to 2016, and those in risk of poverty have decreased drastically. This rapid economic expansion and the growing population have put pressure on the infrastructure needs and higher housing prices and rents. Social dialogue is proactive and dynamic at all levels. During the past few years, the Government strived to include trade unions and employers' organization in issues related to labour, economic and social policies. Social partners represented at the Malta Council for Economic and Social Development and the Employment Relations Board responded by taking a more active and decisive part. The historic agreement reached last year on the increase in the minimum wage, the enactment of various labour legislations, the increase in family-friendly measures and the involvement of social partners in shaping and contributing in the European semester illustrate the level of social dialogue. The Maltese industrial relations system is very decentralized and unfolds at enterprise level. It could be said that Maltese industrial relations system has moved closer to consensual ethic in which the spirit of cooperation

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prevails over the 'us and them' dichotomy of interrelationships. Workplace cooperation is strong and complements the normal collective bargaining. It has to be admitted though that we do not always agree on all issues as employees and employers, in some cases, have different views. However, such disagreement does not threaten the fundamental willingness to seek solutions rather than confrontation. In our pursuit to attain better working and living conditions, the General Workers Union, as one of the main Maltese social partners, is constantly engaged in the development of collective agreements and national policies. This resulted in an improvement in pay, working conditions, health and safety, family-friendly measures and a more inclusive workplace. After 12 years of lobbying by the General Workers Union, the Government started to gradually give back to all employees those public holidays which fall on a weekend. Even if social dialogue works well in Malta, we still have our challenges. I have always stated that the eradication of precarious work is not a destination but a journey, and this year the General Workers Union embarked on a new and another campaign. We strongly believe in the principle of equal pay for a job of equal value. Therefore, we cannot accept the situation, especially in the private sector, where two employees performing the same job in the same workplace are paid differently because one is directly employed and the other is employed by a sub-contractor. In addition, we are lobbying for the abolition of all zero-hour contracts. This type of contract does not provide workers with any type of security and stability. This uncertainty means it's next to impossible for workers to properly plan their life and have a decent standard of living. Amending our national labour legislation to widen the concept of equal pay for a job of equal value at the same workplace and abolishing the zero-hour contracts would give a strong signal from the Government that job creation is not just about the numbers but most importantly the quality of jobs. Finally, this year's conference, on the eve of the ILO centenary, provided us with a unique opportunity to discuss and further enhance the importance and relevance of social dialogue and tripartism as a fundamental way to address the future world of work. Social justice is both ethically right and economically smart. Thank you.

**Mr Mabeo**

## **Government (Botswana)**

Mr President, I wish to commence my remarks by conveying my congratulations to you and the Vice-President for election to direct the proceedings of the 107th Session of the ILC. The Botswana delegation and I wish you the best in executing this important task. It is befitting that the ILO should dedicate time during the 107th Session of the ILC to reflect on the issue of gender equality. The Report of the Director-General shows that we are still a long way from achieving the goal of equality and that our progress towards it is too slow. It is a great disappointment that, despite numerous efforts by the constituents of the ILO and the achievements made by this organization in the pursuit of gender equality at work, we are still in a situation that is far from satisfactory. The commitment and vigour of the ILO to eliminate gender inequalities and discriminatory practices that hold women back are underscored by the complementary discussion of the issue of violence and harassment against men and women in the world of work during this session of the ILC. Undoubtedly, these are issues of critical importance, not only to governments and local partners but also to society as a whole. Violence and harassment do not only affect workers and their families but they also have adverse implications for productivity and socio-economic development. Success in overcoming violence and

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harassment at work requires the concerted efforts of everyone involved. Employers are duty-bound to create an environment that is not conducive to violence and harassment. It is necessary that an enabling legislative platform, that ensures that perpetrators account for their actions, is in place. To that end, we have put specific legal provisions in place to address gender-based violence in general and sexual harassment at the workplace in particular. The Domestic Violence of 2008 was enacted to protect survivors of domestic violence and provides a number of remedies, including interim and restraining orders. It defines various types of abuse and harassment in a comprehensive manner that goes beyond the home environment and covers the workplace. More specifically, the Public Service Act Of 2008 includes sexual harassment as a form of misconduct at the workplace. Section 38 provides as follows, and I quote, “For the purpose of this section, sexual harassment means any unwanted, unsolicited or repeated sexual advance, sexually derogatory statement, or sexually discriminatory remark made by an employee to another, whether made in or outside the workplace, which is offensive or objectionable to the recipient, which causes the recipient discomfort or humiliation or which the recipient believes interferes with the performance of his or her job security or prospects or creates a threatening or intimidating work environment.” Moreover, we have observed that empowerment and capacity building to enable workers to comprehend and appreciate issues pertaining to violence and harassment are a necessity. The Government therefore continues to ensure training of police, judges and others involved in the justice system on gender-based violence to further acquaint them with the skills needed to interpret the laws related to domestic violence as well as sensitivities of handling victims. Mr President, the Government of Botswana is committed to removing all structural barriers to gender equality. To this end, women's empowerment programmes have been put in place to create employment for women, improve skills, enhance access to credit from financial institutions and eradicate poverty amongst women. Botswana's Vision 2036 provides that by 2036 Botswana will be a society where all men and women have equal opportunity to actively participate in the economic, social, cultural and political development. The National Gender-Based Violence Strategy 2015-2020 provides a multi-pronged and multi-sectorial approach to the prevention and elimination of gender-based violence. Furthermore, the National Policy on Gender and Development, which was approved by the Government in March 2015, seeks to address the social inequalities in the country. Priority areas include prevention of poverty, promotion of economic development, social protection, democracy and protection of vulnerable groups. At a regional level, our country has signed the Revised SADC Gender Protocol for Gender and Development, in May 2017, which is a clear statement that the Government is committed to women empowerment, gender equality and elimination of discrimination against women. Mr President, the discussion on ILO development cooperation in support of the Sustainable Development Goals gives the ILO constituents an opportunity to reflect on the impact of the ILO Decent Work Agenda. As we participate in this discussion, it is important that we take stock of the progress made by ILO development cooperation in improving the lives of our people. We are duty bound to come up with initiatives that will equip the organization to understand and better respond to the challenges in the world of work. In so doing, the interests and needs of governments and the social partners should be guiding principles. For our part, we are engaging with social partners to review our employment laws and policies to ensure compliance with international obligations as well as create a modern, prosperous and competitive economy that is characterized by industrial and social stability. It is increasingly being realized by the international community that

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creation of productive employment is critical in the pursuit of sustainable development. Let us take advantage of this shared global conviction to reinforce partnerships and promote coherence of strategies that support employment creation. Reforms within the United Nations systems provide a conducive environment for placing our own strategy at the centre of United Nations system and more needs to be done to harness this opportunity. [vgr INTERRUPTION 7:18]

**Mr Larrazábal**

### **Employer (Bolivarian Republic of Venezuela)**

On behalf of Fedecámaras, we greet the Director-General and welcome his dedication of his report to the impulse towards equality of women in the working place and the seven initiatives of the ILO Centenary Initiatives. Certainly, despite advances, there's much still to do to correct workplace discrimination and inequality towards women, particular as regards salaries. We accompany the struggle of the ILO to change structures and behaviours that are unjust to women. In Venezuela, the businessmen and directors are mainly men, and the women take to do with the house, and although most university students are women and there exists great participation by women in middle management, their representation in upper management is less than 1 per cent. To try to change this reality, Fedecámaras has decided to start a project to promote the business alliance to stimulate political companies of general equity and so bring greater benefits. Twentieth May last, there was a presidential election process which was brought forward. It was of dubious legitimacy. It was called by our National Assembly which was unconstitutional and incompetent to do so. The process developed under a high level of abstention. The Government was denounced for the use of mechanisms to compel voters, which justified serious questioning of the process by the community, both national and international. However, Venezuela is now in the middle of a profound economic crisis. A model imposed by the so-called Homeland Plan has destroyed the productive apparatus and jobs. According to official figures, between 1998 and now more than 40 per cent of businesses in the country have disappeared. Venezuela is short of food and medicines and is moving into a humanitarian crisis, which is contributed to by the crisis in public services, water, light, health and security. There are more than 1,500 businesses which have passed into the hands of the State, mostly unpaid or not productive. In the last two years, more than 44 multi-national businesses have closed or declared that they're stopping their operations in the country. The minimum monthly salary is hardly \$1 at market value and needs \$138 minimum of salary to get your basic family needs. According to a study by the three principal universities in 2017, poverty got to 87 per cent and extreme poverty to 61 per cent. In the last year, 64 per cent of the population lost on average 11 kilos, and 80 per cent are declared in alimentary insecurity. It's not strange that migration of about 3 million Venezuelans, according to official figures, has taken place. The relation of work for its part is the object of political mismanagement. It's pretending to replace unions which are freely elected by workers' productive committees installed by the Government in business. Its insisting on the thesis of a supposed economic war, the taking of businesses, the criminalization of business people, and instead of combatting inflation, bringing order to public spending, correcting deviations in the fiscal monetary exchange is difficult. It's a difficult time for Venezuela, and we don't have any more time to lose. Thank you.

**Mr Pavageau**

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## Worker (France)

President of the conference, Vice-Presidents, Director-General, ladies and gentlemen, in the name of French workers from old trade unions in an old country and in an old continent that some would like to define as being representative of an old world, I wish to now reaffirm here the symbols and values that are so essential, and as well as the importance of the mandate of social justice and the defence of the rights of man of the ILO. It seems, according to some, that our world, our models and our achievements for the benefit of the workers of the world should be revoked, and that we, trade unions, would be dinosaurs on the verge of extinction who have not yet understood the changes that are affecting our societies. In this globalized world, modernity would be under the full power of the market in which neither social nor environmental values would have a place. This would be a world with a unique vision. Every man would fight for himself in a jungle of competitiveness. It would be a world without values. However, for centuries now, values structure countries. They structure nations, and they enable populations to fulfil their needs and live together. Once again, in the country of the rights of man, freedom, equality, fraternity, solidarity, that is indeed is modernity. No, modernity is not a situation in which the attacks against a freedom of association are rising, because without workers' organizations as well as independent employers' organizations who have the necessary guarantees to promote the rights of their member and social progress for all, this will not be ideal. Indeed, the principle itself of tripartism would be meaningless. We must continue to actively contribute to the development of trade unionism, which should be free and independent in the world, and we should fight tirelessly against all forms of dictatorship. No, modernity is not a situation in which, in the twenty-first century in the world of work that was created for and by men, there should be no room for women who are regularly victims of underpayment, victims of psychological or sexual harassment. The French workers support the principle of zero tolerance called for by the Director-General of the ILO, and we call you solemnly to adopt a Convention and a Recommendation on equality and sexist violence of work. Modernity is not a situation in which, under the pretext of flexibility and precarity due to digitalization, the first Convention of the ILO on working time is called into question. Indeed, this happened nearly one century ago, and in those days already this Convention had enshrined workers' international demand for a workday of eight hours in order to enable them to enjoy a work-life balance. No, modernity is not a situation in which 1 per cent of the world's population possesses 82 per cent of the wealth generated in the world. The fair distribution of wealth must become a reality and particularly to pay workers. Indeed, international solidarity must grow because it alone is able to eradicate the extreme poverty in the world. It is now time that these values must be defended. They must be protected. We must demand social progress. We must fight against inequalities, and we are proud, therefore, to be of the old world. In a world which is cracking at the seams, it is important to be in conflict with this modernity in which we must remain defensive of social justice and human rights. More than ever before, the need for global social regulation is required when the workers of the world are in competition with social standards which are being chipped away at. It is high time that the ILO, the social conscience of humanity, be recognized and considered as the main guardian of workers' rights. More than ever before, French workers are highlighting their firm wish to achieve social progress which is real, ensuring the improvement of their living conditions for work and working conditions. More than ever before, the standards of the ILO, fruit of the fight for a fairer society, have become topical issues today. Work is not a merchandise. They must be considered a public asset. More than

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ever before, we are the guardians of an ideal. We are the guardians of a conscience. Our great responsibility and honour is to do all in our power to fight for these.

**Ms Nguyen**

## **Government (Viet Nam)**

Excellency Mr Chair, Mr Guy Ryder, distinguished Ministers, Heads of delegations, ladies and gentlemen, on behalf of the Government's delegation of the Socialist Republic of Viet Nam, I would like to send my best compliments to Mr Chair, Mr Director-General of the ILO, all Excellency, Ministers and distinguished delegates. Distinguished participants, we highly appreciate and strongly support the ILO Centenary Initiative Women at Work: The push for equality, which supplements policy instruments for the promotion of equality with new and innovative approaches for global social justice. Viet Nam is fully aware of the role and contribution of female workers to common prosperity and sustainable development. Therefore, ensuring the rights of women at work is one of the priorities of the Government of Viet Nam. This has been demonstrated through the enactment of laws and policies to facilitate women in general, and women entrepreneurs in particular, in capacity building, management, leadership skill enhancement and more access to capital and the market. One of the priorities highlighted in the National Strategy for Gender Equality 2011-2020 of Viet Nam is to reduce the gender gaps in the economy, labour and employment to strengthen the accessibility of poor rural women, ethnic minority women to economic resources in the labour market. Programmes and projects on vocational education, employment and occupational safety on sustainable poverty reduction and on support women start-ups have created opportunities and favourable conditions for the women's access to employment opportunities, get out of poverty and enhance their economic empowerment. Given those efforts, female workers now account for 48.1 of the total 54.8 million workers. The ratio of women's participation in the labour force is 72 per cent. Women's representation in business administration and management stands at over 25 per cent. The gender gaps and labour force participation and income have been remarkably improved. At the third decade of the twenty-first century, globalization and the Fourth Industrial Revolution is creating opportunities to promote economic cooperation but also posing challenges and difficulties, especially for women. Women are increasingly at risk of being excluded from the formal economy or having less choices of employment. It is therefore important to raise awareness of the whole society about the role, potentials of women and the need to promote women human resources development. On that basis, we promote the status of women, gender equality, strengthening gender mainstreaming and to the development and implementation of policies on human resources development all over the country. From the regional and international perspective, Viet Nam has actively and proactively launched a variety of initiatives to promote women's status, especially their training, and it is now collaborating with APEC economies to implement the APEC Gender Inclusion Guidelines, ensuring gender equality as a task in the 2030 Agenda on Sustainable Development of the UN. These are important frameworks to promote women's roles and contributions, strengthening cooperation and development globally. Ladies and gentlemen, Mr Chair, recently Viet Nam has adopted two resolutions on social insurance and wage reforms of the country. These lay important foundations for the National Assembly, the Government and social partners of Viet Nam to conduct profound reforms on social insurance and wage industrial relations policies. During the process of developing these two significant documents, Viet Nam has received effective technical

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assistance from the ILO. Besides cooperation activities and the revision of the labour code in specific example areas such as gender equality, industrial relations, vocational education, occupational safety and so on, have also been very effective, making an important contribution to an improved capacity of the Government and social partners. In the time to come, Viet Nam hopes to receive further support from the ILO and its member countries in the following areas, legal revision and implementation, particularly in terms of policies related to social insurance and industrial relations, social dialogue mechanism strengthening, the study and ratification of ILO Conventions, particularly core Conventions, as well as, finally, the implementation of the Decent Work Country Programme 2017-2021. For our part, Viet Nam shall make all possible efforts to best fulfil our membership responsibility and continue to maintain and promote the fruitful cooperation between the ILO and its tripartite partners in Viet Nam. I wish you, Mr Chair, Mr Director-General, Ministers and all delegates, good health and success. Thank you very much.

**Mr Ounlasy**

### **Worker (Lao People's Democratic Republic)**

Your Excellency, Chairman of the 107th International Labour Conference, Mr Guy Ryder, Director-General of the International Labour Organization, distinguished delegates, ladies and gentlemen, it is my great pleasure to participate in and share my perspective to the ILC this year, which is an important meeting especially for the trade unions and workers across the world. The ILO has been working actively with its member States, through a tripartite mechanism, in order to ensure a fair society, enhance sound industrial relations between workers and employers, and work cooperatively and collectively to reduce labour disputes, and all the economy's related areas. On behalf of the workers of the People's Democratic Republic of Lao, I would like to express my congratulations for the Report of the Director-General of the ILO on the achievements, challenges and ways forward to resolve the future challenges of the world of work led by the ILO, especially this year's report on *The Women at Work Initiative: The push for equality*. The Lao Federation of Trade Unions, as a representative of the Lao workers and one of the tripartite organizations in Lao PDR, wishes to express our sincere efforts to work closely with the government of Lao PDR, represented by the Ministry of Labour and Social Welfare and the employers' representative, the Lao National Chamber of Commerce and Industry, in the collective efforts of the effective implementation of the ILO Conventions, which Lao PDR has ratified. The Lao Federation of Trade Unions has also revised the trade union law and the related regulations, to ensure the alignment with the ratified Conventions and the Lao labour law, in contribution with the social protection and promotion of decent work in Lao PDR. Distinguished delegates, ladies and gentlemen, the Lao Federation of Trade Unions has placed important attention to exercise its mandates as the representative organization of the Lao workers. In particular, we have disseminated and encouraged awareness raising on laws and regulations relating to labour issues. We have provided mobile awareness raising to workers and employers on safety and health, encouraged collective agreements and collective bargaining agreements. We have protected migrant workers. We have participated in national skills development and employment promotion. The Lao Federation of Trade Unions has also worked actively with the Ministry of Labour and Social Welfare and the Lao National Chamber of Commerce and Industry on other labour-related issues on the national agenda. The Lao Federation of Trade Unions has implemented several activities to promote social benefits and contribute

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to the country's social and economic development. Concerning the prevention and elimination of violence and harassment in workplaces, this union has also worked closely within the tripartite mechanism to revise the related laws and regulations. We also conduct a series of awareness raising campaigns and activities, for employers and workers, aiming to achieve the elimination of the violence and harassment issue step by step. On this important occasion, on behalf of the Lao Federation of Trade Unions, I would like to express my sincere gratitude and appreciation to the ILO for its continuous support to us, both financial and technical assistance to our office, which enables us to carry out our activities to protect the rights and interests of Lao workers, and we are committed to continuously support and actively cooperate with the ILO to ensure the protection and interests of the workers in the country. Thank you very much.

## **Mr Parkhouse**

### **Employer (Namibia)**

Mr Chairman, may I join previous speakers in congratulating you on your appointment as chairperson of this conference. Colleagues, fellow delegates, the Namibian Employers' Federation is proud to have been attending this conference every year since the independence of our country 28 years ago, and without reservation we support the work of the ILO. We are grateful to the ILO for all the support that we as a country have received and we, the NEF, have received through ACT/EMP. We also support all the efforts of our Government, on a tripartite level, to eradicate poverty and to create employment. We, the NEF, have recently completed research on the EESE programme, the Enabling Environment for Sustainable Enterprises, and we will shortly be releasing the report. It is our aim and our challenge to ensure that the recommendations are promoted and actioned on a broad private sector and that we must persuade our Government that serious streamlining of much legislation is required to enable business to develop and thus to create more employment. And we must together, on a tripartite basis, look at the recommended ways to create that enabling environment for sustainable enterprises. For out of sustainable enterprises comes sustainable jobs, and that is what we need. We note the DG's report and the need to promote gender equality in the workplace and the need to ensure that women are treated equally. The NEF, since its establishment, has promoted and valued the presence of women in the workplace, especially in the higher managerial levels. We continue to promote this ideology today. The DG's report also refers to the Future of Work, and we welcome the Commission that is working on this project. If one thinks back ten years or more, how many of today's jobs did not exist? I recall, not so many years ago, when I chased a fax salesman out of my office, "What do I need one of those things for?" Today, the fax is basically obsolete. Today, instantaneous email communication at all hours of the night and day is the norm. Last year, outside this building, there were no bays for recharging of electric cars. Today, we must move ahead and plan for the future, but we must not forget the basics of education. It does not help anyone to have a university degree if the basics of reading and arithmetic are not there. We must think out of the box and be prepared to accept change, and we must, as the DG said, "Welcome technology and ensure that we use it, not that it uses us." I love the DG's comment last week, "We must ensure that the Future of Work is based on the four Ds. No more drudgery. No more dirt. No more danger. No more deprivation". That is what the future should look like. That is the future that we should aim for. We must ensure at the same time that all workers are covered for social security,

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unemployment, sickness and old age pension. This will not be easy because the immediate question will be who's going to finance it? That issue must be worked out on an equitable, tripartite basis, sharing the load of funding between the workers and the employers, each according to his or her means. Note that I have only referred to employers and workers, because they are the ones who fund government and thus, in the end, it is only the two social partners, workers and employers, who actually do the funding. Mr Chairman, next year the ILO will be 100 years old, and Namibia and my organization, the NEF, will only be 29 years old, but we look forward to going forward, hand in hand, to ensure a better future for our children and their children. I thank you.

**Mr Elisa**

## **Government (Eritrea)**

Ladies and gentlemen, I'm delighted to deliver a speech on behalf of my delegation in this conference, and seizing to this opportunity, I appreciate and thank the reports presented by the Chairperson of the Governing Body and the ILO Director-General, which urges for renewed spirit of tripartism to tackle the world of work challenges with focus at application of standards, development cooperation, workplace violence, women at work and social dialogue. The Government of the State of Eritrea, in accordance with the Director-General's call to tackle decent work deficit, believes the success of any nation depends fully upon the development of its human resource, which is healthy, skilled and committed manpower, in contributing to the development of a country. When these human resources are accompanied by peace and stability, it will boost more to the development of a nation. Ladies and gentlemen, nowadays all nations are striving hard with the impact of globalization in view of improving the lots of their citizens. In building up their manpower, however, countries may defer in their implementation depending on their development and the prevailing stability situation. As most of the developing nations, like that of mine, are coping with their development challenges, being in an emergency situation, therefore the emergency cases have to be recognized accordingly and accept them as exceptional as to the provisions in the Conventions. Otherwise it will be a hasty action for ILO or [vgr INAUDIBLE 2:31] to allege member States for none of their ones of Conventions at its face value, without thoroughly recognizing their genuine eminent force majeure. In case of Eritrea therefore, my delegation kindly requests the ILO to acknowledge the illegal occupation of Eritrean territory by Ethiopia, as actual and genuine force majeure leading to existential national threat. Ladies and gentlemen, basing the principle of self-reliance, focusing on collective national identify, utilizing its committed and realized human capital, and preservation of its natural resources, on its own capacity Eritrea has made a tremendous effort in furnishing the job creation infrastructure in agriculture, mining and marine resources, and other businesses for the fulfilment of Decent Work Agenda. Recently, in 2016 conducted the first ever the labour force survey, funded by UNDP and technical assistance of ILO. The survey results are expected to be utilized for the Decent Work Country Programme formulation which is the key to realizing the sustainable development goals. Ladies and gentlemen, in conclusion, despite some achievements having been produced in human capacity building, further challenges are left to be dealt with. Therefore, within the context of self-reliance Eritrea welcomes the building of any partnership in general, that of ILO in particular through its technical support, to eliminate the root causes and enhance its human and institutional capacity that promotes decent work through integrated measures. I thank you all.

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**Mr Nihar**

## **Government (Sudan)**

Thank you. Director-General of the ILO, ladies, gentlemen, distinguished delegations, I hope that God will accompany you in your efforts. I'm very pleased to participate in the 107th International Labour Conference, and on behalf of the delegation of Sudan, I would like to congratulate you on your election, President, and for the trust placed in you. This session, President, is taking place against the background of major changes throughout the world, and this leads us to re-examine the ILO objectives towards improving decent work conditions, to reduce harassment and violence in the world of work, and to revise certain instruments in order to promote equality for women. And those are the subjects that are contained in the Director-General's report. In Sudan, Director-General, delegations, women have been working in rural areas, in agriculture, for many, many years, and social policies of the Government have been established in order to identify and recognize women's capacities and skills. Measures have been taken to promote training for women and to strengthen their capacities, and that was in 2017, and the Bank of Sudan has offered microcredits that represent 12 per cent of its budget, for rural development. Seventy per cent of these funds are devoted to women. President, we emphasize what has been done to reduce inequalities. Sudan, because of its religion and tradition, does not discriminate whatsoever and seeks to promote women's rights, and it has sought to promote equality as part of its major and micro projects. The report of the Director-General and the five main pillars for equality, mean that savings have to be promoted through enhanced savings. And women should not be exploited and forced to carry out certain activities, and we promote women's participation in the economy. We want women to defend their constitutional rights. We want women to participate fully in the social life, and we have national instruments. We have no complaints of harassment. I would like to pay tribute to the Director-General for the section in his report devoted to Palestinian workers, and I note my concern and wish them success through this 107th ILC. Thank you.

**Mr Wabba**

## **Worker (Nigeria)**

... existing strong protocols, established by previous contributors to the ILO Director-General reports to the International Labour Conference. We are excitedly aware that this time next year the ILO will be marking her centenary anniversary. It is for this reason to add to the thrust of the centenary celebration, as captured in the DG's report, that I want to, on behalf of the Nigerian workers, extend our congratulatory greetings in advance to all the social partners, the International Labour Office and the Director-General and his staff for the effort, contribution and sacrifice made over the years to build, improve and manage the global economy, industrial relations and the global discontent with globalization. The ILO has helped the world to effectively recover from two world wars, and given the world a doctrine of decent work as a comprehensive tool to addressing developmental deficits, trigger economic growth and strive towards social justice. Her tripartism governance nature has served industrial democracy and helped to provide some stability to the global industrial relation milieu. Our organization, the Nigerian Labour Congress and Nation Nigeria, share similar anniversary experiences with the ILO. The NLC, a few months ago, celebrated her 40th anniversary of existence, while Nigeria, in 2017, marked her centenary milestone of the amalgamation and the journey to statehood. Our reflection

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from those two commemorations point to the fact that new challenges are ever within the horizon and manifesting themselves to threaten the gains we have made as a movement and as a nation, and so we must ever remain vigilant and united. First, our advice to the ILO and the International Labour Office is to continue to use her results and outputs as input to effectively take on the new challenges that are confronting the world of work. Some of those new challenges include migration and refugees crisis, automation and technology, artificial intelligence, widening income distribution crisis, workplace and domestic gender-based violence, climate change, and growing insecurity and fragility of states, as well as the failing and falling of democracy and democratic practice. President, we want to once again appreciate the effort of the Director-General for effectively staying the course and cause of this organization, even when the very foundation of the organization were challenged in the Committee of Application of Standards with respect to the right to strike. Workers know that it is ultimately their struggle to eternally defend the right to organize and to collectively bargain and the right to use strike action where inevitable to ensure collective bargaining and the prevalence and enforcement of collective bargaining outcomes. It is to this end that the Nigerian Labour Congress has continued to place premium on building working-class power through organizing and workers' education. Furthermore, President, we have refused to join in the bandwagon of lamentation and the blame game on issues of developmental deficits that many countries, including our country, and the continent face. Rather, we have resorted to imaginative and pragmatic responses. For instance, our organizational platform have been long donated to fight against corruption and good governance, because we want to block financial leakages and improve revenues for public service delivery. We have also joined, and will continue to partner with, our Government at all levels to ensure the security and territorial integrity of our people and communities. It is on this account that we call on the ILO to urgently consider Nigeria to benefit from her Security and Resilience programme. Social dialogue is critical to development. We believe we live in a broken system, where our global wealth distribution is skewed against the 99 per cent of the people. The Global Deal and initiative of our Swedish friends is a pragmatic alternative aimed at helping to fix this broken system. This is why the NLC, in early November this year, will be organizing a continental seminar on the Global Deal to further elucidate on this progressive initiative. President, the rank of the working poor in Nigeria is expanding thus exacerbating households, generational and gender poverty. One of the reasons for this is because the wages are low, depressed and deflated. Given that minimum wage administration had been proven as a time-tested tool to stem wage downward spiral, the NLC is currently, and other tripartite partners, engaging in a minimum wage negotiation with the Government. We remain eternally vigilant to ensure that the process is successfully concluded, within the stipulated timeline, by the Government of the Federal Republic of Nigeria so that this very important issue can be used to address the issue inequality and poverty. Mr President, I thank you for this opportunity.

**Ms Nordaas**

### **Government (Norway)**

On behalf of the Government of Norway, I would like to express my greetings to the President of the Conference, its officers and to the Director-General of the ILO. The Director-General's report is a good global snapshot of the trends for women in 2018, and it calls for innovative action to close the persistent gender gap. The conclusions are very clear, and if I may say so, not very encouraging. We need to

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make significant additional efforts if we want to achieve the Agenda for Sustainable Development and its goals on full gender equality. It is striking that women continue to be paid 20 per cent less than men across the world, even when they do the same work, and it is an obstacle that we have a tendency to consider gender equality as a women's issue not of concern to all. Substantial change must involve both men and women. [vgr INTERRUPTION 1:52] Women's participation in the labour market is high in Norway. This is an important factor in the creation of wealth and development in society. Ambitious welfare and family policies have been key elements. Affordable childcare, regulated work hours and parental leave are important reforms, reforms which have had an impact on women's earnings, well-being and bargaining power at home. Social dialogue and sound industrial relations have been key. The Norwegian social partners have played a decisive role in promoting and defining policies to achieve gender equality. In combination with comprehensive income insurance schemes and active labour market policies, it has contributed to a more flexible labour market. Now let me turn to ILO's own performance in-house in the area of gender equality. ILO should lead by example. Gender equality in professional and senior positions needs to be improved by increasing the share of women. This is a management responsibility. Norway contributes 1 per cent of GDP in international development assistance. We appreciate the ILO commitments to mainstream gender into its development cooperation programmes. We recognize that there still is a lot of work to do to improve women's representation, narrow the gender pay gap and empower women. Mr President, Norway can fully support the five areas of action that the Director-General has proposed. There is a mounting awareness of, and calls for urgent action, to address violence and harassment in the world of work. The issue is high on the agenda at the global level, with the recent adoption of the 2030 Agenda for Sustainable Development, and we look forward to a substantial outcome on a standard on violence and harassment in the world of work. A world of work without violence and harassment will add force to a new push for gender equality since women are the main victims of this type of abuse. And we are pleased to see the response of the Director-General to the #MeToo campaign. To conclude, Mr President, achieving gender equality is a key responsibility in the mandate of the organization, and it must remain an urgent and central priority in the years to come. I wish the conference every success. Thank you for your attention.

## **Mr Ramos**

### **Worker (Brazil)**

Ladies and gentlemen, in the name of Brazilian workers and the Trade Union Confederations that represent it, I would like to salute the President and the Chair and the all the delegates, as well as the Brazilian delegates. The Director-General of ILO, Mr Guy Ryder, is defending equal rights for women in the world of work. This is fundamentally important to our Confederation and to our tripartite system which aims to solve world problems. Our work, however, is not restricted to corporate debates. It is important to improve the living conditions of people and promote decent work in all nations of the world. In order to achieve those aims, we must face up to the challenges of the future of work. Some of these challenges are typical of today, so for example, Industry 4.0, the technological revolution and artificial intelligence. Others are more general, such as the exploitation of workers and the respect of human dignity in our country. We are facing a political, economic and ethical crisis. Up to date 13.7 million people are unemployed. There are many people who are underemployed, and there are 7 million people who could be working but they are

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not. This is a total of over 27 million who are in non-decent conditions in Brazil. This is a higher number than the populations of many countries. The Conventions of the ILO have, for the large part, been ratified by Brazil. However, the Brazilian Government has introduced labour reforms which violate Convention 89, and this is a problem, and this has been brought to the [vgr INAUDIBLE 3:42] at this conference. This even means that women who are pregnant or breastfeeding can actually work in unsanitary conditions. This can affect the health of the future babies. The trade union rights and the representation of workers are also affected. Labour relations have changed and these amendments to the labour law have been carried out without sufficient collective negotiation and without sufficient consultation. In Brazil, we must aim to fight child labour, and we must also fight, in our trade unions, to defend our social dialogue. The Government's actions go against the trade unions, and the ILO also recognizes the fact that trade unions must be strong, and they also must be well structured so that Brazilian workers may not be negatively impacted. President, in the face of so many difficulties in Brazil, we will resist. We will insist on dialogue. We will insist on a revision of the system in place, and we will also insist on tripartism. We want tripartism to be a reality in our country, and we believe that it is a model that applies to our country, and that will be able to promote decent work and greater value granted to work. This will enable us to achieve our aims and we count on the support of the ILO. We also wish the ILO great strength in future. We want its bodies, its committee of experts, who are independent and recognised by the international community, to be strengthened. Thank you.

**Mr Tran**

### **Worker (Viet Nam)**

Mr President, delegates. First of all, on behalf of more than 10 million union members and the trade unions of Viet Nam, I would like to extend to Mr President warmest congratulations on your election to the post of President of the Conference. I fully consent to the agenda an item for discussion of the conference, and believe that the 107th International Labour Conference will achieve great success and adopt meaningful policies to improve working conditions of working men and women. Apart from the report of the Chairperson of the Governing Body, and the report of Director-General on *The Women at Work Initiative: The push for equality*, this conference also discusses other items, including effective ILO development cooperation in support of the Sustainable Development Goals, and standards setting regarding violence and harassment against women and men in work. The Viet Nam trade unions welcome and strongly support this initiative of the ILO to set a new standard, which could be considered a significant landmark towards the centenary of the ILO. Nowadays in Viet Nam, the status of women is being enhanced and recognised in the societies. Viet Nam has a workforce of more than 55 million, of whom women make up among 26.5 million, accounting for 48 per cent of the total workforce. As a result, the policies related to women worker have been further completed and promoted, such as the law on gender equality, labour code, trade union law, law on social insurance and as a legal document. The Vietnamese Government has adopted a number of important strategies, namely the National Strategy on Gender Equality, the National Action Plan on Prevention of Domestic Violence. In the process of making policies directly related to workers in general, and women workers in particular, the Viet Nam General Confederation of Labour has played an effective and active role to recommend and participate with the Government in formulating and adopting the legislation on gender equality,

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elimination of gender-based discrimination, violence and harassment, as well as a relevant policy that gives more priority to women so as to protect their rights. We also adopted trade union action plan on gender equality in order to realize the National Action Plan on Gender Equality. This action plan of our trade union is also integrated with the organizing of women workers with the aim to improve their capacity and skills, promoting job security and enhancing their status in the family and society. At the same time, this action plan enables awareness raising among trade union representatives, union members and workers about gender equality, making contribution to better protection of women workers' rights and interests. In addition, with the support of the ILO, in May 2015, the code of conduct for all enterprises to combat sexual harassment at work was made public, which was the outcome of the joint efforts of the three social partners in Viet Nam. Mr President, delegates, over the past years, Viet Nam's trade unions have received meaningful cooperation and support from the ILO in general, the ILO Office in the Asia-Pacific region and the ILO Office in Viet Nam in particular. Taking this opportunity, we would like to express our sincere thanks and look forward to continually receiving technical support from the ILO in the coming term, which will enable us to better represent and defend the rights and interests of workers and union members in general, and women workers, women union members in particular. Thank you for your attention.

**Mr Ytzhaki**

## **Government (Israel)**

Distinguished delegates, thank you for the opportunity to address the ILC in connection with Israel's economy and the future challenges in the world of labour. The Israeli economy has recently been characterized by low unemployment rate, around 4 per cent, and a stable rise in the rate of participation in the labour market. The minimum wage is relatively higher than its fixed statutory rate. General collective agreements are created frequently. In general, there is productive cooperation between the unions and the employers' organizations. An example of this is the general collective agreement made recently concerning the reduction of the work week from 43 hours a week to 42 hours, without any reduction in salary. This is for the purpose of improving productivity and striving to increase the rest and leisure time of the employees. An extension order had done for this agreement which make it applicable to the whole economy. Another method that the three parties are presently dealing with is the matter of safety in the workplace, and particularly in the construction industry. Cases of injuries at work, falls from heights, etc, are unfortunately common. Therefore, incentives have to be given for employees who observe safety within their framework of a collective agreement. On the other hand, there will be stiffer penalties for employers in the industry, within the framework of the Increased Enforcement of Labour Laws law, while simplifying the administrative proceedings against the companies. Significant increase in the number of inspectors has been carried out already. It is important to point out that recently there has been a large increase of the disability allowances paid by the National Insurance Institute. In recent years, we witnessed a long trend of industrial peace. The number of workdays lost due to strikes are very low. Even the issue of decent work has gained a strong foothold. There is a considerable improvement in working conditions, special arrangements for people with disability and efforts to integrate them into the labour market. A significant increase in the minimum wage, about \$1,500, and addition of a vacation day, the addition of payment to pension, increased enforcement of working conditions and wages. Also, significantly important is in the working

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condition of contractual workers. Moreover, there is dialogue and fruitful cooperation between the Government and the social partners. Within the framework of our activity to safeguard working conditions for the foreign workers, special emphasis has recently been placed on the extension of the bilateral agreements for bringing to Israel migrant workers. This method will enable us to overcome the phenomenon of illegal brokerage fees and improve the awareness of their rights. It is known this year marks 20 years since the 1998 Declaration of Fundamental Principles and Rights at Work. In this context, Israel has naturally ratified all eight core Conventions of the ILO. Beyond this we are in the very advanced stage of ratifying the Protocol to Convention 29, which is of great importance in the struggle against various forms of false labour. We thank the DG, Mr Guy Ryder, for his important visit to Israel in last April, together with his delegation, and for a rising matter important for both parties. Thank you.

**Ms Agbémégnah**

## Worker (Switzerland)

Mr President, distinguished delegates, Travail.Suisse and the entire Swiss delegation of workers congratulates the Director-General on his report with respect to the initiative on Women at Work. Against the present background of a labour market which is continuing to evolve and characterized by digitization, it is more than necessary to practise a modern equality policy. Travail.Suisse has drawn up a position paper, *Gender Equality Today and Tomorrow*, with 28 recommendations aimed at granting more freedom of choice and preserving the quality of life of workers. Equality is not only concerning the fate of women, since it contributes to improving working conditions for all. We note that most of the people who are affected by inequality are women, and that is in the 2030 Agenda and its objectives. We need only mention wage discrimination. In 2016, Switzerland recorded wage gaps of 12 per cent, of which 40 per cent was unexplained and revealed gender-based discrimination. In 2017, wage discrimination was at least 7.7 billion Swiss francs (CHF). Today, the Swiss Parliament is discussing a draft reform of the law on equality, providing that only 0.8 per cent of companies based in Switzerland, corresponding to 45 per cent of employees, be subject to wage verification without any sanctions in case of inequality. These measures do not enable us to fully recognize women's work. Switzerland ratified in 1972 ILO Convention 100 on equality of remuneration, and in 1961 Convention 111 on employment discrimination. So the key principle, equal pay for equal work, does not remain a dead letter. It is time to show political courage and to legislate in order to make this principle obligatory. Equality does not concern just women. According to a study carried out in Switzerland, nine out of ten men would like to work part time. Only 17.5 per cent are able to do so. Moreover, the existence of paternity leave as an instrument for gender equality does not exist yet in Switzerland. That is why Travail.Suisse has launched, along with other associations, an initiative for a 20-day leave. The present law just provides for one to two days, and as a move is not in keeping with the realities of the labour market and family needs. A 20-day leave would be a step forward in promoting equality and a better conciliation between private and professional life, as is advocated in the Director-General's report. Moreover, the Director-General's report notes a new care economy. 35 per cent of the resident population cares for children and adults without being paid. It is necessary for this sector to develop by improving the legal framework conditions and adapting the social insurance schemes. With respect to the ILO's contribution to

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promoting women at work, the standard setting activities should remain at the heart of the ILO's action. We welcome the standard setting process on violence and harassment in the world of work during this 107th ILC. In order to promote real equality, we have to create laws and provide for sanctions, establish regulatory mechanisms and facilitate negotiations so that equality is part and parcel of an enterprise's policy. We need also to support and guide efforts that favour equality. President, Director-General, ladies and gentlemen delegates, on the eve of the ILO centenary, that Switzerland will have the honour to preside over next year, the question of the future is crucial, especially through the initiative on the Future of Work. If I could be slightly poetic but still realistic, I would quote Jean Ferrat who sang, "*La femme est l'avenir de l'homme*," woman is the future of man. In other words, social justice, including all, is the only safeguard for mankind's progress.

**Mr Abreu**

### **Worker (Dominican Republic)**

I wish to salute you, all workers, in the name of the workers of the Dominican Republic. I am representing them here at the 107th Conference of the ILO. It is a historic conference on the eve of its 100th birthday, and I wish to greet you on behalf of the Workers' Confederation of the Dominican Republic. We, as the Confederation, have decided to submit the following cases to the ILO for the violation of the international Conventions 87 and 98. We are going to present complaints for these violations. The following companies are concerned. Minera Pueblo Viejo Barrick Gold, Menzies Aviation, Peravia Motors and Longport Aviation have violated these Conventions of the ILO, and the Independent Confederation of Workers has also submitted a complaint against the electricity company Edenorte. These companies are violating the freedom of association despite the fact that international Conventions 87 and 98 have been ratified on freedom of association and collective bargaining. We were able, before filing these charges here, to pursue other routes in our country. However, the administrative authorities were very timid and the legal and justice systems in the country were inefficient, and that is why we had to file our charges here at the ILO. For five years now, in the Dominican Republic there have been discussions concerning a reform of the labour laws. This was proposed by the business sector, called for by the Government, and the trade unions movement have agreed to assist it on the basis of the following principles. We want that the need for change in processes in administration be guaranteed, and also, we cannot accept, as trade unions, that a reform should mean that the contractual interests and economic interests of workers be affected, especially in terms of their rights, even if these changes are hypothetical as in the case of severance. The fact of the matter here is that we submitted amendments to our system for the social security system in our country. The system in our country requires changes. It must be more inclusive for healthcare, for labour risks, occupational risks, and there is also a provisional system in place in our country which does not guarantee sufficient protection for workers. Dominican legislators in the country have opened up a debate on this matter, and we shall participate in this dialogue. There will be one dialogue concerning the labour code and another concerning amendments to the social security code. These will take place at the national congress. [vgr INTERRUPTION 7:09] It is fundamental that the rights of workers be protected. [vgr INTERRUPTION 7:26] Let me repeat that it is fundamental that the three confederations of trade unions in the country have made complaints and these refer to maternity rights. [vgr INTERRUPTION 7:54] The trade unions in the Dominican Republic have decided to follow a specific strategy in order

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to defend the rights of women, the rights of work for young people, labour rights, social protection for pensioners and the full eradication of child labour. Thank you very much.

**Ms Howard**

## **Worker (Barbados)**

Mr Chair, fellow delegates, it is my distinct pleasure once again to stand here on behalf of the workers of Barbados. First, let me commend the Director-General for another exceptional report. The issue of creating a level playing field for women in the workforce remains a major issue for many countries especially since the existence of the proverbial glass ceiling has been an obstacle for women for many years. Within Barbados, we've steadily pushed back against this notion that women are not equal, and a cursory look at our landscape shows that we've made significant strides in this respect. Women are found in the most prominent positions within our country. For example, the two largest trade unions are led by women. Our Governor General is a woman, and I am pleased to report that 10 days ago we elected our first female Prime Minister. However, this is just the tip of the iceberg. An evaluation of our public and private sector would reveal that many executive roles are in fact held by women. This is largely due to the availability of free education up to the tertiary level. With this as an achievement, there are still some improvements which need to be made, which include the need to ratify Convention 189 related to domestic workers. This sector predominantly comprises women, and our current portfolio of labour legislation provides limited protection to this vulnerable sector of our workforce. The introduction of this provision and the supporting legislative instruments would be a necessary step towards decent work for the sector. Furthermore, there is a need to implement policies that take into consideration workers with family responsibilities and recognize that largely women are the primary caregivers of small children as well as parents, as is evident in our aging society. These women therefore require assistance to create and maintain the critical family-work-life balance. I cannot speak about women in the world of work and not highlight the issue of violence and harassment. In recent months, the issue of harassment has come into focus and has been the subject of much debate, and we have been witnessing a number of women who have been braving public scrutiny to share their experiences. Unfortunately, harassment is seen as a taboo subject, one which is whispered and not spoken for fear of ridicule. Very often these unacceptable practices are excused and hidden under the guise of being cultural norms, but they must be discouraged through strong and decisive legislation. I was particularly pleased at this apt time that a discussion regarding the introduction of a Convention on harassment and violence in the world of work was placed on the agenda of this 107th sitting. I must register my heartfelt disappointment that an issue which I believe would have had common uniting elements became one that resulted in significant areas of division. While I address the issue of women, I must not fail to reiterate the issue of the youth because they are too are facing some of the challenges cited by women with age as their differentiating factor. In many cases youth are marginalized and encounter issues of inequality. Their challenge is based on lack of experience and limited opportunities to allow them to attain the required skills to progress. It would be remiss of me not to highlight how particularly pleased I am that the social partnership in Barbados is once again being given the prominence which it deserves, and the recognition has been an invaluable tool for consultation and problem-solving. I anticipate that this institution would be viewed as a critical tool, which can propel our country into the future

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helping to realize many potential benefits of the green economy as well as the digital age. The social partnership should be viewed as a tool for economic growth and development and not merely a response to difficulties being experienced. On the eve of this centenary, I must reiterate that while we continue to encourage and promote the upward mobility of women within the world of work, we must give equal opportunity to the plight of the youth. According to the Director-General, the future is ours to create, and what we do can have a decisive impact on that future. Therefore, we must continue to prepare and continue the important to ensuring that we put things in place to take us another 100 years. I thank you.

**Mr Robinson**

## **Worker (Seychelles)**

President of the Conference, distinguished delegates, ladies and gentlemen, good afternoon. On before of the Seychelles Federation of Workers' Unions, and on my own behalf, I take this opportunity to congratulate the ILO Director-General, Mr Guy Ryder, for giving us this special report. Special because it could not have come at a better of time when the whole world desperately needs to reconcile on an approach to address this consultation on the equality of women and men. Focusing the world of work initiative is timely and indispensable. Needless to say, but worth remembering, the ILO has achieved great strides and is still doing a lot in regards to gender equality in the world of work since its creation in 1919. However, in spite of the divinity of the good intent, nothing could have been done had it not been through social dialogue machinery of tripartism based on an effective social dialogue. This has to remain, as we know it, the ILO DNA. This louder cry for equality for women in the world of work is not merely a cry for justice. It is a universal requirement, if not to say a divine order of the day. For this reason, it should neither be interpreted nor strategized into a simple rational of finding replacement of our depleting workforce worldwide. It calls for a deeper commitment for us men. We should understand that women and men are the two wings on which humanity progresses. Unless they are both strong and beating in harmony, no real progress will be attained in this world. It is very pertinent for the ILO centenary celebration. It is enshrined in the ILO principle for social justice. Seychelles has ratified all eight core Conventions of the ILO, all geared towards decent work for all, for peace and social justice to prevail in the world of work. The Seychelles labour laws make provision for the protection of all workers' right, including women. Women participation are visible in all levels of our society, from political leadership, ministers, Parliament, more and more women are heading towards public, parastatal and private organizations. To commemorate Labour Day 2018, this year, the Seychelles Government has legislated an increase in maternity leave from 14 weeks to 16 weeks and paternity leave from 5 days to 10 days. Seychelles is trying to increase gender equality at all levels of society. We also welcome the report of the ILO on ending violence and harassment in the world of work. This revelation on the hard realities happening to women in our respective countries is no longer acceptable. Mr President, I cannot end my speech without commending the Governing Body of the ILO to include as agenda item a recurrent discussion on the strategic objective and the social dialogue and tripartism as a follow-up to the ILO Declaration on Social Justice for a Fair Globalization 2008. Social dialogue and tripartism is essential for democracy and good governance. It is widely agreed that the whole business of the ILC would not have been possible without the application of the ILO critically important decent work strategy pillars of the social dialogue and tripartism. No debates ongoing on our agenda items in this

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conference would have produced a united vision had they not been based on the effective application of the principle of social dialogue and tripartism. I would like at this point to thank the ILO and ACTRAV in the extremely good work they do to assist in empowering our member States and social partners to apply the principle of social dialogue and tripartism. In Seychelles, the Seychelles Federation of Workers' Unions, the Ministry of Labour and social partners live and work in the spirit of fruitful cooperation. As trade unions, we should not merely be satisfied that social dialogue is happening at national level. We should ensure it also happens at all sectors at our workplaces. The ILO has taught us to use the principle of social dialogue as a working strategy to deal with all aspects and challenges at the workplace. It addresses the core concerns of our men and women and youth directly in the workplaces. The Seychelles Federation of Workers' Unions, in its drive to organize workers, has experienced significant results at various workplaces in both the public and private sector because of effective social dialogue and tripartism and bipartism. We have therefore seen an improvement in working conditions for the stevedoring sector and the public transport drivers, amongst others. To conclude, the Seychelles Federation of Workers' Unions joins its voice in solidarity to the extremely difficult situation of our brothers and sisters of the occupied Arab territories. Mr President, I therefore call on all men to commit to the women in the world of work initiative with sincerity and commitment, for if women do not achieve their rightful status, we will not achieve ours as men. I thank you for your attention. May God bless you all.

**Mr Mimboui Nguema**

## Government (Gabon)

Mr Chairman, Director-General, distinguished delegates, in my person, Gabon is honoured to take the floor before this august body on the occasion of the ILC. I would like, before going ahead, to congratulate the Chairperson of the Conference, Mr Chair. With lively interest, we have examined the reports of the Chair of the committee of administration and of the Director-General of the ILO, the convergence of whose views and supremacy according to action go hand in hand with our country's hopes. The celebration of the centenary of the ILO in 2019 will be an important stage in the history of our organization. We share the opinion which has grown up inside our administrative committee last March which, and I quote, says "There's a large place in the initiative for the future of work while leaving margin for other initiatives," which should allow the ILO to face the challenges of the future. On the subject touched on by the Director-General in his report, I'd like to remind you that discrimination, of which women are the object, is a scourge on the world. As mentioned in that report, we note and deplore that the majority of women occupy low-income jobs. In the world of work, this phenomenon should not be attenuated but eradicated. This is a responsibility incumbent on all the constituents of the ILO. As regards the legal question on the agenda, violence and harassment against women and men in the world of work, I appreciate with optimism and serenity how well founded this is and the direct link it has with other Centenary Initiatives. Gabon has reinforced its legal arsenal, not only with the insertion of this concern in the working code but also the adoption of a special law on 5 September. Thus, any employee who is the victim of sexual or moral harassment can sue his employer or directly the staff representative bodies, which do have an alert procedure which allows them to warn and prevent the employer and to take any action it feels appropriate. The authors of the people who engage in harassment incur penal sanctions as well as disciplinary ones. Because of this, any dismissal of staff is [vgr INAUDIBLE 4:10]. Without

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being exhaustive, these punishments take on all the discriminative measures in matters of pay, training, reclassification, assignment and qualification. The adoption of instruments under discussion will allow us, if necessary, to improve our legislative framework. In Gabon, the President of the Republic has also instituted equal opportunities within his priorities. At another level, the Government has written into its road map the promotion of work and social protection, the switching of jobs from the informal economy to the formal, and the promotion of social dialog and tripartism as the vectors of peace, stability and development. To come to better results, the putting in place of this road map ought to be within a framework of harmonized expertise which is authoritative, promoting work for young people, women and vulnerable groups, improving and broadening social protection, promoting social dialogue and tripartism, because we share the firm conviction that the ILO remains the ideal framework for our concerted action and sustained action to promote decent work. Finally, ILO must see to it that these questions, notably women at work, are taken into account before 2030. Thank you.

**Ms Houlmann**

## International Confederation of Executive Staff

President of the Conference, distinguished delegates, tripartite social dialogue is the subject of the recurrent discussion of this 107th International Labour Conference. In his opening speech, Director-General Guy Ryder, called upon us to identify the obstacles. Here are some of them. Tripartism involves three types of actors. Let's start with the workers. Here in the ILO, we have known, for 100 years, what a worker is, that the relationship of subordination characterizes the worker. And in French, we all know here what a cadre is. In English, we speak of professional staff, executives and managers. These are white-collar workers but also pink or blue workers who have some type of responsibility, know-how, expertise or a team to lead. Managers serve as a bridge between employers and other workers. They are located at an intermediary position in the hierarchy, as they apply the decisions of the employer but also see to it that they are applied. The Confédération Internationale des Cadres, the CIC, created in 1951, is the first confederation representing managers at the international level. It includes apolitical, free and independent unions of executive staff and works towards social justice. We know how to discern limits between workers and employers, between worker, manager colleagues, and higher-ranking employer managers. The Philadelphia Declaration of May 1944 affirms freedom of association amongst its fundamental principles. However, in 2018, in some countries, executive staff cannot join unions. Is it right for countries, so-called advanced countries of America and Europe, to prevent or forbid managers from joining unions? Each worker should have the possibility, freely, to join a union, whatever his status, category, type of contract and nature of his employment relationship. Managers throughout the world should be able to unionize, participate in collective bargaining concerning them, just like all workers. Is it right to leave unions of managers outside of negotiations and exclude them from social dialogue? Is it democratic, for a government or a union of a country to offer unions and an observer's chair at the end of the table, or even worse, to exclude them from collective bargaining? Based on exactly what criteria are they not recognized by their peers? What criteria of representativeness do they not meet? The criteria of representativeness should be the capacity to contribute to social dialogue, the number of members, independence, freedom of expression, free of vested interests or governmental pressure, or the yolk of directors. Mutual recognition means the acceptance of diversity and the admission of all unions of workers meeting

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commonly accepted criteria. The world of work is evolving, diversifying. It's time to re-examine who may sit at the negotiating table. On the employers' side, it would be good to enrich delegations with all types of enterprises, historical or emerging. Small and medium sized enterprises, very small enterprises which provide most of decent work, contribute their vision of enterprises on a human scale. Enterprises of the social and solidarity economy, cooperatives, these are original models, often socially inventive, and they are innovative principles with added human value or interesting paths for the future. Why are companies reluctant? And finally, governments play a lead role in deciding whether to initiate social dialogue and promote collective bargaining, leading to broad-based consensus. It's good to listen, but reflecting and negotiating together is even better. The CIC advocates collective bargaining at the most appropriate level, respecting standards in all decisions concerning social policies of enterprises and nations. In conclusion, the centenary is a good opportunity to relaunch the role of social partners in the world and in enterprises and to strengthen tripartite social dialogue and revitalize collective negotiations. Alongside those who through social dialogue, are building the future of better, more just work, more decent employment, more respectful of the environment, you will find the CIC, the Confédération Internationale des Cadres. Thank you.

**Mr Sahraoui**

## Trade Union Confederation of Arab Maghreb Workers

Thank you very much. I am speaking here in the name of the Trade Union Confederation of Arab Maghreb Workers. I would like to thank you very much for letting us speak here. I would like to congratulate you on the Director-General's report, which focuses on gender equality and on how to achieve it. We are convinced that it is necessary to fight all forms of discrimination, and this needs to be promoted by international standards. There has to be more coordination between the United Nations organizations as well as other international organizations. In order for countries to achieve such equality, and for there to be a dialogue, it is necessary to communicate. It is necessary to do so, also, in order to fight harassment against women, both within the world of work and outside the world of work. It is necessary to fight discrimination against women, and it is fundamental that elements be set up in order to promote such equality. Ladies and gentlemen, in the world of the Arab Maghreb, there has been great progress in terms of women's right in all areas. Trade unions and employers' unions in the Maghreb have created important spaces in order to mobilize social forces to fight all forms of discrimination, including violence against women. The aim is also to empower women and to create gender equality. I do feel that in the political arena, too, this gender equality must be promoted. I would like to congratulate the President of Tunisia's initiative, because a law has been passed which enables both men and women to enjoy the same rights when it comes to inheritance laws, and I think that this is very inspiring for Arab countries and the Arab Maghreb. As to labour relations, with the support of other organizations and the ILO, we will strengthen programmes that allow us to coordinate with civil society and fight all forms of violence and harassment. The aim is, in part, to strengthen the legal framework in place. I would like to urge the ILO to support the Trade Union Confederation of Arab Maghreb Workers within the framework of advanced training courses. At these courses, we wish to focus on social dialogue amongst the various stakeholders in production. Ladies and gentlemen, the Director-General in his report on the occupied Arab territories has stated that the situation is very serious. The Palestinian people are suffering greatly. We would like to state that the Israeli occupation, the embargos, the colonizations, the settlements and so on are the sources

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of the degradation of the situation there. We wish to call upon all measures possible, within the framework of international law, to resolve these issues. It is important to avoid double standards, and it is necessary for the Palestinian people to be able to create their own free independent state. I wish you the best of success at this conference. Thank you.

**Mr García**

## World Federation of Teachers' Unions

Mr Director-General, we, the teachers, would like to state and highlight the following. Faced with the current capitalist crisis, and even more so, the devastation in the globalized world, the colleagues of the teaching profession continue firm in the conviction and thought that we, by way of open dialogue and fair bilateralism, will come to a common accord and social peace. I'm going to stress that not everyone is bad, so I ask today for your solidarity, but above all I ask this organization to intervene in our working relation, which should have fruit but a relationship which should bring relationships for the people and from the people. The law and obligations of law are things that have been forgotten. However, today, the workers in the teaching profession are taking part in an integrated development of the profession so that it should be secular, it should be free of charge and obligatory. We must see the imperative necessity of our road, which will bring us to success. The education in the world must be basic, it must be secular, it must be free and obligatory. In America, from North America, by passing through Central America, and finally arriving at South America, so I'll try to stress very firmly and specifically that we must get away from politics and policies which want to privatize education because they are trying to take education away from our children. But we also should think that the problems we are encountering are hidden in neo-liberal politics of corrupt governments who see education as a piece of merchandise. Ladies and gentlemen, my union appeals to the ILO and all delegates here present for equity, justice, unity and the application of class democracy, so that we come to a new era in education and work where tripartism and flexibility generate the necessary conditions for decent work. Today, on 5 June 2018, we say that, in face of the veracious growth of the imperialist in relation to military budgets, while investment in education is always going down. We must have a right to strike that is requested, so that any act of terrorism, any nuclear strike, anything that maintains ignorance. We claim an immediate halt to repression and criminalization of social protest must stop. We declare ourselves against privatization in education. The future of this and other generations depends on all this. It's very simple. Many years ago, Socrates, a great teacher from Athens, saw a truth and thinking about it said, "The only true wisdom is in knowing you know nothing." These are independent words which say a lot. Thank you so much.

**Mr Petersen**

## Government (Brazil)

Mr Vice-President, the Brazilian Labour Legislation dated back to 1943 and needed to be updated. After a comprehensive discussion in Parliament, the bill entered into force in November last year. It extends legal protection to specific situations of the economy that were previously uncovered. Hiring has been facilitated and formalization encouraged. The legislation increases eight times the amount of the fine directed to the employer who does not register their workers. Enhancing conventions and collective agreements between unions and employers is another key

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aspect of our modernized legislation. The labour rights enshrined in Article 7 of our Constitution, a robust and unique protection for Brazilian workers are fully preserved. The new legislation has still a way to go in order to placate the unacceptably high unemployment rate left by one of the worst economic crisis in Brazil. But figures of the first quarter of this year show that more than 330,000 jobs were created, a number not seen in Brazil in the last five years. Any matter on the case of Brazil concerning Convention 98 on collective bargaining should be dealt with in the framework and rules of procedure of the Committee of the Application of Standards. Mr Vice-President, Brazil strongly condemns all forms of modern slavery and is fully committed to its eradication. In 2016, the federal union states and municipalities adopted a national pack to eradicate modern day slavery. Over the course of the last decade, Brazil has developed innovative and effective policies and mechanisms to combat forced labour, such as the special group on mobile inspection and [vgr INAUDIBLE 1:35] list. The fight against forced labour receives full support from the Ministry of Labour. In September 2007, an additional 5 million reals (BRL) were made available for labour inspection in the whole country. During the last two years, positive concrete results related to the number of workers rescued from forced labour have been possible. Brazil is party of the main ILO Conventions, including Conventions 29 and 105, as well as the Slavery Convention and the American Convention of Human Rights. I thank you very much, Mr Vice-President.

**Wednesday, 6 June 2018, a.m.**

**Mr Pogacar**

**Government (Slovenia)**

Thank you. Distinguished delegates, ladies and gentlemen, the world of work is changing faster than ever. The transformations are mainly driven by rapid technological progress, which continues to profoundly alter the characteristic of the labour markets, as well the nature of work itself. Yet some old issues still preserve. One of them is gender inequality in the world of work which has, in spite of many significant efforts of the international community, proven to be very persistent. Therefore, I am especially pleased that this year's Director-General's report addresses the theme of Women at Work. Women represent half of humanity. That makes them the largest social group that is structurally exposed to discrimination. Moreover, around the world women are still exposed to violence and harassment at home as well as at work. In other words, they are victims of violation of the most basic human rights. This is why Slovenia strongly supports the effort of the International Labour Office as well as the efforts of the distinguished delegates that together bravely decided to address the issue of violence and harassment against women and men in the world of work in a comprehensive way and with the clear aim to develop, adapt an international legal standard that would clearly define violence and harassment in the world of work as unacceptable and illegal behaviour, as well as provide for accessible legal remedies for the victims of such behaviours and acts. Ladies and gentlemen, in many parts of the world, women have no or very limited access to the labour market, which prevents them from being economically independent as well as from fully realizing their potentials, abilities and aspirations. Even in the most economically developed countries the persistent stereotypes and some traditional values continue to hinder full and equal realization of women in the business world.

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Up to the present time, women in the so-called first world have been inadequately paid for their work or not paid at all for their home and care work. The latter is still mostly considered to be in the domain of women. Hence, it comes as no surprise that the leadership positions are even now predominantly reserved and accessible to men. Slovenia is already profoundly committed and devoted to the principles and objectives of the Women at Work initiative. The Slovenian Government is aware that hampering women means disempowering half of the population. This is why one of our government priority policies is ensuring the equality and equity of men and women in all areas of life. We are very proud of several achievements. In Slovenia there is a large proportion of women included in the labour market. Women are mostly employed full time. Furthermore, Slovenia is one of the few countries where the employment rate of women with children is even higher than the employment rate of women without children. The latter is the consequence of the very organized and accessible public childcare, existence of favourable arrangements in terms of maternity, paternity and parental leave, providing of morning and afternoon care of children in the lower grades of elementary school. Nevertheless, despite the high employment rate of women, the division of labour in the private sphere remains unbalanced. Women, compared to men, devote twice as much of their time carrying out unpaid, informal housework and care work. But this is not only the issue of the labour market. It is also the issue of the rights from the social security systems that are connected with the labour market. It is also connected to the lifelong learning issue of woman does not participate in the same level as men. The Slovenian Government launched several campaigns and projects on promoting equal sharing of housework and care work between women and men. Additionally, the Government adopted the Resolution of the National Programme for Equal Opportunities for Women and Men for the period 2015-2020. Strategic documents set objectives and measures to achieve gender equality in all spheres of life. To conclude, Slovenia fully and sincerely supports the ILO's endeavours for bettering the legal, social, economic and political position of women all over the world. ILO, with its unique tripartite structure and genuine ability to tackle international issues through social dialogue, from Slovenia's point of view, evidently represents a key platform for addressing and resolving persistent global issues. Thank you.

**Mr Mesa García**

## **Government (Cuba)**

Thank you, Chair. Delegates, ladies and gentlemen, we believe that the Director-General's report is well focused this year on gender equality in the world of work. It recognizes the advances that have been made, but it gives us a warning that there is still a lot of work to do to gain full equality. We also like the efficiency in the organization of the work of this conference, but we have to bear in mind that the two-week format means that we have to have plenty of time in the run up to the conference so that we can get documents and analyse them, particularly the reports and the speeches given in the opening session. The report talks about violence and sexual harassment at work, and it is generally women who are affected by this, and there is a very interesting consideration of the work-life balance on the one hand and gender equality on the other. This presupposes that all working women should receive social support and benefit for maternity care, but this isn't the case, but 71 per cent of women who are at work do not receive a minimum benefit in this area. We also agree that the working environment cannot be hostile or intimidating for women and any action which is undertaken by the constituents of the ILO should guarantee that we have

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workplaces without violence or harassment. We applaud the efforts undertaken by the ILO to push equality at work, both in terms of standard setting and through supervisory means and also by collecting data and also by identifying new opportunities. Looking at the initiative to promote a new international standard against violence and harassment at work, we believe that we have to bear in mind that there are different realities in different countries, and that we have to see what the actual situation is. And these are often covered by the instruments of other international organizations, and therefore we have to really analyse the situation in the world of work. Chair, in our country, we can proudly point to achievements that we have in this area, and we can see that Cuban women are much more present in the political and business life of the country, and we can see women involved in all tasks of the nation, particularly in the areas of health, science and education. Be that as it may, we are not happy with what we have achieved, and we are aware that we can achieve more, particularly if we establish new policies and legal standards which protect the role of women, the important role of women in preserving human kind. And it is we men who have an obligation, responsibility to work for that so-common goal. From the point of view of employers we want to see decent work on the basis of national policies which promote sustainable companies with high productivity, where women's entrepreneurial spirit and young women can be brought in and play a role in the economic development of our country. Cuba has also affected the crisis, and it has not escaped its effects, and we have seen this in the lack of civility in the products and services we offer, and also we have problems with external financing because of the embargo which has been imposed on us for more than half a century. We support the ILO in bringing improvements to the harsh reality that women suffer in the Occupied Palestinian Territories. Thank you.

**Ms Radišauskiene**

### **Government (Lithuania)**

Dear President of the Conference, distinguished delegates, the state emblem of Lithuania is Vytis, an armoured knight on a white horse holding silver sword in his right hand, and it means the ruler who can defend the country. We are all the knights carrying ILO initiative on Women at Work, fighting against violence and harassment at work. ILO indicated women who enter the labour market are now generally highly educated but still have difficult time finding work. When they do, they are generally segregated in poorly paid, insecure, home-based and informal work. So first of all, equal pay for equal value principles should be respected and promoted further in the context of current and future challenges and opportunities. To achieve this we need effective policy measures. The most important one for diminishing gender pay gap is pay transparency, which makes companies acknowledge the extent of its gender pay gap. Aiming to reduce pay and equality, Lithuania strengthened its anti-discrimination legislation. The new labour code foresees the obligation of ensuring equal pay for the same work of equal value. We have established the obligation for the employer to adopt measures for supervision and enforcement of the equal opportunities policies. Furthermore, the employer who has an average number of employees of more than 20 must, upon the request of the work council, provide depersonalized data by occupational group and gender on the average remuneration of employees. Secondly, taking into account the demographic shifts, we have to put more efforts on ensuring decent and paid employment in the care economy. As most of the workers in this sector are women they face major obstacles in this regard. Proper values setting of the care work would bring more improvements to women's

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working life and attract more men to these occupations. Equally important is for men to pursue careers in nursing as for women in STEM. As regards the digitalization and technological changes, we have to use these changes to reduce the occupational gender segregation. New flexible work arrangements give workers greater freedom on working time. Therefore, policies that can help to balance work and family commitments are essential, while ensuring that all women and men have equal rights to working hours which correspond to their individual needs. On the other hand, not only women but also men need to be protected from long working hours so that they could spend more time with their families and housework. When fulfilling the gender equality, women's participation in the decision making process at all levels also needs to be one of the main priorities. Both women and men must be involved in decision-making process and interest of both genders must be equally represented. Therefore, main priorities of Lithuanian Action Plan on Equal Opportunities for Women and Men are to promote equal employment opportunities, balance of participation in decision-making and promote gender mainstreaming. Several new activities supporting NGO's initiatives on the work-life balance, prevention of sexual harassment, multiple discrimination as well analysis of income gaps, development of good examples of gender impact assessment, training on equality tools in our working place are also foreseen. Coincidentally, Lithuania today is hosting the Women Political Leaders Global Forum, initiated by our president, Mrs Dalia Grybauskaitė and co-hosted by Lithuanian Parliament in cooperation with the Council of Women World Leaders. The forum is called 'It's about time! 100 reasons to act', and it highlights of importance of women's empowerment and potential in all around the world. Dear delegates, this year, in the eve of ILO's centenary, Lithuania celebrates 100 years of independence and 100 years of voting rights so we can really say our life can be different. We all have a chance to change everything, and here it is also the time to push towards equality at work together. Thank you.

**Mr Silva**

### **Worker (Portugal)**

Distinguished officers, distinguished delegates to the 107th ILC, I'm very pleased to be able to speak to you today on 6 June 2018, exactly 74 years after an event which changed the history of Europe and the world, the beginning of the long road to freedom and democracy, which started with the landing of allied troops on the beaches of Normandy, D-Day, which was known in history as Operation Overlord. Freedom and democracy have to be conquered again and again every day. It's never a finished product. It's always a dynamic process, permanently being built, so 74 years after thousands of soldiers and civilians fell, it is still necessary to remember all men and women who fell in order to make peace possible. We are living in a time of uncertainty. We constantly see the resurgence of populism and demagogy, praise for fanaticism, terrorism, xenophobia, deepening inequalities, nationalism which we thought had been consigned to the dustbin of history. That is why it is worthwhile continuing persistently to work in the ILO and the United Nations for peace. Working on the principle of compromise and the need for permanent dialogue, be it political, partisan or social, we must increasingly intervene together with all the social partners, inspired by the will of organized civil society and based on welcoming divergence of opinion, and even opinions, objectives and assumptions, but we must achieve agreement and understanding. In its 99 years of existence, we continue to see here in the ILO that it is possible to continue working for harmony and fellowship. It's always worthwhile fighting for peace. Only peace

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allows for inclusion. Only peace allows us to combat poverty and help those who have been forgotten and abandoned to their fate. Peace is the ally of tolerance and humanism. With peace we can focus our attention and our energy on placing humanity at the centre of our lives. Today, we're discussing the future of work and new forms of work which are emerging, but what if we do not debate the present? What if we don't understand what the future looks like to our young people? What if we're not able to establish compromises to guarantee that all men and women can build happiness through work, allowing them to support themselves in their own lives and for their families, providing the necessarily stability so that they can even set up a family, promoting birth and sustenance of their children, their education and their health? What if we're not capable of guaranteeing active ageing for our parents and grandparents? With generosity and respect we must not abandon them in the last years of their lives. What if we're not able to reconcile our increasingly demanding and stressing professional lives with our family lives in order to dedicate more time to our children and our family? If we're not able to diminish the great inequality we continue to see with disparities in treatment, wages, behaviour, access to political and management positions between men and women, we know that women suffer, often in silence, from the inequality that is their destiny, and this is in addition to the harassment and violence that we have not yet succeeded in eradicating. If we're not able to fight the great precarity that we've seen in recent decades on the labour market, what will happen? We see thousands of young people who are excluded and face instability, and they must face the constant danger of unemployment, and thus emigrate as a result of their disillusionment and despair. If we do not overcome all of these challenges, then how can we discuss the future of work if we're not even able to come to grips with the present? Because I believe in the spirit of social dialogue and compromise, and the ILO personifies this around the world, I would like to express my satisfaction with the social agreement reached on 30 May in my country between the Government and four employers' confederations and UGT Portugal. This is an authentic expression of unity amongst the political and social actors against precarity in favour of promoting collective bargaining. Isn't that the whole point of tripartism and the ILO? On behalf of the Portuguese workers whom I represent at this conference, I can say that we have met our ethical, civic and trade union responsibilities, mobilizing our societies and everyone in our countries every day so that we can build democracy. We know that the road is not easy, but the road is built by walking, and that is what should motivate all of us. Thank you very much.

**Mr Lacasa Aso**

### Employer (Spain)

Thank you, Madam Chair. Ladies and gentlemen, on behalf of my organization, which is the Spanish Employers' Federation, I would like to share with you some thoughts about the initiative that is being taken for Women at Work. In the report that the Director-General submitted to us, which tries to do the groundwork for a number of Centenary Initiatives, it refers to the challenges women face and it sets out a number of solutions so as to surmount gender inequality in the world of work. This is a very laudable effort by the Office, but we believe it's a missed opportunity because it is very subjective, and that is something which you see in certain parts of this text, and also there is no real empirical analysis which backs up the description of the underlying causes of this problem. What we miss here is that the ILO instruments, which are set out in this report, are themselves not subject to evaluation which looks at their actual impact and looks at the impact that they have had in

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standard setting, institution and national policies. The text doesn't refer either to examples or experiences that the office has been able to use on the basis of the resources that the organization has already dedicated to this subject. We believe that the focus is not the best because all effort is based on defence and promotion of gender balance at work, but only at work. We believe that if we look to what we have done in our own organization in Spain, we have come up with a number of conclusions based on analysis made of this area. We believe that managing equality in a company is strategic in its importance, and it has to be factored in as part of competitiveness. Secondly, many of the situations that we find in companies reflect what happens in its society, and these arise therefore from social factors, cultural, educational factors as well, and these can only be overcome via education, consciousness raising and awareness. Third, it's necessary to come up with a response to the difficult achieving of work-life balance, and this has to be done by a multiple approach. We also believe that it is very complex, and to come up with a single formula to bring in conciliation of and equality that would apply to all companies. Not all are the same and neither do they have the same ability to take up these challenges, and therefore one size will not fit all. We believe that it's up to companies to play a role in achieving equality, but it is vital that all actors work together, the idea being to promote women professionally, and to break the glass ceiling so that we can have gender parity at work. This is a collective effort, and we understand that employer organizations have to make a contribution to promote feminine talent, and they also have to get companies to work towards just that. We're mindful of the leadership that our organization has to play. Our work not only should be limited to writing Recommendations, but we have to really develop initiatives such as the promotional programme, and its main thrust is to help women get access to managerial posts. Also to promote education so that we can give greater entrepreneurial education, and also to give greater visibility to women in business so that women can be truly representatives as that they ought to be. This is an initiative that has been taken, and indeed 436 managers from 260 companies have been involved in this, and we have managed to bring on 45 per cent of the participants. We trust that these contributions will enrich this discussion on this very important initiative of the ILO. Thank you.

**Ms Feijoo**

## **Worker (Uruguay)**

Madam Director-General, at this 107th ILC, the Uruguayan workers would like to begin by acknowledging the special sensitivity expressed by the Director-General in his report identifying the struggle against violence and harassment of women in the labour market as well as the slow consideration of their rights, fair pay and indeed fair treatment in the labour market. We also note his concern for the problems of labour in the zones occupied by the Israeli State, in territories which belong to the Palestinian Government. We reject this because it does not contribute to regional or world peace. Decent work is not possible in the middle of war and torture of a people. Turning to the first issue, we are all discussing in this conference the Future of Work and how this is related to the unfair order affecting women around the world. Indeed, we have no place for violence and harassment of women as we have no place for slavery or child labour or a lack of freedom to organize, and all of these are related to the concept of decent work. Labour is at the centre of our concerns. It is the glue that is inclusive, democratizing in our societies, and it must not exclude women workers. If we want to incorporate the concept of equality and fairness for women

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into our work, we must recognize that there is no reason at all to prevent them from exercising their basic human rights, the freedom to organize and collectively bargain. In my country, Uruguay, I am a garment worker, a trade union leader in my sector, a wife, head of a household, a mother, a militant and a citizen, and I exercise my right to determine my wages and working conditions on an equal footing with my fellow workers who are men. I maintain my right to defend my safety and my health and my physical and psychological environment as appropriate at the workplace. This is the result of my activities as a trade union activist in the framework of our labour relations and collective bargaining, which I enforce in my country. These are legitimate and appropriate, in line with the standards of this organization. This is the tools that Uruguayan workers use through our representation in order to carry out our struggle to defend our interests. We exercise trade union actions in the context of the core Conventions of the ILO, all of which have been ratified legally in our country. Nonetheless, we have been unjustly attacked, as has the Government of our country, by conservative and reactionary pressures in this conference, and that was the case as well in previous conferences dating back to 2011. These pressures come from Uruguayan employers and the international employers' organization. In Uruguay, we have certain tools that allow us to defend our rights as women, broadening our representation in the conduct of our trade union business in our trade union centre. We are strengthening our bipartite and tripartite actions to defend decent working conditions. Here there is no place for violence or harassment at the workplace, and this takes place in the framework of labour relations where the primary person responsible for the climate at work is the employer. Thus we are struck, as we work here at the 107th ILC, in the Committee on violence and harassment in the work of work, we are struck by the response and the sensitivity, and indeed to pain, that we see in the Director-General's report reflecting the positions of the employer sectors and many delegations of governments represented here. They are resisting taking a position about the future adoption of a Convention or Recommendation reflecting simultaneously the clear understanding that they understand what is happening in this committee. We welcome the officers of this conference and their constituents and their work in this committee. We encourage the employers to change their negative, negligent and unproductive attitudes. We would make the same demand for those who are working in the Committee on Application of Standards. We must return to production of standards and strengthen the bodies which constitute the supervisory system of the ILO. We need to restore the standard setting system in our region, and thus we emphatically reject what happened with the unfair implementation, without consultation, of labour reform in Brazil by an illegitimate government who nobody voted for, and they question the content of instruments that we demand in the form of the Mercosur Labour Declaration. Finally, we would like to salute all organizations who fight daily for decent work and for more and better democracy. Long live the workers of the world.

**Mr Breen**

## **Government (Ireland)**

Morning, Chairperson, distinguished guests, delegates. I'm very pleased to be here today to address the plenary of the 107th Session of the International Labour Conference. It's a particular source of pride that I do so as Government Minister of a country which is now a full member of the Governing Body. When Ireland was elected to the Governing Body last June, it was the first time since the ILO was born in 1923, so it was an honour for us to have a full seat here. Our term on the Governing

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Body coincides with the ambitious period in the history of the ILO, as it prepares to mark its centenary year next year. One of Centenary Initiatives is Women at Work initiative is the focus of the Director-General's excellent report to this conference. The ILO's record of achievement regarding its commitment to the cause of gender equality at work and into society was the subject last year of the National University of Ireland's Edward Phelan's lecture. Irishman Edward Phelan is an important figure in the history of the ILO. He played a leading role in the 1919 Paris Peace Conference, became Director-General of the organization in 1941, and is widely recognised as the architect of the ILO's unique tripartite structure. On the occasion of the Phelan Lecture, I, together with the Irish Congress of Trade Unions and the Irish Employers Federation, Ibec, had the pleasure of responding to the learned lecture on Women at Work: the Role of the ILO. This was delivered by Professional Mary Daly, President of the Royal Irish Academy. Professor Daly demonstrated that women and work was the core interest of the ILO from its foundation. Yet, as the Director-General points out in his report, almost a century later we're still a long way from the goal of equality. Last year the Irish Government published the National Strategy for Women and Girls, which reflects a number of measures set out in the Programme for Partnership Government to reduce the gender pay gap. This includes the strengthening of the role of the Low Pay Commission, increasing investment in childcare, reviewing gender equality in senior appointments, and promoting wage transparency. Additionally, our legislative programme includes Gender Pay Gap (Wage Transparency) Bill. Ladies and gentlemen, facilitating female participation in employment is an element of the Government's Action Plan for Jobs, which recognizes enhancing female participation in the workforce has the potential to address the growing needs for skill and talent and to deliver significant social gender equality benefits. The Irish Government has performed better than it thought possible since the first Action Plan for Jobs was adopted in 2012 in response to the severe unemployment crisis facing the State at the time. Since then the whole of government focus on restructuring the economy towards expert-led growth has actually proved very successful. The labour market has performed very strongly with over 345,000 people more at work since the first action plan was launched six years before that. And, of course, the unemployment rate has fallen significantly in Ireland from a high of 16 per cent to below 6 per cent now, at 5.9 per cent in April 2018. Ladies and gentlemen, delegates, our Action Plan for Jobs 2018 differs from previous action plans. It is no longer about building a broken economy but more about solidifying progress and ensuring resilience. Brexit, the continued need to realize the potential of our regions, developing our workforce and the ongoing drive to be competitive, to be productive and innovative all combine to inform the actions set out in the 2018 plan. Over the same period, in close consultation with our social partners, we've enhanced employment rights, strengthened our Industrial Relations framework and reformed the State's workplace relations framework. More recently, work has commenced on ratification of the Forced Labour Protocol. These developments, that the Irish Government's are committed to, the Decent Work agenda. It is vital that the Decent Work Agenda informs our thinking on the future of work in this era of unpredicted change. Amidst all the change, one fixed point remains, and I say this sincerely, people are and must remain at the centre of the world of work. Ireland is fully engaged with the ILO's important work in this regard, including hosting a conference in Dublin last year in the context of the Future of Work Centenary Initiative. Continuing the theme of the changing world, I refer to tomorrow's World of Work Summit on the topic of employment and decent work for peace and resilience, which I'm very pleased to say will be addressed by the President of Ireland,

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Michael D Higgins. The summit will focus on the central role of employment and decent work in responding to the contemporary crisis situations. Ladies and gentlemen, I will conclude by wishing the tripartite conference participants every success in this important work and what they're doing here at the International Labour Conference is aptly referred to as the international parliament of labour. Thank you very much.

**Ms Hajdu**

## Government (Canada)

Well, first let me begin by thanking the ILC, President, ministers, ambassadors, Director-General and delegates, and I'm happy to speak with you on behalf of the Canadian Government. Canada's proud to be an active member of the International Labour Organization, and our Prime Minister, Justin Trudeau, strongly believes in the importance of engaging in this forum. And one of this year's agenda items, violence and harassment in the world of work, is very important to me, both on a personal level and as Canada's Minister of Employment, Workforce, Development and Labour. I have seen devastating effects of these behaviours first hand, and I've heard the stories of brave individuals who have come forward as part of a global movement against workplace harassment and violence, and these stories have shed light on the magnitude of the problem in Canada and indeed all around the world. As Minister of Employment, Workforce, Development and Labour, part of my mandate is to ensure that federally regulated workplaces, including Canada's Parliament, are free from these intolerable behaviours, and addressing this issue is not only the right thing to do, it is the economically smart thing to do. Allowing workplace harassment and violence to go unaddressed is costly in every way, from the psychological and emotional harms, the physical harms, to the social and economic losses that result. Employees who face harassment and violence often live with high levels of anxiety, of stress, illness and fear, and employers see a reduction in productivity, lower employer commitment, increased absenteeism, higher turnover, legal costs and costs related to sick leave, as well as oftentimes unwanted publicity and a severe impact on brand. The Canadian Government, as part of our broader focus on ensuring the economic success of women, is committed to finding solutions to ending harassment and violence in the workplace, Canada and internationally, and so at home we're acting quickly. We've introduced new legislation to end harassment and violence in our federally regulated workplaces, and this legislation will require employers to prevent incidents, to respond effectively when they do occur and to support victims in their time of need, and the bill is currently going through our legislative process with support from all political parties. We're all committed to getting this right. And Canada is also supporting change around the world. We are taking an active role in current ILO negotiations to develop new international standards that will help protect individuals from workplace harassment and violence, and we're also seeking to include enforceable labour protections in all of our trade agreements. We are promoting a modern trade agenda so that all new and renewed trade agreements include provision on labour, environment and gender. We know that action to protect our workers, our environments, and to promote greater economic empowerment of women is not just the right thing to do, it is the smart thing to do. Provisions that reflect Canada's commitment to fair labour rights is part of all of our ongoing free trade negotiations, and it's a commitment to demonstrating to Canadians that we're expanding our trade with other countries with fair economic success as our primary

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goal. Legislation, creation of new international labour standards, extending protections through trade agreements, these are all important measures, but we know that they can never be full remedies. For too long employers and managers, indeed all of us, have tolerated workplace harassment and violence, and these behaviours are deeply ingrained in all of our societies. So much so that we don't even notice them. And of course, those with the least power are often the most victimized, and so to change cultures that tolerate this abuse of often the most vulnerable, we must all act. We all have to work tirelessly and together to see change. Governments, employers, organized labour and individuals each are responsible to act with the power that they hold to make this change. We must act collectively to stop tolerating these behaviours, and when we see inappropriate actions in the workplace, we have to speak up. We must support those who have the least power to speak up when they experience these incidents, and when we hear or see something that's wrong, we need to act. And for those of us with power, we must use our power to take action to make our spheres of engagement safe for everyone regardless of gender, age, race or culture. And so I call on all of us to build on that momentum that's been put into motion by those who have been courageous enough to stand up and to say, time's up, no more. We must commit to ensuring that our workplaces are safe and where people, particularly women, can pursue their work free of harassment and free of fear of violence. For many vulnerable people around the world, going to work is a fearful event, and we've got to commit to be allies to those with the least power to protect themselves, and this kind of brave advocacy is the kind of change that's required to ensure better outcomes for all our people, economies and our societies as a whole. I call on you to be part of that essential change. Thank you.

## **Ms Podgorska-Rakiel**

### **Worker (Poland)**

Dear Mr Director-General, the President of the Conference, distinguished delegates, on behalf of the Polish workers' delegation, I would like to first make remarks on the topic of the recurrent discussion of social dialogue. Without tripartite dialogue, no government, no employer and no trade union organization is in a position to develop and improve labour standards. Only tripartite social dialogue, also creation of new regulations based on the principles of decent and safe work, enable all contributors to solving the problems of people covered by the labour protection as well as workers in precarious situations. In this context, I must mention negative Polish development, which stands in opposition to decent work principles. Last month a new type of civil contract in agriculture was introduced to the Polish legal order. It is a contract on aid in harvesting, which introduces a new category of workers as so-called agricultural helper. An agricultural helper is covered neither by the provisions of the labour code nor by the act on minimum wage and is excluded from the scope of health and safety regulations. The result is another precarious category of worker on the Polish labour market, unprotected, underpaid and at risk of pension below basic living cost. Moreover, not all government related measures in Poland in the field of legislation are implemented through full cooperation and tripartite dialogue. Some legal acts are hurriedly dealt with, reaching social partners too late. Trade unions must intervene by demanding compliance with the consultation deadlines. On the other hand, I would like to thank the Director-General for drawing attention to this situation of women in employment. In his report, the Director points out there must be no space at the workplace for violence against and discrimination of women. Generally binding ILO standards are particularly important in this respect.

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On the basic goals of the International Labour Conference should be a broad discussion and adoption of the Convention together with a Recommendation that will be entirely devoted to this topic, and here I appeal to all of you to adopt such a solution. So far such a Convention has not been adopted, and there are undoubtedly countries in which women are used in forced labour, are discriminated against in terms of pay, violence and humiliation at work. We should not be passive in the face of such discriminations, hence the ILO's normative activity would be more than welcome in this regard. Finally, I would like to share with you information on one issue very important for the Polish trade union movement. In 2011 my trade union, NSZZ Solidarność, filed a complaint to the Committee on Freedom of Association because in Poland the self-employed and other persons performing work on the basis of civil-law contracts could not join trade union. After seven years, following the Recommendations of the committee to amend the provisions accordingly, this change becomes a fact. All persons engaged in gainful employment, regardless of whether they are covered by the definition on employee, included in the labour code or not, will be able to take advantage of the freedom of association already this year. I would like to thank the Director-General and all of those involved in the development of tripartite dialogue, fair rules of employment and remuneration. May this year's debate serve to improve the fate of working people around the world. Thank you for your attention.

**Mr Triaca**

## **Government (Argentina)**

Thank you, Madam Chair. In the run up to the centenary of the ILO, we are going to continue our discussion on the Future of Work, and this is indeed one of our priorities as presidency of the G20. We're aware of the importance and the impact that new technology has in each of our sectors, and we want this technological change not to be a threat but to be an opportunity for all where no one is left by the wayside. We need to know what skills will be needed by the jobs of the future, and we are preparing that challenge with the idea of continuous vocational training, and we want to cover various sectors so that we can see whether we have the proper continuous training which will be at one with the needs of labour. This means that we're going to have to come up with more job opportunities, and we're going to have to make companies more productive. As a part of our presidency of the G20, for the first time a group of labour and education have been working together on this, and also the L20 and the B20 groups have been asked to analyse these discussions. We also pay particular attention to gender equality at work. This is one of the fundamentals of the ILO. Indeed, it is one of our basic rights within the ILO. There has been progress made in our country, but nevertheless over the last ten years there has been some stagnation. We don't believe that there is work for men and work for women. We believe this is something that involves all of us, and that is why our country is doing all it can to overcome difficulties of access to work by women. One example of this is a discussion on leave that has been brought to our National Congress and which is going to be dealt with there, and also the quota in trade unions and also pay equality. Also, we are suggesting that we look at the makeup of the different collective agreements, which can distort the role of women in the world of labour. As part of this, we also have our first discussion on violence and harassment at work. Our country expects that we will have an enriching exchange of ideas, and we see this as a priority for our Government. And thanks for the ideas within society and for what

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women have done to overcome this scourge, we have been able to promote a law on protection of women against harassment and violence. We are also proud of the fact that we were the hosts of the Fourth World Conference on the eradication of child labour, and we have reaffirmed the 96 commitments that we entered into as part of that. And finally, Argentina is in a process of developing social dialogue at the moment, and our President is at the head of that. And in that framework, we now have committees in various sectors, more than 24 sectors in employment, training and innovation, where we're not just looking at standard setting, but we're also looking at the future of work. In the building sector, we've been working in the Vaca Muerta non-conventional energies. In the automotive sector, in the engineering sector, we've been looking at wind energy and renewable energies, and these are some of the areas where we're having real and effective social dialogue. And also, we also have clear negotiations so that we can go from a model of conflict to a model of dialogue. Apart from dialogue we also have a commitment to truth. We have changed our statistics system where there is now public access to information, and these are basic for Argentina. And also, we're against collusive behaviour or gang-like behaviour, and we want to protect the citizens of our country from this. And we believe that there should be no particular privileges and prerogatives according to the Constitution, as is set out in Article 16, and we are working with the justices of our country so that we can really declare war on corruption. No one is above the law, and in a true republic, justice has to act with free hands, and it has to respect the division of powers. The conclusions which are reached here have to be based on tripartite discussion according to the makeup of this organization. In different times, and where world peace looks under threat, we need to use forums such as this so that we can then achieve understanding and tolerance between countries, and this is an approach that Argentina supports to the hilt, a fair and integrated world. Thank you.

**Mr Campa Cifrián**

## Government (Mexico)

Madam President, distinguished representatives of governments and employers' and workers' organizations, members of the tripartite delegation of Mexico, ladies and gentlemen, a warm greeting from the President of Mexico. Today, we are discussing a matter which is enshrined in the Director-General's report on Women at Work: The push for equality. Women in the labour force are placed at a disadvantage. There are flagrant violations of their rights. This slows down economic growth and thus the development of our nations. Around the world women's wages are below those of men. The World Bank in its studies has pointed out that on average women earn between 60 and 75 per cent of the wages that men earn. In addition to the wage gap, we see that women have fewer opportunities to enter the labour market. Gender equality provides a lot of potential for society, and the development of our countries require that we adopt this. We have seen that if women participate in the economy in the same way as men, the world GDP would increase by 2025 by some \$28 trillion. There would be an increase of 26 per cent of world GDP. In the near future, the labour market will undergo major transformations because of demographic changes and the so-called revolution 4.0. This is challenge for our nations. Mexico celebrates the importance of this subject in this conference as part of our discussion on the Future of Work. Moreover, in the globalized world that we live in, we must take advantage of the benefits of individual mobility and open markets. There are major opportunities for employment, especially for women and young people. We must face the future with the best possible policies, the most rational policies. The adoption

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of restrictive practices in trade represents a threat to a whole generation of employment and undermines the potential that women and young people bring to the world of work. In Mexico in recent decades, we've seen greater participation by women in productive activities. Similarly, we have modernized our labour legal framework making Mexico more attractive to investment and creating more decent work for men and women on an equal footing. Our 2012 Labour Law prohibits discrimination due to gender or sexual harassment and the practice to require pregnancy certificates. We recognize the rights of women to take their maternity leave during pregnancy and to reduce their working day when they are still breast-feeding. Also, for the first time we have recognized paternal leave with salary, thus promoting gender equality. In 2015, we issued the new law on non-discrimination and labour equality to consolidate our labour culture and promote the empowerment of women, incorporating gender and non-discrimination in recruitment, selection, mobility and training. We've undertaken actions to prevent violence at work. Of the 3.6 million formal jobs created in Mexico over the last five years, 43 per cent were taken up by women. This is the highest figure we've seen ever since we've recorded these figures. This is exceptionally positive for women where we only have 3.23 per cent unemployment nationally, and we have lowered the rates of informal labour, so we've made positive progress thanks to the joint efforts of workers, employers and the Government. Ladies and gentlemen, the Mexican Government fully agrees with gender equality at work. This is fundamental for sustainable development of nations. We welcome the discussion in the Committee on violence and harassment at the world of work. Finally, we congratulate Mr Ryder for his commitment to making the ILO a violence-free zone and a harassment-free zone. Thank you very much.

**Mr Osovyi**

### **Worker (Ukraine)**

Madam Chairman, ladies and gentlemen, the Director-General's report over the last two years on the equality for women gives an objective account of the activities of the ILO. We would share the ILO's view that decent work is a general requirement and that political leaders and business circles cannot leave this to one side and any kind of change in national systems of social protection can only be implemented in the direction of improvement, taking account of the resurgence of economic growth. Ukrainian workers also think it's important to continue with the programme of cooperation with the ILO known as Decent Work in Ukraine. The situation, as such, in our country is very worrying. We have this baggage of unsolved problems, which have been piling up for years with the unrelenting military activities in the east of our country. Only through an improvement of national economy and the reinstating of peace will it be possible to meet the many challenges which are before our society. The Government is implementing a plan for reform for 2018, but this requires growth levels in GDP to go up to 3.4 per cent. Some improvement in the economy and in the activation of collective bargaining agreements will have led to an increase in the minimum and real wage levels in the country. However, the minimum pay is still below the poverty line. There's no visible progress, and there's a problem with wage debt, which affects at this time some 100,000 workers. As a result, we're surprised at the ILO decision to close the procedure following the submission by the Ukrainian trade unions on this issue. Over the last three years, we've seen some 4 million people who have been forced out of Ukraine to go work elsewhere because of low wages, and about 600,000 of these are permanently out of the country. The problem of the outflow of workers and the shortage of managers itself is based on the background

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of the decline of our economy, which has created a slowing-down effect in its development. Low levels of pay for a qualified worker are so low that the ratio between their pay and those of top managers in state companies is 1 to 100. Then there's the question of the gender pay gap, and effective payment of women in Ukraine is about 80 per cent of their male equivalents. Yet, working women are generally better educated, certainly more women have higher education than men do. We have proposed to the Government and employers to introduce a general discussion on pay, overcoming poverty and also dealing with other problems in the country such as rating of work, because work is underrated. Ukraine is the lowest paid country in Europe. Despite all our efforts, we come up against strong policies of the IMF, in particular, who are mainly concerned with getting their loans repaid. In the next four years, we will have to pay back \$27 billion to the IMF. This has a negative effect on the talks between ourselves and Government and employers towards new collective bargaining agreements. A number of breaches of trade union law or rights have taken place, and it's becoming more and more difficult for us to produce fair labour dispute settlements. We are losing our buildings, our training centres, despite the fact that we have proof that we are entitled to these, and this is disrupting our activities. We have carried out a number of different protests to the Government and Parliament, and if we don't have any success with this we will have to take our case to the UN High Commission for Human Rights and the European Court of Human Rights. This is not the first time that we've tried to obtain redress from international organizations. Therefore, I'd remind you of the case that we brought before the CAS on ILO Conventions 81 and 129 on labour inspection and the adherence to the legislation in that area. Finally, I'd like to express the hope that the ILO, in the future, will continue to provide technical support to Ukraine to improve our social security situation and do everything to make it possible to get better results in the area of work and to improve the situation for our workers. Thank you.

**Ms Robinson**

## **Government (Jamaica)**

Mr President, Director-General, distinguished delegates and observers, ladies and gentlemen, good morning. Mr President, I begin by offering you and your Vice-President heartiest congratulations on your elections to preside over the 107th Session of the International Labour Conference. As we approach a centenary of this great institution, my Government would again like to pay homage to our Director-General who continues to lead the organization with passion, commitment and purpose. We thank him for his reports. Mr President, while Jamaica continues to seek development cooperation in support of our Sustainable Development Goals, we are proud of the fact that the Government has adopted the right policies and programmes for decent work outcomes. Three years ago, we received technical support from the ILO through a pilot project for formalization of the informal economy to build the capacity of small entrepreneurs to better empower them and embrace the principles of decent work. We continue to work with the ILO with a view to reaping the benefits of that project. In that connection, we are pleased that in the last two years we have seen a significant reduction in the unemployment rate from 12.7 per cent in January 2017 to 9.6 per cent in January 2018 and a reduction in youth unemployment. The poverty rate declined to 17.1 per cent, a reduction of 4.1 percentage points relative to 2015. Reducing child labour also remains a priority, and through the assistance of the ILO Jamaica has received Tier 1 status. Our collaboration with the ILO and the US

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Government on the Country Level Engagement and Assistance to Reduce Child Labour, the CLEAR Project, will undoubtedly contribute to our achievements in that area. Mr President, Jamaica hails the Director-General for his report on *The Women at Work Initiative: The push for equality*. In support of greater inclusion of women, Jamaica has passed The Employment (Flexible Work Arrangements) Act, which has led to the repeal of the outdated Women (Employment of) Act. We are also advanced in our review of the legislation as regards working time, which incorporates inter alia 24 consecutive hours instead of one day as a rest day for workers, offering greater protection to care workers who are predominantly women. Our women have long been making great strides in the labour market, and there has been an upward trend in that regard, with an increase by 4 percentage points from 54.8 per cent in 2012 to 58.8 per cent in 2016, and this is expected to increase. In addition, according to the *Women in Business and Management: Gaining momentum 2015* report, of 108 countries researched Jamaica recorded the highest proportion of women managers at 59.3 per cent. We do recognize that non-standard and precarious forms of employment practices still exist and are continuing to address these practices. Violence and harassment in the workplace is a matter which the Government of Jamaica has taken quite seriously. Parliament is currently considering the passage of the Sexual Harassment Act, which we expect to address one of the most serious and prevalent forms of violence and harassment. We also have high on the legislative agenda an Occupational Safety and Health Bill that identifies violence and harassment at work as a core safety and health issue, and it's also intended to address psychosocial hazards in the workplace. At the centre of it all is the Economic Programme Oversight Committee, EPOC, a multi-partite mechanism anchored in social dialogue and tripartism and which has contributed tremendously to Jamaica's macroeconomic stability. Mr President, on the eve of the centenary celebration of this noble organization, let the true meaning of the Philadelphia Declaration imbue in us a spirit of hope that in the words of Nelson Mandela, "We may become a force of peace, friendship and social progress throughout the world." I thank you.

**Mr McCoy**

## Employer (Ireland)

Good morning ladies and gentlemen, colleagues. Ireland remains Europe's fastest growing economy. This impressive performance is testimony to the strength of the Irish business model, a model of substance with depth, diversity and years of tactical planning and implementation behind it. This year job numbers will reach record levels, with over 2.2 million people at work and the economy approaching full employment. However, maintaining this success presents challenges. Firstly, how do we do so without experiencing significant competitiveness erosion and the knock-on impact of this on jobs and living standards? Secondly, how do we do so while positioning the economy to face the challenges posed by rapid technological improvements and fundamental shifts in the nature of work itself? Today, I want to raise three areas where we need to be assertive. Confident policy responses are required, one that addresses the immediate issue and those we will be facing for many years to come. The first is education. Automation, digital platforms and other innovations are causing a growing polarization of labour market opportunities between high and low-skilled jobs, unemployment and underemployment, and risk increasing income inequality. To address these challenges, public policy should focus on investing in individuals' broader employment security rather than maintaining a specific role which will eventually become redundant. Throughout the schooling

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system, flexibility, resilience and an appetite for learning needs to be much better integrated in what we teach and how we teach it. Curriculum reform and teachers' professional development are critical. The second issue I want to address is job transition. While we need to equip young people with skills to navigate this new world I've described, we also need social security and education systems to provide necessary support at all stages, not least because there will be many stages. People will be changing jobs, they'll be changing courses, much more so than in the past. Smooth transitions between work and between non-working phases in life is going to be a crucial component of both the quality of work and the quality of employment. It is this key determinant in enabling more people, especially women, to participate and remain in the workforce and combine paid work with other responsibilities and activities, and these include looking after families. These transitions will depend on effective public employment and social protection systems, reformed in line with how labour markets are, not as how we wish them to be. They cannot be regarded as services to turn into just at times of economic difficulty. We must turn to these services in much more progressive ways than we have done so in the past. The third point I want to mention is the broader issue of labour market regulation. With longer working lives comes the need for different types of working for different people at different stages and in different circumstances. It is time to rebalance the narrative that flexible hours or part-time working is always poorly paid, undesirable or precarious. Many workers choose to work in sectors for flexible hours are available to achieve this work-life equilibrium. The work-life equilibrium that they both require and desire, and the ability to access flexible forms of work, have created significant opportunities for many workers to take up and to retain an active working life while balancing other responsibilities or ambitions at the same time. Our focus should be on providing well-designed, stable working arrangements that allow for this flexibility, a system that enables employers to respond to the changing business demands whilst also creating the opportunities to build decent work for those who wish to vary their levels of participation in the workforce. In conclusion, the new world of work demands a new approach, an approach that meets the challenges head on, but one that is also tailored to take up the many opportunities that are now present, and we will look to this future as a time when we had the opportunity to make that change now. Business cannot afford to wait around for outcomes of long policy-making processes. In a globally competitive economic environment, there has never been a more urgent time to think about how talented, enterprising workforces and constant innovation in product and service development need to be married together. We need the right labour market policies to support future workplaces that are driven by dynamic science and technology, flexibility in working practices, flexibility to engage and attract talent, which will be crucial to promote economic growth. If these are well-thought-out and designed policies, then we can really look forward to both a great future and sustainable employment. Thank you.

**Mr Koolmees**

## **Government (Netherlands)**

Thank you. Dear Chair, Director-General of the ILO, social partners, member States, ILO officers, NGOs and other guests, good morning. It's a pleasure to speak here today at an organization that is so valuable to us. The ILO sets the international standards as far as labour and social security are concerned and has done so for almost 100 years. But I have to say, the Dutch Ministry of Social Affairs and Employment is slightly ahead of you, and I guess it will always be so because this year, exactly

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this year, we are celebrating our 100th anniversary. And I believe that our celebrations will look quite alike as we have similar history as well as shared challenges, both at present and in the future. Our shared past is one of social dialogue. In the Netherlands we value this dialogue enormously. It has become part of the decision-making process in areas where economic and societal interests come together and not necessarily align. It has proven to be a powerful instrument to breach differences in a peaceful manner, and it has brought us many positive things: a joint commitment to employment, the willingness of employers to support vulnerable groups, trade unions that are constructive, even in troubled economic times. Similarly, on a global scale, the ILO has been successful due to its tripartite structure. Indeed, the ILO is the only UN organization that has brought, and continues to bring, governments and social partners together for reaching consensus on issues that matter in the world of work while respecting each others viewpoints. This is a history we should cherish and foster. ILO's tripartite structure contributes to our efforts to create a level playing field in our labour markets and to our continuous fight for decent work. Also, it can help us to reach the Sustainable Development Goals, for example, in relation to child labour. More generally, we can only promote social justice, equality and sustainable development if we combine our efforts. The Netherlands will continue to invest in the ILO, both financially and with our efforts to build bridges between the three ILO constituents. Let's also be mindful of recent successes. In this respect I would like to particularly mention the report of the Director-General of the ILO on gender equality. I wholeheartedly support the central conclusion of the report, yet the road to gender equality is a long one. The ILO must remain committed to achieving equality of opportunity between women and men. Reaching the age of 100 by no means implies that it's time to rest on our laurels. You can only keep up by looking ahead. Looking ahead requires updating our way of working to present standards, both on a national and on a global level. We have to ask ourselves how effective the treaties and recommendations are that we have drawn up in the last 100 years? The Netherlands therefore supports the modernization process initiated by the UN Secretary-General and also more specifically the initiative by the three constituents of the ILO to set up their own committee regarding the modernization of Conventions and Recommendations. The Netherlands is a member of this committee, and we will continue our efforts to support its undertakings. Modernization is especially important now that the world, and not in the least the world of work, is changing so rapidly. The Conventions and Recommendations should keep the protection levels that we have accomplished. It should be more goal oriented. Supervisory system of the ILO should be modern enough to keep constructive track of what is happening in the members of the ILO. We are facing similar questions on a national and on a global scale. How can we better handle future globalization and anticipate on robotization? What will the future of work bring us, and how can we assure that this future will be a bright one? These are questions we need to answer together. Dear Mr Chairman, ladies and gentlemen, I will conclude, the ILO can make a tremendous difference in the world by creating a level playing field as far as labour and social security are concerned. Let's commemorate the past while making future plans. I look forward to the ILO's centenary next year and the results of the Global Commission on the Future of Work. Thank you very much.

**Mr Carles Rudy**

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## Government (Panama)

Mr Chairman, may I congratulate you on your election and for the excellent work that you're doing in stewarding this congress. I would like to extend my congratulations to the Vice-Presidents of governments, workers and employers, and to Mr Guy Ryder, the Director-General of the International Labour Organization. On behalf of the Ministry of Labour of the Government of Panama, we would like to welcome you all to this 107th meeting of the International Labour Conference. Chair, as we approach the centenary of the ILO, we recognize what has been achieved by this organization, which is responsible for the development and supervision of international labour standards. It was created in 1919 as the only agency of the United Nations which is tripartite in nature as the governments, employers and workers, its constituents, work together in developing its programmes and policies and in the promotion of decent work for all. Be that as it may, we also recognize the challenges that we face, and everyone is aware of those when we face the future of work. Chair, we would like to welcome the Report of the Director-General, the initiative regarding women in work and the push for equality, and this says that women lagging behind affects the full development of countries. In Panama, gender equality is also an unpaid debt, and we have to deal with this, and that is one of the most important undertakings of the government administration including my Ministry. We have noted the challenges that we face in terms of gender parity policies to increase the workforce so that we can work nationally to remove any barriers which cause segregation along gender lines. We are mindful of these concerns, and in recent years, we have now become a leader in the global development agenda, and we are very happy to see that our Deputy President and our Foreign Minister have been chosen as the regional champion for the initiative to achieve gender equality in the Caribbean and the Latin American region. This programme is called EPIC, and we're working with the ILO, UN Women and the OECD on this project. Panama has adopted a law, and we've adopted Agenda 2030 for sustainable development, and the target number five on gender equality has become key in our actions to empower women in all social spheres, in the economy and in politics. Also, the Ministry of Labour and Development is a leader in implementing the equality seal on companies with the support of UNDP and the advice of the ILO. We want to bring in practices which will mean that there is equal treatment and equal opportunities for both sexes. In the month of June next, we will start implementing this project in ten companies. The parity initiative in Panama is of great importance for the country, and it is supported by the Inter-American Development Bank and the International Economic Forum with the leadership of the Vice-President and the Foreign Minister. And there is a public and private platform to reduce the gender gap through promoting actions and policies which will increase the economic participation of women in the labour market based on three pillars. One, we want to have pay equality for same pay for the same work. We want to bring more women into the labour market, and three, we want to promote women to leadership positions. And also, taking into account the many types of discrimination that working women face, the Ministry of Labour has made sure that we will look at labour rights of domestic workers so that they can also come into the social protection system within the country so that we also have information on their activities. It is also emblematic to talk about what has been done regarding paternity leave in Panama because we understand that there are great benefits that come from such paternity leave. It is good for mothers, and it also helps families integrate with a future view of their re-entry into the world of work after leave finishes. We wanted to have sustainable and true results, and therefore we are working with other agencies regarding employment, and we are providing support in

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these areas. Training in vocational skills... [vgr INTERRUPTION 05:49] We are also looking at how we can bring women into work, and we particularly want to look at the most vulnerable such as people with disabilities. We have a real commitment to the Centenary Initiative... [vgr INTERRUPTION 06:09]

**Mr Sánchez Reyez**

## Government (Peru)

Thank you, Mr President. Ministers, delegates, on behalf of the Government of Peru, I'd like to offer you a warm and respectful greeting. Peru has been a member of the ILO since it was created in 1919 and is currently a regular member and Vice-Chairperson of the Governing Body. Our country respects the core Conventions of the ILO on trade union freedoms and collective bargaining, abolition of forced labour, minimum age, eradication of child labour, equal pay and non-discrimination, amongst others. Similarly, we support the initiative on Women at Work: The push for equality, proposed with a view to the centenary of the ILO. In this context, I'd like to emphasize that, in Peru, we are aware of the inequalities and underlying disadvantages for women at work. Thus, in November 2017, we adopted a law prohibiting pay discrimination between men and women. Its goal is to specify categories, functions and pay levels allowing us to implement the principle of equal pay for work of equal value. In line with what the Director-General of the ILO has said in his report, we wish to go beyond business as usual. Our law says that employers' bodies, be they public or private, must guarantee that their workers have dignified treatment and a workplace climate based on respect and non-discrimination, as well as an authentic work-life balance. Turning to violence and harassment from which women at work suffer, our law says that employers must guarantee prevention and penalties for sexual harassment. Here we have decided to begin an awareness campaign to promote a culture of equality and non-discrimination in the world of work. All of this is part of our ongoing coordinated policy with the Ministry for Women in Vulnerable Populations. Moreover, the Government has submitted to the Congress of the Republic a proposal to ratify Convention 189 of the ILO on domestic workers. The purpose is to make it provide a framework to improve working conditions for these workers, most of whom are women. Turning to another point as part of the initiatives for the centenary, we would like to express the view that we are determined to continue to meet the existing challenges of social justice and sustainability. We shall continue to develop our labour and employment policies based on the needs of people, care for our planet and fairness. I would like to share with you that amongst the priorities we have been promoting, recently we adopted the Sectorial of Strategy for Labour Formalization 2018-2021. That is because informal employment in our country, and in many others, is one of the main problems we have, despite the fact that in the last 12 years it has fallen significantly. Our national goal is to increase by 500,000 formal registered jobs by 2021, which is the bicentennial of Peruvian Independence. As part of our Labour Formalization Policy, we wish to strengthen our labour inspectorate, coordinating this with regional and local governments, and we wish to include active participation of workers and employers. By 2021, we shall substantially increase the number of labour inspectors and regional offices. We shall implement the administrative court for labour supervision in order to guarantee legal certainty and equality under the law. We have proposed legislation to comprehensively regulate labour training schemes in the public sector with a view to improving management and attracting young talent in the Civil Service. The social dialogue and tripartism,

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as expressed in the ILO as part of the premise for social justice, is such that in Peru we have decided that all reform and labour policy has to be based on dialogue and consultation between workers and employers. Thus, the Government's aim is to strengthen the National Council for Labour and Employment Promotion. We have foreseen a mechanism to revise the system for determining minimum wages, starting in 2007, in order to have an institutionally established wage-setting system. We are very much looking forward to the centenary ILC next year, which is symbolic for this organization. We feel our attention, by way of a priority, must be focused on the Future Work Agenda. We must, through tripartite dialogue, successfully meet the many challenges that the future of work has given rise to. New technologies must be placed at the service of man, increase of productivity, and of course, healthy and sustainable growth. Finally, as part of the ILC, we reiterate our warm greetings to you and would like to let you know that we are fully prepared to work together with you on the seven Centenary Initiatives of the ILO with a view to understanding and responding to the changes in the world of work and in society. Thank you for your attention.

**Mr Mecina**

### **Employer (Poland)**

Mr Chairman, ladies and gentlemen. This year's session precedes the 100 anniversary of the International Labour Organization, and the reflection and preparation of this important event cannot be avoided. From my perspective, this year there is particular significance as it is also the 100th anniversary of regaining independence of the Republic of Poland, after 124 years of partitions. The 100th anniversary of the Polish State which, at the time of its freedom, become a founding member of the International Labour Organization closely linked its history with this organization. Today, celebrating the 100th anniversary of the Polish State, Poland can display its achievements of almost 30 years of transformation and 14 years of integration with the European Union. Despite the controversy over some political reforms, it is undoubtedly worth recalling the successes that we are achieving in the area of labour and social policy. As a representative of Polish employers, but also a public activist, I would like to warmly congratulate the Director-General on the choice of the issue of tripartite dialogue as the main theme for the discussion in this year's session. Also, I would like to congratulate on the Centenary Initiative Future of Work, which my goal is to prepare the work of labour for the challenges of the future. Ladies and gentlemen, Poland is an example of a country that is supporting efforts related to economic and social reforms, precisely those forms of tripartite dialogue which mechanism was implemented in the 1990s. The Polish Social Dialogue Council is the most important institution of dialogue with many important competencies and a great potential for action in the area of social and economic policy. In accordance with the European social model, Polish social dialogue tries to combine social cohesion with the competitiveness of the Polish economy. It responds to contemporary challenges and consequences of the international crisis. It also works on improving the situation of the Polish labour market, invests in the quality of work, and finally, it fights against poverty. Today, Poland can display many successes in this area, realizing this way the idea of promoting decent work. Ladies and gentlemen, Poland is consistently implementing the model of vocational education reform, bringing the Polish vocational education system closer to good examples of dual education, realized together with employers. High level of activity of the Government of Poland is focused on investments in the area of family policy, and counteracting aging population which has already proved to have negative effects

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on the labour market. The challenge is to construct family programmes so that they do not limit their professional activity of women and improve the living standards in Poland. Poland is still facing many challenges of improving labour standards and labour law reforms, reforming employment policy, supporting the disabled, and finally, encouraging the development of a senior policy. Ladies and gentlemen, the tripartite dialogue promoted by the ILO is still key mechanism for supporting social reforms which, on the eve of the 100th anniversary of the International Labour Organization, is proof of the importance and effectiveness of this organization in building global progress and decent work. Thank you for your attention.

**Mr Makihara**

## **Government (Japan)**

Thank you Chair. Director-General, distinguished delegates, ladies and gentlemen, it is a great honour for me to have this opportunity to make a statement on behalf of the Government of Japan at the International Labour Conference. First of all, I would like to share with you the employment situation in Japan. The current employment rate is 2.5 per cent, the job to applications ratio is 1.59 nationally, and in every prefecture the figure exceeds 1.0. In addition, 98 per cent of university graduates found jobs at the time of graduation, making a record high. The flipside of this high level of employment is that many enterprises are facing difficulties in finding the right talent. Endorsing the Director-General's report, the Japanese Government places great importance on women's advancement in the labour market. In order to promote women's advancement in the labour market, it is important to create a favourable workplace environment to make it easier for women to pursue their careers. It is also important for enterprises to support women's advancement. To this end, we have been implementing various measures. For instance, it is estimated that childcare facilities for approximately 523,000 children have been newly prepared from fiscal year 2013 to 2017. We are working on creating more facilities for an additional 320,000 children from fiscal year 2018 to 2020. Furthermore, in 2014, we increased childcare leave benefits for the first six months of leave from 50 per cent to 67 per cent to prior wages. The aim is to enable women to continue working without quitting their jobs while raising children or caring for older family members. Regarding the promotional measures by enterprises, we established a new legislation called the Act on Promotion of Women's Participation and Advancement in the Workplace. It obliges major enterprises with more than 300 employees to analyse the situation in terms of women advancement and to develop action plans. Because of such initiatives, the number of women working has increased by 2.01 million in the last five years, and the percentage of women returning to work after giving birth to their first child has recently grown to more than 50 per cent from the previous 30 to 40 per cent range. In addition, we plan to allocate a part of revenue from a Consumption Tax raise in October 2019 to free early childhood education and childcare services for children aged between three and five. The Japanese population peaked at 128.1 million in 2008 and declined by about 1.4 million over the following nine years. It is projected to fall below 100 million by 2055. As the population in Japan is shrinking, the administration of Prime Minister Shinzō Abe, is trying to build a society where all citizens, including elderly and young people, women and men and persons fighting illness or with disabilities, can play a dynamic role. The greatest challenge to achieving that goal is Work Style Reform. It enables workers to choose more diverse work styles according to their needs, abilities and their circumstances that they face. We are carrying out the reform

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from the workers' perspective. More specifically, the reform tackles long working hour practices through tightened regulations such as an overtime cap of 720 hours annually and 100 hours per month. Under this reform, overtime should also not exceed 80 hours on average in two months. Those who violate the regulations will face criminal penalties. Currently, non-regular workers make up 37.3 per cent of the workforce, and 68.2 per cent of those workers are women. In 2017, 14.3 per cent of non-regular workers had no choice but to take non-regular jobs. To that end, the government plans to develop provisions that prohibit unfair discriminatory differences in treatment of regular and non-regular workers. Aiming to implement such reforms, we submitted the Work Style Reform Bill to the Diet for deliberations in April. Japan is a leading solution provider in addressing issues including declining birth rate, population aging and shortage of the right talent. In this situation, we positively adopt innovative solutions, such as artificial intelligence, in a wide variety of industrial activities and for people's lives in order to resolve various social problems. We hope that our experiences can be of reference to all of you in addressing your own domestic issues. Through exchanging information and opinions, we would like to work together to realize the dynamic engagement in society of all citizens, including women. Thank you.

**Mr Sousa**

### Employer (Panama)

Good morning, Chair, and to the conference and to the Director-General of the ILO and all the tripartite delegations here and all who are gathered here. According to the report from the Director-General, we would like to particularly refer to the obstacles in the way of women in the world of work. We recognize the work that the ILO has done to come up with solutions, and this would then bring full development of women, and we want to talk about the good practice that we have adopted in the private sector in Panama to promote Equality at Work. The CoNEP and its Gender Committee has been trying to implement the ILO Conventions, and this has brought together the employers' side so as to promote this. We see this as being something which has to be sustainable, and we recently did a study, and we did a study on women in management of companies. And we wanted to make our society more aware of what has to be done, and we have a number of actions which are in a road map and we want to promote the empowerment of women. And we have a number of objectives, such as the following. We have to know what the current situation is. We have to promote gender equality for women at work. We have to provide information and make people aware of this. We have to identify opportunities so that women can take on leadership roles. We have to know what the entrepreneurial policies are regarding non-discrimination of women, and we also have to look at what work is being done on Gender Equality, and we also have to know which companies would like to work in this area. We believe that we have to bear in mind, and not lose sight of, the contribution of women to the national economy, and we have to bring more women into the world of work. We know that it is our responsibility to do that, and it is also an opportunity so that decision-making can be more inclusive and bring in women, and this is something that concerns all of us in Panama. It is a priority for us, but this is also part of work that we do in public private partnerships, and we believe that the employers' side is an important ally in gender issues. We are also working with the Ministry of Labour, together with our Foreign Ministry. They have made considerable efforts to eradicate child labour and to bring in gender equality. We believe in tripartite social dialogue, and we would make a call that our committee

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be able to make real advances here for both parties. We believe that we have to do this, and it is a good place to discuss matters of mutual interest. We also have a standing committee that has been set up, and we would want to have an effective social dialogue so that we can guarantee industrial peace and sustainable development, which will bring decent work to the whole country. As employers, we want this to happen, but we believe that it is important that we also have legal certainty as well. We are looking at the laws that have been passed, and these laws have gone through the National Assembly without consultation of the employers' side. This would be against Convention No. 144, which talks about tripartite consultation, and it is important that the private sector also be consulted. We also noted that there has been a concern with the strikes, and this is a practice which is illegal, and therefore our Ministry of Labour has to prevent this. We also have to look at how inspection has to be used to provide evidence in court cases, and sometimes this is against the interests of companies. We will also be able to tell you that we are working with the ILO on a study to promote sustainable companies with the idea that these initiatives are going to have an impact on jobs, and this would also help us to create decent work through an improvement of the general business environment. In this way we can create wealth, and we can also add to development of the company and of decent work. Finally, we want to share with you that we are very honoured to be a part of the Institutional Committee which was coordinated in the 19th Regional Meeting of the Americas of the ILO, which will be held in October of this year in Panama. We would cordially invite all of you to attend. Thank you.

## **Ms Carovska**

### **Government (the former Yugoslav Republic of Macedonia)**

Distinguished President, distinguished Director-General, Mr Ryder, distinguished delegates, ladies and gentlemen. Allow me to start by expressing my appreciation to this opportunity to attend the conference organized by the International Labour Organization. As the Minister of Labour and Social Policy of the Republic of Macedonia, together with the social partners and to deliver the address. I am certain that you would agree with me that every worker is happy and satisfied when their work is dignified. That is when their rights and dignity are guaranteed and respected. The provision of dignified work presents a vital aspect for greater performance and stronger motivation for every employee. It does, however, require joint efforts and communication from both the government institutions and the social partners. The exercise of fundamental human rights is required by both international and national legislation related to the labour, primarily with the United Nations Universal Declaration of Human Rights which is incorporated in the Constitution of the Republic of Macedonia. We, as a country, together with the social partners have been working on enhancing the existing working conditions, creating new and improved conditions for decent and dignified work at the same time. The need for decent work arises primarily as a result of the fact that it links the support to the development and productive and competitive enterprises with the most important aspirations of the people such as good income, job security and social protection for them and their families. Better development and social integration prospects, equal opportunity and treatment for women and men and freedom to exercise their problems to become member of the trade unions and to take part in making decisions that affect their lives. Ladies and gentlemen, for the first time, Decent Country Work Programme was signed with the social partners for the period 2010–2013. The next one was signed 2015. It covers the period until 2018. Each individual programme

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presents a complex document that envisages action to the certain areas that directly influence the provision of decent work, specifically in the field of employment, social protection, working conditions, social dialogue, international labour standards and gender equality. I am glad to say that together with the social partners, and to a large extent, with the support of International Labour Organization, we have success in attaining the goals and activities this far, and I hope that the trends will continue in the future. Allow me to elaborate on one of the priorities in the latest Decent Work Country Programme and the realization thereof. The first one, inclusive development through job creation and sustainable enterprises. The second, effective social dialogue, and the third one, formalization of the informal economy. In view of the set priorities, the National Employment Strategy was adopted. The National Strategy for Formalization of the Informal Economy was adopted. Continuous work was done on strengthening the social dialogue and collective bargaining capacity of the social partners. A functional system for amicable resolution of labour disputes was established. The capacity of Economic Social Council was improved at both national and local level for the purpose of fulfilling their advisory role, and so on. The Government of the Republic of Macedonia is fully committed to enhancing the protection of working rights, beginning in the mind that this is one of the priorities continuing in the programme of the Government. Whilst achieving these priorities, several legal solutions were adopted last year, thus making the step forward in this area. To illustrate the position, I would like to mention the amendments to the Law on Labour Relations which further required the satisfied certain provision and introduced the new ones relating to the importation of workers in case of termination of employment through the business reason. Furthermore, it was made compliant with the revised European Social Chapter in the section of Protection of Young People and adequate amendments to the improved business environment were made. Furthermore, amendments were also made in the law for minimum salary, which in addition, increased per month but also equalized the minimum salary of employees in all sectors. Following the example of the Private Employment Agency Convention, the law of Private Employment Agency was drafted which now regulates both the establishment and functioning of the types of agency in compliance with international standards. The Government of the Republic of Macedonia believes that the issue of safeguarding and improving the health of workers is one of no less importance and has therefore outlined guidelines for action which are set out in the Occupational Safety Health Strategy 2020. The strategy defines the vision, the strategy approaches, the principles and the main goals of the results and priorities and the key challenges. An action plan has also been developed and adopted, envisaging activities aimed to the system of the occupational safety and health management through a wide participatory and consultative process involving all stakeholders. Ladies and gentlemen, at the end of this short address, I assure that we shall not stop at that we have already achieved thus far in terms of improving the condition for decent work but shall continue to work together with the social partners on the segments that directly affect the provision of decent work whilst taking into the consideration the international standards, experiences and findings. Thank you for your attention.

**Mr Gangwar**

## **Government (India)**

President of the 107th ILC, Director-General ILO, dignitaries on the dais, ladies and gentlemen, *namaste*. It is a matter of great joy and pride for me to be present at this stage of the 107th International Labour Conference of the ILO. The ILO's agenda

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this year is not only contemporary but also relevant. This conference will prove to be a milestone in ensuring better life and service conditions for the workers. Discussion on issues such as women's participation in the workplace, social dialogue and tripartism, sustainable development of the workers engaged in the organized and unorganized sectors will contribute to the human dignity throughout the world. In the last four years, under the leadership of Honorary Prime Minister Shri Narendra Modi ji, our Government has taken concerted efforts to promote the development of all the sections of society, and labour has been the centre of this development process. India is one of the fastest growing economies in the world. Through creative reforms in the tax regime, our Government has successfully implemented the GST as part of the indirect tax system. At the same time, Ministry of Labour and Employment is working to rationalize labour laws in line with changing social and economic conditions. In this direction, provisions of more than 40 labour laws are being simplified into four labour codes. These codes aim to ensure minimum wages, universal social security, improving the working environment at the workplace and strengthen industrial relations. India ratified ILO Conventions 138 and 182 concerning child labour last year. To have an impact at the ground level, we have launched the PENCIL Portal which has components that ensure mechanisms for register of complaints, child tracking system and rehabilitation of child labour. Under the Prime Minister Employment Promotion Scheme, the Government of India reimburses 12 per cent of the total Provident Fund given by the employer for new employee. As a result of this, so far 4 million workers have moved to the organized sector from the unorganized sector, and in the coming year, more than 10 million workers would move to the organized sector. Fixed-term employment has reduced labour market rigidity and has made the country's labour force more dynamic in nature. This has also imparted flexibility to the establishment. At the same time, social security cover is being ensured to the workers. In our commitment to social security to women workers, the Government of India has increased the paid maternity leave, under Maternity Benefit Amendment Act, from 12 to 26 weeks. With this initiative, India has become one of those countries in the world that provide maximum maternity benefit. In order to promote entrepreneurship in the country, especially among the youth, women and small enterprises, the Government of India has launched the flagship microfinance scheme MUDRA under which 6,000 billion rupees (INR) have been dispersed in 120 million accounts. Under the scheme, more than 75 per cent of the beneficiaries are women. The Government of India provides INR0.2 million life insurance cover, and INR0.4 million accidental insurance cover to the workers engaged in the unorganized sector. The entire premium under these schemes would be paid by the Government. I am pleased to mention that as on date, 30 million people have been registered under these schemes. Also under the Ayushman Bharat scheme, 100 million families will be provided health-related social security cover. The scheme would provide to each family medical insurance cover of INR0.5 million. We look forward to the outcome of these discussions in the ILC and again congratulate DG Mr Guy Ryder for a successful ILC. *Jai Hind, Jai Bharat.*

**Mr Abu Al-Ragheb**

**Employer (Jordan)**

In the name of God, the Merciful, the Compassionate. Mr President, ladies and gentlemen, members of the delegations, dear participants, I am delighted, on my behalf and on behalf of the board members of the Jordanian Chamber of Industry

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and representative of the employers of the Royal Hashemite Kingdom, to participate with you at this 107th Session of the International Labour Conference which is held annually in order to look into the latest social and economic issues on the international stage, as well as looking into the opinions of the participants and the experts with regard to the appropriate recommendations. As you may very well know, the Arab world, and Jordan particularly, are facing huge economic challenges due to the ongoing Syrian refugee crisis and the necessity to provide decent living for the refugees. But despite the size of the international aid, this is only covering small parts of the cost of hosting the refugees. But Jordan, and by the grace of God and its wise leadership, was able to safeguard its safety and stability. It has provided all the necessary facilitations in cooperation with the international programmes organizations in order to train the Syrian refugees and qualify them to enter the labour market and provide the sustainable sources of income to them and their families. The Jordanian Chamber of Commerce as its part as the umbrella for the Jordanian industrial sectors is participating in the setting up of national economic policies and through the persuasion in the Socio-Economic Advisory Council which are working through the public and private partnerships to implement recommendations to foster the business environment and provide for the economic development and the attraction of more investments that would create jobs, and especially in the least affluent parts of the Kingdom and where the preservation of the youth and women is being fostered. This is in order to safeguard decent work through the participation in governance, supporting activities in this regard, and working gradually and regularly on implementing the decent work principles. The Jordanian Chamber of Commerce is coordinating with the ILO and its regional offices through the necessary implementation and facing of the challenges being faced by the Jordanian labour market, helping employers and jobseekers face these challenges through technical and vocational training and education in Jordan. This was also implemented through cooperation with the Jordanian Ministry of Labour through the initiative to develop specific sectors by running four vocational training centres within four determined sectors in order to upgrade the qualifications and enable jobseekers to find further job opportunities. This is also beginning to help our Syrian brothers and sisters to find training scholarships for refugees, and this initiative requires all the support and the systematic possible support that would enable it to continue. Ladies and gentlemen, the ongoing efforts to achieve the principles of decent work and for the socio-economic development can only be achieved through a conducive environment of just and comprehensive peace in the Arab region. Particularly no doubt that the most important question on the international and Arab stage is the Palestinian cause and the City of Jerusalem and the right for the Palestinians to have their own independent State on their lands with Jerusalem as its capital, with the assurances that the Hashemite custodianship of the Holy sites. Therefore, the solidarity and support of the international community is required to achieve this just and comprehensive solution. In conclusion, I would like to thank all the staff of the ILO and the Arab States Regional Office in Beirut for their positive cooperation and ongoing efforts to support Jordan in its efforts to achieve sustainable socio-economic development and the application of the international labour standards. I also wish you and the organizers of this ILC continued progress and success. Thank you for your attention and may the greetings, grace and blessings of God be upon you. Thank you.

**Mr Usamate**

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## Government (Fiji)

Mr President, congratulations on your appointment and the appointments of the Vice-Chairs. The Report of the Director-General highlights four key areas in the work of the ILO and member States now and into the future. Employment, social protection, social dialogue and tripartism, we agree that these are key pillars that not only advance us into the world of work and the future of work but also sustains us in the process. In the second Director-General's report on the Women at Work initiative, we also agree that despite progress in member States there is still more that needs to be done. We need to supplement policy instruments with new and innovative approaches. Business as usual is just not enough anymore. There is heavy focus now on green jobs and green economy with estimates that 24 million new jobs will be created globally by 2030, in 12 years time, but we need appropriate policies in place to support green economies. The transition to green economies is directly linked to climate change. Under Fiji's current presidency of COP23, with the support of the German Government, we are working on accelerating climate action through *talanoa* or transparent, inclusive and participatory process. We hope to be able to advance this work in the scheme of moving towards green jobs and green economies. Under Fiji's COP23 presidency, ILO has been able to participate in technical groups giving advice on climate change negotiations on just transition and the Decent Work Agenda. We are glad to have been the bridge to link ILO into the climate change discussion and just transition under our COP23 presidency. In Fiji, we have adopted a green growth framework and a 5-year and 20-year national development plan. These provide sustainable development programmes for environment resilience to reduce poverty and enhance economic growth in the face of climate change. In employment creation and sustainability economic growth is key. This year we will enjoy nine years of consecutive economic growth. Last year our unemployment rate had dropped to 4.5 per cent, and this is the lowest recorded in 20 years. We are well ahead of our national development plan target of reducing unemployment to less than 4 per cent. In providing social protection to the most marginalized in society, we have implemented a national minimum wage, and we regularly review this. We have a strong emphasis on social wage to assist our least well off. These include electricity and water rates subsidy, free tuition, free school bus fares, breakfasts for class one students, pensions for the elderly, free medicine and so forth. We endorse the importance of national employment policies highlighted in the Director-General's report. We are committed to fulfilling the Sustainable Development Goals, which are captured in our own national employment policy now in final text. Our policy captures ten key areas including youth employment, green jobs, gender equality and strengthening good faith relations. We remain committed to meeting these deliverables through social dialogue and tripartism. We are finalizing our Decent Work Country Programmes that will focus on sustaining decent work, job creation and a just transition in rural areas, including climate change and strengthening tripartism for sustainable development decent work. The Director-General's report presents some staggering data on the Women at Work initiative and reveals the reality that disparity still persists. This will continue unless we insist on change that is effective, sustainable and time bound. In a world where we are advocating that no one must be left behind, women, however, continue to face the exact opposite. We are discussing this year violence and harassment in the world of work, a topic closely related to women at the workplace. To accelerate action on this, we fully support the formulation of a Convention supported by a Recommendation. In Fiji, labour force participation is 76.4 per cent for males and 37.4 per cent for females, revealing that the participation of women in the workforce is still a challenge. With this in mind we have

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implemented measures to accelerate equality for women and increase economic participation and empowerment. We have relevant laws in place and a National Gender Policy and a Woman's Plan Of Action that promotes gender equity, equality, social justice and sustainable development. We support the Director-General's report on *The Women at Work Initiative: The push for equality* and call on the ILO and member States to step up action on creating equality, raising more awareness, increased inspections, technical assistance and sharing best practises. We look forward to working with the ILO to push for more visibility and meaningful outcomes in the future of work we want. I thank you, Mr President.

**Mr Awuah**

## **Government (Ghana)**

Thank you. Mr President, ladies and gentlemen, I wish to start by congratulating you, Mr President, and your Vice-Presidents on your election to the Bureau of the 107th Session of the International Labour Conference and also to thank you for the opportunity to address this gathering. I welcome the Director-General's report entitled *The Women at Work Initiative: The push for equality*, one of the seven initiatives through the ILO will mark its centenary and strategize for the future of the world of work towards the achievement of gender equality. The report has clearly underscored the need to pursue the goal of equality, which admittedly has been slow, and as a result, there is a need to supplement the policy instruments for the promotion of equality and with new and innovative approaches that address the obstacles and suggest how best they can be tackled in a renewed push towards equality. I admit that today's world of work is unfair to women, and there is no reason to expect that the future will more be benevolent to them unless we make a conscious decision to halt this hostility. Many complex factors contribute to making the world of work unfair to women in varying circumstances and this needs to be addressed for progress towards equality. Mr President, in Ghana, women constitute over 50 per cent of the 88 per cent workforce in the informal sector. This gives us a reason to support the call for continuous engagement to eliminate the gender inequalities, and Ghana agrees that the formalization of economic activities which women frequently undertake in conditions of persistent informality and underemployment is paramount. To address this, we are in the process of passing into law that Domestic Workers Regulation to ensure that domestic work conforms to decent work standards. Our country agenda to formalize the informal sector is anchored on identification, digitization and financial inclusion, and this has being championed from the high office of the Vice-President of the Republic. Under our flagship three-tier contributory pension scheme, the informal sector currently continuous to expand with more women rolling onto the third-tier voluntary pension schemes. Mr President, the ability of women to balance their reproductive roles and economic activities continues to attract Government's attention. Through a shared tripartite consensus on the need to do more to achieve greater involvement of women in economic activities, Government's commitment is manifested in its efforts to extend maternity leave from 12 to 14 weeks. Similarly, the bill to address the underrepresentation of women in decision-making and general political and economic landscape that the affirmative action bill seeks to ensure 40 per cent women participation in ministerial and public appointments at all levels. This bill is before Cabinet for its consideration. Mr President, with his appointment as the AU leader for gender and development to implement Africa's comprehensive transformational 50-year plan, Agenda 2063, His Excellency the President Nana Addo Dankwa Akufo-Addo has already aligned his

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vision for Ghana in the coordinated economic social development policies to develop optimistic, self-confident and prosperous nation, in which mutual trust and economic opportunities exist for all. Mr President, as a champion of promoting socio-economic development of women, girls and gender parity in Africa, there is no doubt that the President leading Ghana's commitment to support the five building blocks for a new push for gender equality is more urgent now than before. We acknowledge that failure or neglect will inevitably condemn us to a future of work with which remains gender unequal, and for this reason Ghana supports the effort being made towards achievement of this task. Mr President, I want to thank you for your attention.

## **Mr Carvajal Bustamante**

### **Employer (Mexico)**

President of the 107th ILC, Mr Guy Ryder, Director-General of the ILO, I would like to offer you a respectful greeting. With the coming centenary, I would like to tell you that CONCAMIN, the Mexican Employers' Organization I am representing at this conference, is also a centenary institution celebrating 100 years of its existence organizing the industrial sector of Mexico and reiterating its principles and objectives, which are in line with those of the ILO, including promoting employment and the formal economy, gender equality and equal opportunities. Our development process has been consolidated thanks to structural reforms achieved in the following sectors: energy, telecommunications, taxation, education, the labour code. These have been supported by the employers' sector and have established economic and social stability in our nation. The presence of lasting and sustainable companies is indispensable as a means of generating employment. We have had 3.6 million jobs created over the last six years. To continue, it is indispensable to have healthy governance which is both representative and efficient. Its function should be characterized by transparency and accountability, honesty and effectiveness. It must consistently eliminate red tape, which affects the creation and operation of our companies and leads to informal labour. The respect for private property, freedom of expression, legal certainty and personal security are some of the principles that must frame positively our institutional actions. Mexico, in fact, has signed the largest number of international trade agreements, which has opened a channel to economic affluence through productive investment and decent work. We are convinced that social dialogue and tripartism, the pillars of this house, have been reflected in various institutions of social security in our country where the structure and administration include a tripartite participation which is egalitarian, harmonious and efficient. Employers are aware that the future of our country must mean sustained growth and productivity in order to provide decent wages, a culture of effort not waste and quality education allowing better incorporation of students and young people into the labour market. Ladies and gentleman, distinguished delegates, 100 years ago the ILO was founded was founded after an act of extreme violence which almost wiped out half the population of Europe, and other violent events have meant bloodshed and violence in many homes around the world. This assembly comes together to study, analyse and discuss a new instrument to help eliminate violence and harassment at work, which affects workers of both sexes. What is important is that this document should be balanced and satisfy and meet the objectives, and it could also lead to the possibility of prosecution to stop violence in all forms everywhere, not only in the world of work but indeed throughout our tormented planet. Director, the year 2019 will be momentous in the life of the ILO. Its initial activities provided guidance to the world of work in light of the impacts of the industrial revolution. Now we are

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facing Revolution 4.0, technological advancements, artificial intelligence and innovation. We must not see this as a threat to employment. We should see this as a source of potential opportunities. Failure to move forward is a retreat. In order to move forward we must work together to prepare our workers in educational establishments and working with government and employers. This challenge requires courageous decisions, intelligent, assertive, consistent and fair decisions in order to transform the world of work, and we must listen to the ideas that emerge and the projects that are proposed and consider the actions to be taken to achieve our aims. We welcome the upcoming celebration of the centenary of the ILO. Thank you very much.

## **Ms Teleguario Sincal**

### **Government (Guatemala)**

Esteemed president and delegates, before I speak may I, on behalf of my Government and people, thank you for the indications of solidarity and support to my people given the terrible eruption of the Fuego volcano, and I would also like to present my own condolences to the families affected by this natural disaster. I would like to address you at this 107th International Labour Conference, and I extend to you a fraternal greeting of the representatives of the governments, workers and employers. The Guatemalan Government welcomes the Report of the Director-General, *The push for equality*, and we believe that we also share its ideas and its innovative methods so that the world of labour no longer remain one made up of just men, and it does not force women to adapt to that model. We are a country that after 36 annual years of conflict is still learning from its differences, and we are making a firm stride in the direction of social dialogue. We are mindful of the fact that we still have challenges before us, but we are going to face these with optimism and boldness. We believe that this is the only way to achieve social justice, and we can only do that by eradicating poverty and bringing in decent work. In this connection, we have a national policy on decent work, and this has been brought together in a participative way, bringing in young people, women, the disabled and migrants on four specific approaches: job creation, use of human capital, environment for the development of companies and also moving people from the informal to the formal sector. We have had a good result for young in the country because we have a number of jobs fairs that we have held around the country, and we have managed to find work for more than 27,000 people. In 2017, more than 3,000 grants were awarded for technical training to vulnerable groups, and we have empowered more than 10,000 women regarding their own rights. The Government of Guatemala has also launched a campaign, 'Yes to Convention 189'. We wanted to promote the rights of domestic workers. We also have made an effort with society and private companies, and now we have looked at preventing and eradicating the worst forms of child labour. We have reduced the amount of child labour to 59,000 children, and therefore we are seen as amongst the 23 countries in the world that have made considerable progress in this area according to a report that was done by the Secretary of Labour of the United States of America. Thanks to our labour inspectorate, we have been able to save more than 900 million quetzals (GTQ) and pay that to workers, and we have also given free legal advice to more than 2,500 workers. This has been done in different meetings with workers, and many of them have won their cases thanks to this. Within the Convention 169, we now have a guide for the consultation of indigenous peoples, and this is based on how we can bring people into public institutions. Looking at Convention 175 on part-time work, I would like to say that

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our Congress has ratified this Convention, and it is now in force, and we are now working hard for its full implementation. I am also pleased to announce that we have established a tripartite committee for freedom of association and labour relations, and this has allowed us to revitalize social dialogue respecting all those involved. And through this responsible tripartite discussion, we have been able to formulate strategies which will inform working conditions of workers in Guatemala, and we have for the first time submitted a tripartite report to the Governing Body of the ILO. We are now working on a tripartite front to mark the centenary of the ILO. President, I would to thank you that I have this opportunity to talk to you, and I said earlier we are mindful of the fact that we still have challenges ahead of us, but nevertheless, working together, workers, employers and governments, we will bring a prosperous Guatemala which is fair and which all Guatemalans will live in decent conditions and enjoy decent work. Thank you.

**Mr Kumar**

### **Worker (India)**

Respected chair and distinguished participants, greetings from Bharat. Once again, we have gathered here in high spirits to deliberate over challenges, opportunities and developments in the world of work. With its unique tripartite model, ILO since 1919, you are working with full commitment and sincerity in bringing government, employers and workers together, throughout the world to formulate labour standards towards promoting decent work for all women and men. Now towards the ILO centenary in 2019, we are discussing an effective development cooperation towards such level Sustainable Development Goals where the ILO has proposed a Decent Work Agenda as universal goal to achieve SDGs. Today our world is confronted by serious issues such as inequality, forced displacement, unemployment, climate changes, growing violence and other humanitarian crisis. Due to globalization, many people are living in places other than their place of origin. Rapid economic integration over the last century has led to the development of supply and value chain model which has given birth to informality and global inequality crisis, and which this Fourth Industrial Revolution with its focus on technological development in robotics, artificial intelligence and genetics has brought new challenges to the labour market. Agriculture and rural economy, which engages major workforce in many developing countries, has experienced the decline in wages and productivity. A rise in harassment at workplace, which not only includes physical attack but also includes domestic violence, stalking, threats, harassment, bullying, emotional abuse, intimidation and other forms of conduct has been reported to create anxiety, fear and a climate of distrust in the workplace. A collection of 17 Sustainable Development Goals were set out by the United Nations in 2015. One of the most important difference between Millennium Development Goals and Sustainable Development Goals is that Sustainable Development Goals were drafted with the inputs of civil society through surveys to find priority areas of engagement. Most of the respondents were under 30 years of age, and areas which were ranked highest for engagement were health care, job opportunities and education. It is an agenda of the people, by the people and for the people, and this we believe will ensure its success. Today, there is an urgent need to work three dimensions, economic, social, environmental, including integrated strategies for sustainable enterprises, skill development, social protection, health and social institution. While talking about economic drivers, a large number of countries, including India, have attempted to integrate SDGs with national policies. Here we

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would like to propose two essential economic drivers to shape Sustainable Development Goals. First, a comprehensive technology policy which can work in a multi-dimensional manner to provide vision for human sustainability instead of noticing short-term benefits of technology. We recommend the appointment of technological commission and an ombudsman to understand the impact of technological changes. Second, while looking at the thrust on employment generation and skill development, we suggest formulation of a national employment policy which can work with a coordinated and concerted vision to not only achieve employment goals but also to reap demographic dividends. Third, to overcome inequality and balance labour income share, there is an urgent need to work on a wage policy which can provide guidance and the criteria of fixing wages, component of wages as well as wage differentials. But at this grass-roots level is still there a need of unity at local governments with peoples' agenda. Therefore it is our responsibility to create awareness in society as well as in youth and align them with our agenda to bring out transformation. It is time for trade unions to identify, plan and implement their roles under each SDG. It is important that we align our organization opportunities with these objectives and clearly work towards fulfilling them. To realize peace in the coming century, it is absolutely essential that we replace the traditional ascendancy of competing national interest with an international community dedicated to the welfare of the whole of humankind on Earth. With this hope and vision, I would like finish my speech and wish everyone to work in greater solidarity than ever towards 2030 Agenda in these next 12 years. Thank you very much.

**Ms Vasilescu**

## Government (Romania)

Mr Chair, Mr Director-General, ladies and gentlemen, the Romanian delegation congratulates the Office for the two reports of the Director-General related to the ILO programme implementation for 2016-2017 and *The Women at Work Initiative: The push for equality*. We welcome in particular the emphasis placed on areas of critical importance, seeking to address situations of major concern in a high number of member States and where the organization can make a difference. The 2030 Agenda for sustainable development and its 17 Sustainable Development Goals promise to close the gender gaps, strengthen support for institutions in relation to gender equality and the empowerment of women. It recognizes that the empowerment of all women and girls is crucial for the achievement of all goals and targets in the new global development framework. To reach these ambitious goals, we have to tackle critical challenges and address structural causes of gender inequality such as education with the essential role for the insertion in the labour market. Gender segregation in the labour market - male-dominated industries and occupations generally pay more than professions long dominated by women. Reconciliation of professional, private and family life - the impact of family-related career interruptions influenced by the duration of the interruption is associated with negative consequences for later employment, and at this stage women lose important opportunities to promote, train and continuously update their professional skills. Gender stereotypes, cultural patterns, customs and traditions that directly influence gender role attitudes and both female and male role models in family life - although some national legislations encourage fathers to take paternity and parental leave, the number of those who use this right is very small. Collective mentality continues to give women the quasi-exclusive responsibility for child raising and household maintenance. Insufficient

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development of childcare services to enable both women and men to fully participate in the labour market. The low labour market flexibility, part-time employment, flexible work schedules, work from home and other innovative measures that promote reconciliation between work, family and private life. We consider that reluctance and low interest in the use of atypical employment contracts is evident especially due to the existence of gender stereotypes. As far as Romania is concerned, we have the smallest pay gap between men and women from the European Union, in accordance with the Eurostat data. At the level of all 28 Member States, women normally earn 16 per cent less than men. In Romania, the difference is of only 5.2 per cent. In the same time, Romania ratified the Istanbul Convention, and as we speak the law related to combating the domestic violence is under debate. In January 2018, Romania decided to transfer the contributions from the employers to the employee, and also in the same time the taxes due by the employee to the State were also reduced. After the first three months, it was obvious that the employees and also the employers have not been affected by this measure, and the deficit to the pension fund has been reduced with 57.4 per cent. To conclude, Mr Chair, Romania is ready to continue to promote the international cooperation and observe the international ILO labour standards, as well as to share its good practices and policies that proved to give an efficient response to current challenges generated by the unprecedented dynamic of deep changes in the world of work. Thank you.

**Mr López**

### **Worker (Bolivarian Republic of Venezuela)**

Thank you, President. Congratulations on your election to the presidency of the 107th ILC. The workers of the Bolivarian Republic of Venezuela feel that the debates taking place at the 107th ILC are extremely important. Here we refer to the contribution of the ILO to development and sustainable development and to fighting violence and harassment against women and also the maintenance of tripartite dialogue. The development of these themes are subjects on which we have been fully in agreement with the Government of Venezuela. We are devoted to dialogue and social development and the fair distribution of wealth, as well as the achievement of decent work which enables us to keep amongst the lowest unemployment figures in Latin America. The Government has adopted measures to improve the social situation of all workers, including 100 per cent retirement pension for Venezuelans who reach retirement age. Nonetheless, as the Government and workers work together, we have run up against a large sector of Venezuelan employers who reject the possibility of sharing the wealth creation or fair distribution. They are organized in a political entity called Fedecámaras. They are responsible for coup d'état, and their presidents lead the demonstrations against democracy and our institutions. They are responsible for the economic warfare, which domestically engenders inflation and planned shortages, and internationally they support restrictive financial measures and the commercial boycott started by the United States empire attacking the sovereignty and independence of our country. Moreover, while our country has achieved an increase in the participation of women in a more active role in society, in the productive activities of our country, education and political participation, these employers boast brazenly that women are less than 1 per cent of their number, and this is not just by chance. Most Venezuelan employers and the transnationals in our country have become, economically speaking, parasites of our oil income. They do not generate exports or exchange currency income. When the revolutionary Government took control of our oil revenues to guarantee fair distribution into

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programmes for housing, health, education and nutrition, which reached all of our society, then the employers abandoned their companies, and in some cases the country, accusing the Bolivarian revolution of creating an economic straightjacket. The abandoned companies are occupied by workers, and they start up production again. This occupation does not mean expropriation. It only guarantees continuity and the maintenance of jobs. In our country we have an in-depth social dialogue. It goes far beyond traditional tripartism. The employers in Fedecámaras have refused the invitations of our Government, and irresponsibly they accuse our Government of lack of dialogue, and they invoke Article 26 of the ILO Constitution to ask for a committee of inquiry. Our delegation, who are members of the Socialist Bolivarian Centre of Venezuela, is comprised of more than 3 million workers, and we rely on collective bargaining conventions in both the public and private sector. We believe that the ILO must prepare for the celebration of the centenary with an in-depth review of its mission and vision in a world where we are seeing more and more unpredictable upheavals, where big capital is not guaranteeing decent work. Seventy-five per cent precarious employment worldwide is a shocking figure, and we should be worried about that. In Venezuela, we are committed to the prosperity of our nation and the quest for the highest possible level of social welfare. This is only possible with the commitment of workers and those employers who are authentically prepared to produce a healthy exporting economy which generates foreign exchange and guarantees fair distribution of wealth. We hope that with the contribution of one and all, and especially the governments, the seven Centenary Initiatives and the 17 Sustainable Development Goals for 2030, and in particular objective 8, decent working time for the future, will all be achieved, thus guaranteeing the legitimate rights of workers around the world. Finally, from our humble position, we would like to reiterate our ongoing demand for the right to work, to education and to a country of the Palestinian people. Thank you.

**Mr Petersen**

## **Government (Brazil)**

Mr Vice-President, you Mr Vice-President have asked the plenary to use parliamentary language. Workers from different countries, who do not know what is going on in Brazil, are passing judgements on the issues that do not concern them. We wish that this kind of behaviour and non-parliamentary language could stop. We're calling you, Mr Vice-President, and the other Vice-Presidents of this conference and the Director-General of this organization to put a stop to this kind of manifestation that is not in accordance with the best parliamentary practices of ILO and of any UN agency for that matter. Brazil does not acknowledge any misrepresentation of legitimate processes in Brazil. Over the last two decades, Brazil has faced political crisis and economic recession. We have implemented important economic and labour reforms, enacted key legislation and promoted positive change. Democracy is alive. Civil society is vibrant. Political debate is in full force. The rule of law is in place and strong, and the judiciary remains fully independent. Our institutions have proven their strength. By our deeds and our actions, the Government has demonstrated its unwavering commitment to the rule of law and above all to the open and democratic character of our society. Mr Vice-President, our labour legislation dated back to 1943. It needed to be updated. After comprehensive discussion at Parliament, the new legislation entered into force in November last year. It extends legal protection to specific situations of the economy that were previously uncovered, facilitates hiring and encourages formalization. Enhancing

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conventions and collective agreements between unions and employers is another key aspect of our modernized legislation. The labour rights enshrined in Article 7 of our Constitution, a robust and unique protection for Brazilian workers, are fully preserved. The new legislation has still a way to go in order to placate the unacceptably high unemployment rate left by one of the worst economic crises in Brazil, but figures for the first quarter of this year show that more than 330,000 jobs are created, a number not seen in Brazil in the last five years. I thank you very much, Mr Vice-President.

**Wednesday, 6 June 2018, p.m.**

**Mr Benavides Ganoza**

**Employer (Peru)**

Thank you, and good afternoon, and a warm welcome from the International Conference of Private Enterprise, which is the organization representing our sector in Peru. We agree that gender equality is a fundamental tool for equality in the world. Bringing together the public and private sector, it has an important role. Enterprises have shown that in this area the use of well-designed incentives is more effective than imposing new obligations from a purely legal perspective. Our Constitution guarantees the rights of all individuals to equality before the law, and there cannot be discrimination on the basis of gender, language, religion or any other character. The labour legislation reflects the principle of equality of opportunity without discrimination. However, there are still shortcomings that need to be resolved. In CONFIEP, our organization, we are promoting initiatives for gender equality. Since 2005, we have been technical secretariat of the global compact and promoting the eradication of any form of discrimination in employment since 2007. Through the enterprise association for education, we have been promoting access to primary education of quality for boys and girls around hundreds of schools in the country. Since 2015, as part of the promotion of the 17 SDGs, we have been promoting SDG 5, relating to gender equality as a fundamental element to achieve development. Furthermore, we have been promoting amongst our members to implement gender equality policies to ensure equality of opportunity. More than 64 per cent of our workers in CONFIEP are women. Eighty per cent of management is female, and the first president is also a woman. This clearly reflects our commitment to the promotion of gender equality. We have been continually promoting improved standards for equality of opportunity and are joined by hundreds of organizations. We welcome this contribution. However, we also recognize we are facing a huge task. The tools to achieve our objectives need to be many in number and not just of a regulatory nature. We need to pool our efforts with all organizations involved here, while avoiding duplication and excess of standards and over-regulation. In light of what is included in the report and what has been said here at this conference, we believe that it is necessary to bear in mind each country's particular situation, allowing each of them to choose their path towards equality of opportunity and gender equality for women. We do not need more regulation. We need to strike a balance between the protection of workers' rights, the development of the country and formal enterprises, and in doing so create more employment with decent work and social protection. That cannot be possible without effective labour regulation. Keeping rigid legislation will mean that there is still a huge divide between the informal and formal economy, and that is to nobody's benefit. According to the Inter-

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American Development Bank, Peruvian enterprises are subject to some of the most burdensome legislation in the world, which restricts competitiveness, reduces their performance and hampers development. Around 73 per cent of economic activity in Peru is informal, and therefore it is necessary for legislation to create the conditions that will allow a transition towards the formal economy. Formalization is a challenge which our states need to confront and solve. If this is to be successful, then the benefits for informal enterprises need to be clear as they transition to the formal economy. We need to take decisions based on consensus. Recommendation 204 of the ILO recognizes that in order to reduce the informal economy, circumstances at the national level need to be taken into account, and that will be of benefit in the implementation of wide ranging strategies. It is only in this way that we can generate decent work which is well paid for workers. It is only in this way that we can change the difficult the national reality, which has a situation where seven out of ten workers are having to work in the shadows of the informal economy. The world of work is closely linked to investment, and that comes from private enterprise to a large extent. Private enterprise represents 80 per cent of total investment in Peru, so there is no other mechanism to generate formal employment. There is no other formula, no other approach. We need policies that generate a favourable environment for investment and enterprise which is sustainable. Thank you very much.

**Mr Alibeigi**

### **Worker (Islamic Republic of Iran)**

In the name of God, respectable Board of Directors, senior representatives of worker groups, employers and governments. Holding the 107th Session of the International Labour Conference is an opportunity to protect the future of the worker against the destructive waves of global crisis through the mutual assistance and clear cut expert review and assessment. I hope the outcomes of this conference could yield promotion of the women roles and job security in the world of work for workers throughout the world. Ladies and gentlemen, the theme selected for the report of the Director-General, The Women at Work initiative, at this juncture is very suitable and timely, because women as a half of the population in each country can play an effective role in dynamism and progress of their own communities. Now in the world a great number of women, shoulder by shoulder with men, are working in different sections and domains. However, gender equality is one of the issues which has not been fully achieved yet. Women of the world have not attained occupational promotions and managerial positions, as compared with men, and partly receive lower wages. Of course, it should be noted the employment of the women is mostly accompanied by fulfilling responsibilities. Moreover, in the event of the similar job between a man and woman, due to housekeeping duties, the stress resulting from the work occur in the women more than men do. There are only bitter samples which come from the achievement of the world in the area of decent work, in particular for women is low, as compared with the effort already made. Most of the Conventions emphasize observing their rights, but as long as the decent work condition is unfavourable, the practicality of the Conventions related to the Women at Work initiative will be difficult. Fortunately, the Islamic Republic of Iran has prepared the suitable educational grounds for women, whose outcome is the graduation of the half of the student in the scientific centres, out of the women, that these females graduate with high academics degree are ready to arrive into the labour market. Unfortunately, the tyrannical sanction imposed, and lack of loyalty to the joint comprehensive plan of the action, has caused an annihilation of investment opportunity, and following

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debt, the destruction of job opportunity for women, and has made the conditions for the vast and active presence in labour market difficult and hard. Mr President, ladies and gentlemen, what today suffers the workers of the world and my home country, and is considered to be one of the most important and basic concerns for workers in the lack of the job security in the work environment. Unfortunately, the prevalence of temporary labour contracts has endangered the job security of workers, and for this very reason tranquillity has been denied of workers and their households. With these conditions, the possibility of planning and using a decent life far from anxiety has been taken away from them. I would like to inform that the temporary labour contract not only has targeted the dignity of labour force, but also they have denied freedom of trade unions too. I would like to request the ILO Director-General adopt a policy for a further protection of these workers so that the governments would also put the redevelopment of temporary labour contract in the jobs with the continuous nature in their agenda. This will assist with taking a greater step to establish transparency for the labour contracts between workers and employers. Lastly, I hope that peace and tranquillity could prevail in the whole world and all humans, regardless of colour, race and nationality could enjoy equal rights. Thank you for your kind attention.

**Mr Pavic**

## **Government (Croatia)**

Thank you very much. Dear Chair, dear delegates, we welcome the Director's Report. We find it to be well rounded in analysis of the position of women in the world of work. I would like to state that Croatia remains firmly committed to the global increasing of the labour market participation of women and to curbing the gender pay gap. Regarding ILO standards, I would like to highlight that we have ratified Convention 100 on equal remuneration and Convention 111 concerning discrimination in respect of employment and occupation. The ILO has been a key organization for the promotion of the position of women in the world of work, and I believe it will keep its drive in the future. I find the issue of women on the labour market is two-folded. Firstly, in context of lack of labour supply and negative demographic trends we face in Europe, raising female labour market participation constitutes both a key potential and labour challenge ahead of us, as women far from the labour market require a tailored approach and measures. Labour market participation of women is still significantly lower than men, and the gender employment gap stands at around 11 per cent in the EU, and in Croatia it's 10 per cent. As data suggests, this is a significant pool of labour potential we need to tap into. Reasons for the lower activity of women include the lack of opportunities, especially in rural areas, lack of child care and institutional care for the dependent members of their families, and general lack of both individual support and tailored programmes aimed at activation of women who have faced long-term exclusion from the labour market. We would like to highlight one of the flagship projects from Croatia called 'Wish', which is worth €150 million, that we have developed in Ministry of Labour and Pension System, in order to target women at disadvantage on labour market. Within the project, each beneficiary provides care for four households and receives a salary for two years. But also each beneficiary woman gets around €1,000 as a scheme for education and learning new skills. Through this project we aim to activate more than 7,000 women at disadvantage of labour market and provide care for almost 40,000 dependent households. Regarding the provision of available and affordable childcare, which we find very important in life-work balance, we aim

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to invest €40 million in the extension of working hours of Croatian kindergartens, so the parents won't have to make difficult choice between employment and childcare. Secondly, women in employment face the issue of lower pay and a different speed of career progression, due to gender pay gap in Croatia is around 10 per cent, which is below EU average of 16 per cent. The reason for this is a well developed legal framework. Our Labour Code precisely defines the equality of pay between men and women. Regardless, we will continue to invest efforts to curb the gender pay gap. The share of the household workload is in many cases unfairly distributed. Apart from extending the provisions of childcare that I have mentioned, that we are forcing, we should provide flexible arrangements that will allow women to combine work with their private life. Furthermore, we should promote the utilization of parental leave among both parents. In this sense, I would like to highlight Convention 156 of workers with family responsibilities that Croatia has ratified. Regarding differentiation between female and male professions, we will fight such stereotypes, and we will distribute 17,000 STEM scholarships, through which we will aim to open an opportunity for both for women and men to enter jobs in the STEM field. Following the work of the ILO against violence and harassment in the workplace, Croatia has recently ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence. We consider violence and harassment to be unacceptable, and this includes the workplace. We will welcome a Convention of this issue, supplemented by a Recommendation. As Croatia is currently presiding over the Council of Europe, and on the eve of the centenary of ILO and our Presidency over the Council of the European Union in 2020, Croatia will strive to strengthen the position of women in the world of work. We are sure that the empowerment of woman and a higher share of participation at all levels will provide substantial benefit to us all. Thank you very much.

**Mr Rusu**

### **Worker (Romania)**

Ladies and gentlemen, I would like firstly to state that I am honoured to be here at this session of the International Labour Conference, and I would like to thank you for the opportunity to speak here on behalf of the Romanian trade union movement. We welcome the Director-General's report on gender equality in the labour market. This is one of the seven initiatives which the ILO has launched to celebrate its first century of existence, and Romania is one of the founding members of the ILO. The trade union movement in Romania is still committed to achieving full gender equality and stresses the need to remove the salary gap between men women as well as discrimination at work. We also advocate for work-life balance so that the living conditions and the experience of women at work can be significantly improved. We have a new law on trade union activity in Romania, which was adopted in 2011, and this brings in a new flexible mechanism for labour relations, and it has had negative consequences for our labour market and for social dialogue. A number of measures have been done away with and representativeness criteria have been introduced, and the result is that no collective agreements have been concluded since 2011. At the same time, in enterprises we increasingly see a trend towards agreements to be made between workers within those single enterprises. Last year, very few agreements were reached, and this is very concerning. In many cases, these agreements simply took up the terms of the law, so the rate of approving agreements has reduced significantly since that legislative change. In order to form a trade union now in Romania, 15 workers have to be present within a single enterprise. If there are fewer

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than that, even if they have the same profession or they are spread different companies, they cannot form a trade union, and this is obviously a significant restriction on freedom of association. There is also a lack of interest on behalf of the Government in encouraging true and efficient social dialogue. There have also been a number of changes relating to transfers of social security benefits. Funding for the social security system by workers alone is a unique case in Europe now. Romania is the only country where that is the case. A number of tax changes have been brought in relating to social security benefits, and these have been negative as well. ILO Convention 102 relates to a number of these obligations and there have been a number of negative developments in Romania in that regard. Another area which we'd like to stress in relation to violence against women and domestic violence is as follows. If we look at the laws that we have in place in Romania, a number of problems arise. We know that violence against women has a number of negative consequences and is very costly. The indirect costs of this are also significant; loss in productivity and absence from work, for instance. According to the last report, the European Institute for Gender Equality stated that €10 billion a year are spent by Romania as a result of this. This is 6 per cent of the GDP according to another European report. In conclusion, without true bipartite and tripartite social dialogue, we won't be able to remedy these problems. We need to resolve this situation in Romania, and we look to the support of the ILO. Thank you very much.

**Mr Bobic**

### Employer (Chile)

Madame President, Guy Ryder, Director-General of the ILO, delegates. For the Confederation of Production and Commerce in Chile, it is a real pleasure to participate at the 107th International Labour Conference, in the home of social dialogue and tripartism. I would like to take this opportunity to extend a warm welcome to the government and worker representatives of our country. In March this year, we initiated a new mandate of Government, with President Sebastián Piñera, and this led to the proposal of new public policies and legislation. We very much hope that these legislative initiatives will promote recovery, growth, investment and employment, and we very much would make ourselves available to make any contribution that can help the country reach these objectives. In terms of work and employment, the Government has designed an ambitious proposal, with the objectives of improving the quality and relevance of training, improving the employability of women, young people and older adults, and improved pensions. All of these are important issues, and they require us to reassess public policies, and in some cases adopt new legal standards. The Report of the Director-General this year relates to the initiative of Women at Work, and promotes equality. Now this is one of the seven Centenary Initiatives of the ILO and is of fundamental importance. In our country, the Government has a broad gender agenda, which promotes gender equality and which seeks to do away with discriminatory regulations against women. For example, those which make it more difficult for them to work because of issues such as childcare, so the Government is seeking to prove access to issues such as childcare. We are aware that society has changed, and only by improved integration of women in formal employment can we promote comprehensive and sustained development in our country. We also note the international debate which has taken place in the ILO, which reminds us that we have not yet reached the future of the work that we desire. And it is fundamental that labour standards, education and schools, and training, adapt to the changes that are taking place in the world and help

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the extraordinarily dynamic enterprises in the world today. We very much hope that the legislative changes driven by the Government will take this reality into account so that both men and women can, in accordance with their own situations, retrain where necessary and adapt to the new skills that labour markets require. This is a view which is shared at the international level, and many different areas of organizations are looking into this. Lifelong training is here to stay. It is necessary to adapt to these changes, to not be obsolete, not be left behind, and it is a challenge for the whole country of Chile, which requires the efforts of all workers, employers and the Government. Integrating more women into the formal economy is a great opportunity for Chile, and we very much hope that the new Government will come up with proposals that take into account the changing world of employment, the automatization of some tasks, and the increasing importance of adapting training to the needs of enterprises. That is why we are ready to help the Government in this task, cooperating where we can to adapt to adapt these issues to the needs of enterprise. Thank you.

**Ms Ilveskivi**

### **Worker (Finland)**

Madame President, Mr Director-General, delegates, thank you very much for the opportunity to express the Finnish trade unions' position on Director-General Guy Ryder's report on *The Women at Work Initiative: The push for equality*. We fully agree with and support the aim of the report to promote gender equality at work and in society. Equality between men and women is guaranteed as a human right by several human rights conventions at the global and at the regional level, including ILO standards and other initiatives. As stated in the Report of the Director-General, somewhat progress has taken place, but much more is to be done to reach the goal. Welfare state, which has been built, together with government and social partners, can be considered as the project of gender equality. Universal social rights, benefits and services, including parental leaves which are compensated, childcare and care of elderly people, among others, have provided opportunities for women to participate in working life. Moreover, the right for everyone to education, from early childhood education and primary school to higher education, without being prevented by economic hardship has guaranteed capacities for women as well. Even though Finland has been part of Nordic welfare states, and we have a long history of women's involvement in working life and in society, many problems remain and new ones are emerging. During the last three years, backwards steps have been taken as the consequence of austerity measures of the Finnish Government. Social security benefits and services have been cut, and even children's subjective right to early childhood education has been limited, subject to their parents' participation in working life. This complicates, for example, the return of unemployed parents to the labour market. Despite long tradition of women's role in working life, more promotive measures are to be taken before gender equality will be achieved. Women's share of working in low-paid occupations, fixed-term employment contracts and part-time work is higher when compared with men. Moreover, even though men are taking part to family affairs and care of children more than they used to, these responsibilities lie mostly still on women's shoulders. If gender equality in the world of work is taken globally seriously, childcare and other care services are to be provided equally for all. Director-General raises violence and harassment of women to the spotlight in his report. This is an issue of utmost importance. Violence and harassment take many forms, ranging from forms of maltreatment and

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discrimination that are hard to prove, to more serious armed and other assaults on the lives and health of workers. Anyone may fall victim to violence and harassment at work. Finnish trade union confederations point out that efforts to develop more detailed legislation preventing violence and harassment instituting appropriate means of protection, aftercare and reporting, and ensuring due process for victims, have failed time and again in Finland due to opposition from employers and with the Government lacking the political will to enact such instruments in Finnish legislation. To be able to reach the goal of gender equality and the right to physical and psychological self-determination for all, we need to be more ambitious in building trust and functioning tripartite cooperation at the national level and at the global level. We must bear in mind that fundamental principles and rights at work, guaranteed by ILO Conventions, as universal human rights are to be respected and enforced without any limitation or derogation. Finnish trade union confederations believe that a new international convention on violence and harassment will be an important measure to finally develop legislation to protect workers from violence and harassment and to promote gender equality in the world of work. It would also promote the global adoption of principles of the ILO Decent Work Agenda in society in general. Thank you very much.

**Mr Cabrita**

## Government (Portugal)

Director-General, delegates, in particular from the community of Portuguese speaking countries. I would like to begin by bringing my greetings to this 107th International Labour Conference, which is the global home of tripartism, and everybody that is here to participate in it. I applaud in particular the Director-General's report on Women at Work. The Centenary Initiative reflects the ILO's longstanding tradition of defending equality. It is a worthy contribution to the Decent Work Agenda, and it brings even greater value to the ILO centenary. Of all types of inequality, few have such an impact as gender inequality: unequal pay, unequal access to high level positions and unequal ability to reconcile work and family. In spite of progress that has been made, these types of inequality persist and call into question the values of social justice and equal opportunities, which are key pillars of our societies. Often they go hand in hand with discrimination. For instance, that discrimination which in the 1950s, 60 years ago, the ILO termed the worst and most violent type of discrimination against women, namely harassment. Despite progress, the persistence of these phenomena and the oppression of women call for greater steps to be taken to eradicate them. And that is why Portugal is pleased to announce that in 2017 it approved a new law with significant forward steps. We approved that law by a majority and with no votes against, following intense work among all the different political forces in the country. We strengthened the right to compensation for victims. We created new mechanisms to protect witnesses and complainants. We increased disciplinary measures in companies, and the employers became responsible for compensating those falling victim to illnesses caused by harassment. There is no room for discrimination in the future of work, and we have a number of other new laws in Portugal based on this. We need permanent social dialogue, not just relating to gender and equality, but relating to all aspects of decent work. This is what we need for our labour market. Social dialogue and tripartism, those founding principles of the ILO, are the cornerstones of a world of work which is rapidly changing. They are the best mechanisms for economic development and social progress. That is why Portuguese labour policies look towards lasting and fruitful social dialogue between

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workers, employers and governments. Less than a week ago, we agreed a new tripartite agreement in Portugal, which was espoused by the majority of the social partners in the standing committee for consultation, with dozens of new measures. This was adopted by the Government and it has already been submitted to the Parliament for debate. We have improved a number of different aspects of the labour market; bigger penalties for companies with a very high labour turnover, for instance, incentives towards permanent contracts, and a number of other measures. This was the outcome of a very wide-ranging discussion that lasted more than a year, and it is a sign of stability and predictability that we are aiming for all stakeholders in the labour market. But above all, it is a very significant sign, both internally and externally, of the dynamism of collective bargaining and the fight against segmentation and precarity on the labour market that brings together all different members of Portuguese society to improve employment in Portugal. By encouraging the principles of Decent Work, and building a future of work in which we can look towards the achievement of the 2030 Agenda, we are meeting our commitment, this meaningful commitment between governments, workers and employers which is translated into action. And that depends on ongoing dialogue to defend working conditions, decent working conditions, equality between men and women, and full involvement of a number of different stakeholders in the labour market. And it also depends on our ability to reaffirm the value of collective bargaining between workers and employers, and tripartite dialogue, including governments, as fundamental principles in the world of work, and our ability to adapt to these realities in our countries. Thank you.

**Mr Qaderi**

### **Worker (Afghanistan)**

Distinguished Chair, esteemed colleagues, ladies and gentlemen, good afternoon. It is a great honour to have the opportunity of speaking on behalf of the National Union of Afghanistan's Workers and Employees, NUAWE, a democratic workers' organization in Afghanistan with 174,000 members in 28 offices in 34 provinces. Participation in the Supreme Labour Council for disputes resolution and the Pension Commission of the Social Organization and Private Sector, Labour Law Review Commission, Minimum Wage Commission and the ILO Decent Work Country Programme. Tripartite level legislation, consultation and the drafting of 12 articles on the work and employment with the Ministry of Labour and Social Affairs Chamber of Commerce. For many years, NUAWE acquired properties and provide with all legal documents. These properties were bought from the membership fee and function as offices and training centres for the union, and some of them rented, and the rental fee collected and allocated for development project of the union. However, on 27 March 2016, Presidential Order was issued by the Ministry of Finance in the Afghanistan Land Authority to seize the NUAWE properties. On 31 January 2018, Government issued a letter to NUAWE mentioning a possible takeover of its property. In addition, the Ministry of Justice threatened not to renew the licence registration of NUAWE if they are not handing over the properties to Government. This decree and order were clearly against law and justice and the Constitution of the Islamic Republic of Afghanistan. In pursuant the President decree, armed police and military were deployed and confiscated the NUAWE premises on 8 April and 21 April 2018. The police once again raided the NUAWE headquarters by tanks and sealed the offices on 14 of May. They protect the union premises, some of the NUAWE leaders, including its president, a few women were beaten by the police,

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injured and taken the hospital. Then members also engage in non-violent resistance, including hunger strike. The NUAWE has filed a court case to seek protection under guarantees enshrined in the country's Constitution. However, the Government has so far ignored the court proceedings and continued its anti-union actions. In this conference, the NUAWE is officially nominated as the workers' delegate. However, no support, including financial supported, provided to the Government. The Government has violated and ignored its responsibility and not fulfil its obligation under the ILO Constitution Article 13. We condemn the action taken by the Afghanistan Government to destroy the labour movement, which is very vital for the working people in Afghanistan. We request the House to support Afghan workers to fight for social justice, human and workers' rights, better living and working conditions of Afghans. We strongly urge the Afghanistan Government to recognize the unions as a social partner and respect their fundamental rights, including the union's property rights. We call on the Government to stop the intimidation and use of armed forces, which constitute a serious violation of Afghanistan obligation to respect fundamental workers' rights as a member of the International Labour Organization. The ILO high level mission to Afghanistan should take place as soon as possible to settle the issue of recognition of a free trade union movement in Afghanistan, reissuance of legal licence of NUAWE, operation of bank account and collection of membership fee and return the properties confiscated by the State. I end, by conveying you the sincerest wishes and greetings of our workers. Thank you.

**Ms Santos Lelis**

## Government (Cabo Verde)

Good afternoon, everybody. Chairman, ladies and gentlemen, I bring the greetings of the Government of Cabo Verde to the authorities of this 107th International Labour Conference and to all the distinguished participants and delegates. In order to contribute to the topics that have been presented in the reports for discussion at this conference, and to make good use of our time, we would like to express our satisfaction at the Women at Work initiative, which is key if we are to achieve the Sustainable Development Goals which have been taken as commitments by all nations. We have come to the time where we really need to work to eliminate inequalities and guarantee that women have equal opportunities and have the best possible opportunities, those that exist for men. Along the lines of the excellent strategy that has been outlined by the ILO to achieve greater equality, and bearing in mind the path towards a new care economy, Cabo Verde has already set up a new and ambitious programme. To this end, last year, our Government approved a new national care plan, confirming our alignment with ILO Recommendation 202 on Social Protection Floors. This new care system is a holistic one, in that it recognizes the rights of dependent persons to care and also offers opportunities for employment for women, who are traditionally the main care givers. This ... [vgr INTERRUPTION 2:45] Among the commitments which have been taken on by the Government, we have an increase in the national minimum wage from 11,000 escudos (PTE) to 13,000 PTE, and the aim is to reach 15,000 PTE by the end of the legislature without jeopardising macro-economic balance and the country's competitiveness. We have also implemented an unemployment benefit which covers workers in the compulsory social welfare system with a minimum of 60 days and a maximum of 150 days to compensate for loss of earnings due to involuntary unemployment. We are also revising our law on compulsory insurance against occupational accidents and work-related diseases to bring it in line with the new

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realities and needs of the country. My Government aims to achieve a high quality and flexible labour market which defends workers' rights. We hope to achieve a policy on pay which is in line with social realities and the economy of our islands, and which is compatible with decent work and high levels of fulfilment for our citizens. We are also looking towards a reform of the national education system, because we feel that the future of work for our country depends on education which looks towards employability and in which qualifications in new technologies and training in new types of organization of work have a pivotal role to play. In conclusion, we would like to assure this august assembly that we intend to continue striving to make Cabo Verde a developed, modern, inclusive and open country of the world. Thank you very much.

**Mr Amil**

## **Government (Pakistan)**

Vice-President, Excellencies, social partners, and ladies and gentlemen. We congratulate Ambassador Saja Majali as the new President of the Conference and commend the Honourable Minister of Labour of Jordan for successfully presiding over the proceedings. Pakistan welcomes the comprehensive agenda of the conference which deals with the important dimensions of the world of work. Mr Vice-President, Pakistan is the sixth most populous country in the world with a population of over 200million. Sixty-two per cent of our population is in the working age. Half of that potential workforce, around 62 million, are women. Our Government is cognisant that increasing women's participation in gainful employment could accelerate Pakistan's GDP growth by 3 per cent per annum. For these reasons, we welcome the Director-General's report on the push for equality, and fully support the Women at Work initiative. We welcome the standard setting item at this ILC dedicated to curtailing harassment and violence at the workplace. Women are disproportionately affected by these heinous practices. Mr Vice-President, we view unemployment as a major hurdle in realizing the SDGs and urge the ILO to step up its programmes for assisting Pakistan, as well as other developing countries, in employment generation, particularly for young women. Economically successful women employees and entrepreneurs act as catalysts for social change in developing countries and serve as role models. Pakistan has recently taken important steps to incentivize entrepreneurship, train the labour force in demand-driven skills and generate youth employment, especially for women and girls. These initiatives are bearing fruit. For women empowerment, we are focusing on access to material resources such as land, money, credit and income, availability of decent employment opportunities that involve good working conditions, access to power through representation in political decision making bodies, freedom to make choices in life, enjoyment of basic rights granted in the Constitution and international agreements, equal access to quality education, health facilities and access to various other facilities. Pakistan is committed to meeting the SDGs and Goal 5. Pakistan is also a signatory of the UN Convention for the Elimination of All Forms of Discrimination Against Women. The Government has internalized the SDGs as national goals through the seven pillars of Vision 2025. Pakistan has also taken concrete steps to foster inclusion, social dialogue and tripartism in policy formulation and implementation. The Federal Tripartite Consultative Commission is instrumental in meaningful exchange of views on all policy responses and key issues. Mr Vice-President, Pakistan appreciates the work of the Committee on Application of Standards in ensuring implementation of the labour Conventions. We are committed

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to working closely with the ILO supervisory mechanisms to ensure promotion and protection of labour rights across Pakistan. We also consider discussions on effective development cooperation as significant and look forward to the conclusions. In relation to the work on the Committee on harassment and violence in the world of work, we wish to refer to our domestic achievements. Pakistan is pursuing affirmative action to enhance women's participation. Some provinces of Pakistan have even reserved up to 33 per cent quotas for women. The Protection of Harassment of Women at the Workplace Act of 2010 remains fully implemented all over Pakistan. A code of conduct has been displayed in all government departments and inquiry committees have been constituted. Offices of the Ombudsman for Harassment have been established at national and provincial levels. Mr Vice-President, we continue to express deep concern over the violation of human rights of people living under occupation everywhere or anywhere in the world. The impunity with which the occupiers violate intentional human rights and humanitarian law, and in doing so severely undermine the economically viability and decent work conditions of the workers, remains a matter of great concern to us. We also deplore that limitations on decent work, including access to workplace in safety and security, and are being employed as a tool to suppress the people's right to self-determination. I thank you, Mr Vice-President.

**Ms Whyte**

## **Government (Costa Rica)**

President of the Conference, Ministers, delegates, it is a pleasure for me to be able to give this statement in representing the Minister of Labour and Social Securities, Steven Núñez Rímola, and the President of the Republic, Carlos Alvarado Quesada, who was also Labour Minister and spoke to this assembly two years ago. Costa Rica welcomes the Report of the Director-General, *The Women at Work Initiative: The push for equality*, and the ILO has rightly taken this initiative with a determination to allow tripartite constituents to participate in specific actions to bring equal opportunity into practice. And it is particularly timely to analyse the status of women in the workplace as we commemorate the centenary of this organization and embark towards the Agenda for Sustainable Development for 2030 which sets out the goal to leave no one behind in pursuing development. President, as we build a more inclusive society, Costa Rica has found great strength in dialogue. We have built great progress in developing institutional and legal progress in work. One significant step forward was the approval of the Labour Process Reform Act, which after the Labour Code from 1943 has been the most significant labour legislation in our history. We believe that this strengthens the regulatory framework and combats discrimination at work, also broadens the recognition of the grounds of discrimination to better combat them, such as age, ethnic origin, sex, religion, race, sexual orientation, civil status, political opinion, social origin, disabilities, trade union membership, other forms of affiliation or nationality, along with many other forms which are subject to discrimination. Discrimination is now subjected to significant penalties. At the same time, we are making progress in preventing infringement of labour law by strengthening the national Labour Inspectorate, taking an approach based on decent work and prioritizing actions against infringement, particularly with regard to quality of employment and the workers' well-being. We have also produced inspector guides with a gender focus to enhance gender protection and focus on the different treatments that men and women in the workplace are subject to. We welcome the great progress that has been made. We are

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working on improving inclusiveness of social security, particularly focusing on social groups that have historically been excluded. From last year, we have had a new approach to domestic workers, based on a significant reduction in the minimal contribution base, and also allowing the possibility for insurance by various models. We are also working to establish health security for such workers, which will benefit not only Costa Rican workers but also foreign workers. This particularly applies to workers for the coffee harvest. We are also addressing many other complex issues on the basis of tripartite dialogue, including the Government, trade unions and business. Consultations are currently taking place in the country on the basis of Recommendation 204 of the ILO on the transition from the informal economy to the formal economy. Costa Rica is a real pioneer in this field. Last March, the tripartite partners reached a consensus on the signing of the comprehensive strategy for transition to the formal economy in Costa Rica, which sets out to facilitate the transition of workers and business from the informal economy to the formal economy. Vice-President, allow me to close by reaffirming our commitment to social justice, equality, development and the wellbeing of all, men and women, with the full and valuable support of the ILO. Thank you very much.

**Mr Saraiva**

### **Employer (Portugal)**

Good afternoon President, delegates, and particularly the Portuguese delegation. I would like firstly, President, on behalf of the Portuguese employers, to wish you every success in discharging your functions. The agenda for this session covers three significant topics: the Women at World initiative, the drive for equality, in line with the Director-General's report; violence and harassment against women and men at work; and social dialogue and tripartism. The Director-General's report recalls, in light of the asymmetrical and painstaking way in which gender inequalities are disappearing, that certain systemic and structural hurdles are still difficult to overcome. The report states that these obstacles are the most resistant to the many formal legislative and institutional measures to promote equal treatment that have been introduced over the past half century or more, and it also tells us that there is good reason to suppose that simply persisting with the approaches of past decades, despite the real progress that they have generated, will not be sufficient. There is a need to shine a spotlight on those often hidden barriers and apply innovative approaches to overcome them. The Portuguese employers espouse that point of view. In fact, at the intentional level, this has been widely covered in legislation which is reflected in a number of different ILO Conventions that have been ratified by the Portuguese State and European Union directives as well, which we have transposed into our legislation. There is a general trend for disparity between men and women to decrease in the world of work and in education, as the Director-General recognizes, but women encounter a number of difficulties in marrying family life with employment, and that is a serious obstacle to gender equality. This, along with cultural aspects, is the main cause for women to find difficulties in being represented in the world of work in a number of sectors of the economy in particular, and they are still underrepresented in high-level positions. We then, like the Director-General, feel that we need new approaches to achieve full gender equality. We need to promote a culture of equality more efficiently. We need to overcome cultural barriers, and we need to ensure that men and women enjoy the same opportunities in a wide range of careers. We need to promote a number of different initiatives. We need to promote entrepreneurship. We need to develop skills through education and

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lifelong learning, and we need greater flexibility where working time is concerned, particularly given the digitalization of the economy and the different technologies that are resulting from that. Companies and enterprises have a pivotal role to play in this. They need to become more competitive, and in order to achieve that they need to focus on human resources and opt for the best skilled among the candidates that they look to recruit, be they women or men. We know that sharing best practices can help with this. There are a number of advantages to be achieved from that in terms of competitiveness, and the Portuguese employers understand that promoting women for high-level positions is also an investment in more competitive, innovative and stimulating working environments, and will lead to an improved labour market in general. Enterprises' productiveness and competitiveness can only be achieved in peaceful and stable working environments where social peace reigns. That begins within enterprises, with workers and employers who know that they can face external threats. On the 26 April 2007, in the European Union, the social partners signed a voluntary agreement on violence and harassment in the workplace, and this seeks to raise awareness among all the social partners of the need to set up a framework where problems can be resolved. In order to achieve this, we need a model that will serve everyone's needs. ILO Convention 100 on equal pay for the work of equal value and Convention 111 on discrimination in employment and occupation state that application of such principles needs to be carried out in a way that is in line with national needs. I would also mention what is stated in that agreement, along the lines of other agreements that have been made between the social partners at the European level. Social dialogue needs to be carried out at all different levels, international, national, sectorial and within each business. We need to ensure that social dialogue is in line with the needs of everyone involved. This is the home of social dialogue, and the ILO is the place for these steps to be taken. We are here, then, to defend gender equality and to fight against violence and harassment at work. Thank you.

**Mr Reva**

## **Government (Ukraine)**

Mr President, Ministers, distinguished delegates, ladies and gentlemen, on behalf of the Ukrainian tripartite delegation, I would like to greet all the participants of the International Labour Conference. Issues raised by the Director-General on the push for equality at work and in society, the elimination of gender-based violence and harassment at the workplace require joint efforts of the governments and the social partners. The Government of Ukraine pays great attention to promote equal opportunities for women and men in all walks of life. Already, in April 2017, the Government adopted the State Social Programme featuring a comprehensive approach towards equal rights and opportunities for women and men. Particular attention is paid to the world of work with a view to creating discrimination-free working environment. To date, Government non-discriminatory norms were incorporated into the current Labour Code, General Agreement and found reflection in the sub-national collective agreements. To mainstream gender equality concerns, the Government set up the Office of the Gender Equality Commissioner. A review of the list of occupations prohibited for women has reopened as many as 418 occupations to women to ensure equal treatment of women and men. On behalf of the Government of Ukraine, I would reaffirm that we welcome the development and adoption of new ILO standards that address violence and harassment against women and men in the world of work. Mr President, equal rights and opportunities have been an important part of the Government's Poverty Eradication Strategy. It is this idea

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that laid the foundation for the ongoing reforms, in particular of the pensions. The pension reform, led by the Government, is restoring social justice in determining pension benefits. This was vital for many Ukrainian pensioners, especially for those who received their pensions below the subsistence minimum level. It is important that in our reform effort we are guided by the ILO Convention 102 on minimum standards of social security, which was ratified by Ukraine in 2016. We are proud that Ukraine became the first post-Soviet country that ratified this flagship ILO Convention and the seventh country in the world that ratified it in full. This was a good example of excellent tripartite collaboration to respond to multiple challenges facing our country. Mr President, unfortunately, the development pace of Ukraine is seriously hampered by the continuous Russian aggression against Ukraine. To ensure the respect for human rights of 1.5 million Ukrainian citizens who have been internally displaced as a result of Russian aggression, the Government approved the strategy of integration of IDPs and implementation of long-term solutions to internal displacement until 2020. The Government has found a workable solution for payment of social benefits, including pensions, to Ukrainian citizens who have moved to the government-controlled areas. The Government is currently elaborating procedures that would allow the residents of the temporarily occupied territories of Donetsk and Luhansk regions to receive their due social benefits, including pensions, in their actual place of residence in Ukraine. Mr President, the Government's priority action plan for 2018 envisages the continuation of structural reform in Ukraine, in particular development of a modern and inclusive labour market, profound review of occupational safety and health management systems, ratification of a number of ILO Conventions and groundwork to improve application of international labour standards. I take this opportunity to express our gratitude to the ILO for making available their best technical expertise to help build an inclusive, prosperous and socially coherent society in Ukraine. I thank you.

**Mr Dimitrov**

## **Worker (Bulgaria)**

Dear Mr President, ladies and gentlemen, brothers and sisters. On behalf of Bulgarian workers, I congratulate you and your deputies on your election to such important positions. We support the adoption of a new international labour standard, a Convention supplemented by Recommendation on ending violence and harassment against women and men in the world of work. It will give a definition of the concepts of violence and harassment in the world of work, including gender-based violence and harassment. We should pay attention to how domestic violence impacts women and how the workplace can play a positive role to assist women to live lives free of violence. We are committed to ensure that all workers are free of violence and harassment. Through the tools of social dialogue, social partners in Bulgaria would continue to develop and implement policies to eliminate harassment and violence in the world of work. This is an important national priority in the development and adoption of national action plan for promoting gender equality. Social dialogue is the DNA of the ILO. In my country, tripartite social dialogue is important in shaping the legislative processes on social and labour law, but also on defining comprehensive policy mix for achieving more inclusive and fair society. But the most important form of social dialogue remains the collective bargaining at sectorial and company level. We finished yesterday the recurrent discussions on social dialogue and tripartism, and the renewed political commitment for our campaign for universal ratification of Convention 87 and 98 has been confirmed. The last challenge that social partners in

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Bulgaria have confronted is the negotiations on minimum wage fixing mechanism. The declared objective is to reflect all the provisions set out in recently ratified ILO Convention 131. We have difficulties in the negotiations due to a lack of consensus on the specific indicators to be included and their weight. We hope that the nearly two year negotiation for a tripartite agreement on a minimum wage will soon become a reality. We are also facing the major of challenge of low wages and incomes and growing inequalities for Bulgarian workers. The average wage, €542 per month in last year, is normally between five and ten times lower than that in the developed EU countries, and compared to the new EU Member States, Bulgarian wages are up to two times lower. Almost 24 per cent of households in the country are below the poverty line, and almost 10 per cent of the Bulgarians are working poor. Over the past five years, there has been a positive trend in share of wage labour compensation in GDP. From almost 37 per cent in 2012, this ratio reached 43 per cent last year, resulting in about 6 billion lev (BGN), almost €3 billion, redistributed to the wage labour as a result of trade union wage increase campaign. We will continue our fight for equal pay for work of equal value, a fundamental principle of the ILO Declaration of Philadelphia which guaranteed decent and fair remuneration of workers. We also count on the ETUC initiatives, supported by ITUC, for the establishment of an alliance for upward wage convergence to be discussed in a forthcoming high-level conference in Sofia on 26 June 2018 within the framework of the Bulgarian presidency of the European Council. During the Bulgarian presidency of the Council of European Union we put as a priority the issues of digitization of work, protection of workers' rights for those working through online platforms and to all self-employed workers. We also imposed the issues of social dialogue, working conditions, working time, the distortions of the implementation of ILO Conventions related to the summarized working time calculation and incomes at the centre of the debate at the Regional Trade Union Conference we held on the key priority of the Bulgarian presidency, namely EU enlargement towards the Western Balkans. Mr President, we expect the reports that were published by the Global Commission of the Future of Work early next year to frame the debate for ILO's centenary conference and to give some particular guidelines as to how to extend the labour law and the social protection to the most needed. The publication of the ILO annual report on violation of rights, enshrined in the core Conventions of the organization, is of great importance for us. Based on its data we shall unite in seeking the best guarantee for respecting the fundamental rights at work. The fight for better social protection and decent working conditions, decent pay for all workers regardless of their employment relationships, must remain our constant goal. I wish you and all of us a successful conference. Thank you very much.

**Mr Monckeberg**

## **Government (Chile)**

Good afternoon President, Officers. In particular, I would like to extend a very warm welcome to the various bodies and organizations that are representative at the conference from my country, the Workers' Central, the Confederation of Production and Trade, and representatives of the workers and the different bodies such as the CAT, UNT and Conapyme from Chile. It is a great honour for me to extend a very warm greeting to you, on behalf of the Chilean Government, from our President Sebastián Piñera who, once again and with very broad support, has taken on the challenge of leading our country for the next four years. Only a few months after being appointed to the post of Minister for Labour and Social Protection, I have seen

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that the objectives and founding principles of our government programme are totally in line with the principles and standards which are inspired by this organization, the ILO. We believe in work as a driver, as a motor for social change, and we feel that it is an essential element to help people develop, and therefore we face a great challenge because our administration inherited a weakened labour market where the informal sector was never on the increase and where obviously what we have to do now is create quality jobs. It is our objective to help create 600,000 new, quality jobs with an aim of ensuring that, at the end of the period, we have 9 million Chilean citizens in work, and I really wish to hammer this point home. We're working to have a labour market where it's not just quantity, i.e. the number of jobs that we create, but quality of those jobs. And in this respect we are working to do away with a number of arbitrary discriminations which have hindered full participation of women, young people and persons with disability on the labour market. In the first few months of the Government, we have managed to see the entry into force of the Inclusion Law, which promotes equality between the genders and obviously also guarantees rights, and this based on Article 1 of our founding charter. What we want to do is do away with any kind of arbitrary discrimination in Chile, and also do away with any kind of abuse, and we want to guarantee equal opportunities and guarantee access to the labour market, and we also want to bring about a reduction in the wage gap. It is for this reason that we have very much welcomed the entry into force of the so-called Inclusion Law, work on which had started under the previous Government, and obviously we are going to strive to ensure that it is properly applied. This law, I think, is going to help bring about a more inclusive labour market and also for citizens of our country with disabilities, because up till now the doors have been closed to them. At the same time, we have submitted a draft law to Congress in our country, which will create a so-called special contract for young students, and it means that young people are going to be able to study on the one hand but also work at the same time, carry out a safe and protected work, which is compatible with their studies. And in order to guarantee and increase participation of women on the labour market, President Piñera will be submitting a draft law over the next few days, which will guarantee recognition of the universal right to childcare of children under two years. And, of course, we're also trying to introduce the greater participation of distance working. As I said, what we're trying to do is create a more inclusive labour market, have a greater share out of tasks in the home and improve the quality of life of all of our workers, be they men or women. And with the same strength that we're opening new areas for work, we're also going to be turning our attention to better taxation and a far more stringent respect of labour laws. In order for all of this to happen, then obviously changes are going to have to be made to our current laws in order to bring about the reconciliation between family and working life. We have to adapt and adaptability should not be a synonym of greater precarity. We should be making our labour market, our jobs, more human, and obviously if this is an objective we're setting ourselves as a country, we just don't want to strive for economic growth, we want to ensure that the human quality of our jobs is also increased. If we think about today's children and the pace of technological change, about 50 per cent of the jobs that exist today will not tomorrow, when our 13 and 14 year-olds are going to come onto our labour market, and there is the risk of jobs now being carried out in an automated way. So we have to ensure that our young people have the right kind of skills, and we're obviously striving to ensure that we cater for this as well. There is reform underway, and we're changing our education system in order to take account of these changes, and we're doing this work together with our workers and our trade unions. And we're looking at a paradigm shift because, for the time being, we have

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to ensure that all of this is properly reflected in any kind of collective bargaining agreement, and these kind of subjects cannot be missing. I'm drawing to a close, President. We'd like to thank the ILO for their very valuable contribution, especially bearing in mind that next year is the centenary of the ILO. And we obviously feel that dialogue and agreement is the only way to guarantee a protection for our workers to bring about a better working environment for everybody concerned. Thank you very much.

**Mr Joyce**

## **Worker (Ireland)**

Esteemed President, it's an honour to once again address this conference on behalf of the Irish Congress of Trade Unions. I'd like to welcome the Report of the Director-General of *The Women at Work Initiative: The Push for Equality*. As the report points out, we are still a long way from the goal of equality, and progress towards it is slow, uneven and uncertain. That is why we have put so much effort, during this conference, into the task of negotiating a much needed international standard to guide the fight against violence and harassment in the world of work. This will be a major contribution to the broader push for equality. The last year has also uncovered several incidents of workplace sexual harassment, and congress has called on the Minister for Justice to strengthen current equality legislation to protect workers in such circumstances. In Ireland, on average, women still earn almost 15 per cent less than their male counterparts. The gender pay gap has many causes and solutions, including more collective bargaining. It's also our view that pay transparency in individual organizations would encourage progress by shining a light on the causes of inequality and encouraging employers to address them. A growing consensus between Government, employers and trade unions has emerged on this issue and we hope that the Gender Pay Gap Information Bill will soon be enacted. It has, of course, been a momentous time for women's rights in Ireland of late with 2018 marking the centenary of the suffragette movement, and of course many will be aware of the recent removal by referendum of the issue of termination of pregnancy from our Constitution. The Government need to now legislate for the introduction of a regulated, comprehensive and quality healthcare service that is safe for women and girls in line with international norms. The Irish Government has been playing an active role since taking up a *titulaire* seat on the Governing Body of this House, and we welcome this commitment, as illustrated by the participation of the President of Ireland, Michael D Higgins in tomorrow's World of Work Conference, and the commitment to ratify the ILO Forced Labour Protocol during 2018. We also look forward to marking the ILO centenary in Ireland during 2019. However, despite a strengthening economy, assuming a relatively benign outcome to Brexit negotiations, and improved labour markets, there's still much to do in tackling decent work deficits in Ireland, including the incidence of precarious work and the need for legislation that delivers improved employment rights for some of the most vulnerable and exploited workers in Ireland, a point linked to the standard setting discussion of this conference. The extent of our low pay problem, the need to tackle racism in our workplace, the low participation rates of people with disabilities in the labour market, the lack of access to quality, affordable childcare, the need to revise our pension system, the lack of implementation of a just transition towards a carbon-free future and the lack of right to representation. These and other related issues arise directly as a result of the absence of a right to collectively bargain in our State. We did make some progress in the 2015 Industrial Relations Amendment Act, but the Decent Work

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Agenda will only truly be addressed when we achieve collective bargaining rights where workers can bargain the value of their labour without fear and where members of trade unions can exercise their rights of access to be heard. We'll be highlighting these and other issues as our Government reports on its implementation of the Sustainable Development Goals at the high-level political forum in New York next month. On the issue of social dialogue, we have been working with the Government and Ibec on the development of a formal social dialogue forum that can discuss public policy issues that affect workers and business but which cannot be resolved at workplace level. The Labour Employer Economic Forum, involving Government, business and trade unions, has recently expanded to deal with issues like the cost of housing, the cost of childcare and elder care, the pension crisis, collective bargaining and employment rights. The context of Brexit highlights the compelling case for Government, unions and employers to discuss and agree responses to these and other issues of concern. On housing, for example, a move from public provision of social housing over decades towards a new conventional wisdom that the market could provide these services more efficiently has resulted in thousands of people, including children, being either homeless or living in totally unsuitable accommodation. For a majority of workers, rental costs have become unaffordable, and most do not meet the criteria to successfully apply for a mortgage. This has led to increased pay demands to account for these cost of living factors. We have been seeking support from politicians in our Charter for Housing Rights, and it is in all of our interests to find a solution to this problem, and social dialogue can be an important tool in this regard. Finally, I want to note the report on the situation of workers of the occupied Arab territories and the decent work deficit it outlines. Unemployment in the occupied territories reached the highest level in the world. Job creation, it says, is at best anaemic, and the report goes on to note how these issues cannot be tackled while the occupation continues. It also notes how Gaza is blocked to an extent that tests the limit of endurance, and this is illustrated recently through recent events and the tragic killing and injuring by Israeli forces of innocent protesters and those seeking to assist the injured. Responses need to move beyond words of condemnation, and so we have sought a meeting with our Minister for Foreign Affairs, and have reiterated our view that Israel must face consequences for such actions if there is to be a real peace. To that end the Government needs to support the Occupied Territories Bill currently in our Parliament and formally recognize the decision of our Parliament to finally recognize the State of Palestine. Thank you, President.

**Mr Hoang**

### **Employer (Viet Nam)**

Mr Chairman and Madam Chairwoman, ladies and gentlemen, it's a great honour for me, on behalf of the Vietnamese Employer Organization, to address in this plenary session of the International Labour Conference today. I would like to take this opportunity to congratulate the Director-General for his comprehensive report, *The Women at Work Initiative: The push for equality*, which addresses issues and challenges faced by women in the labour market. The report elaborates on women at work as one of the seven initiatives in the lead up to the ILO 100th anniversary in 2019. Ladies and gentlemen, in the last two decades, Viet Nam has become the major sourcing destination for a number of global manufacturing industries in the process of people integration into global supply chain. Local manufacturers are increasingly faced with the twin challenge of remaining cost effective and competitive on the one hand and meeting growing social and environmental visibility standards on the other.

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It is in helping employers overcome this challenge that we see synergies with the work of the ILO whose tripartite structure, labour market expertise and industry support programmes resonate well with our own strategic aims for the Vietnamese economy. Viet Nam employers nowadays play a significant role in contributing to the growth of our country's economy through the intervention and efforts that supports the creation of harmonized industrial relations and a sound environment, for investment. We highly appreciate the ILO initiative, effective cooperation and technical assistance granted to us through programmes and projects in area of legal revision and intervention and social dialogue mechanism strengthening. A leading example of this can be found IN VCCI's active partnership with the Better Work programmes, which since 2009 has been working to promote labour standards and business competitiveness in the fast-growing garment and footwear sector. As part of this collaboration, VCCI has supported initiatives to boost factory level understanding of international labour standards, help employer to create harmonious and productive workplaces for all, and provide important networking opportunities for factories to share good practices on sustainable business while also taking time to listen to business feedback on policy change in future. Another initiative that VCCI has taken the lead since 2015 in advancing socially responsible labour practices in the electronics sector, especially through the newly established Business Coalition in SRLPs, with technical support from ILO and cooperated with MOLISA and VGCL forging partnership approach to developing capacity of the MNEs and their supplier, at the same time strengthening public labour administration The dialogue forum is an important part of the coalition activity to promote socially responsible labour practices in the multinational enterprises, business associations and their suppliers in Viet Nam. It also aims at facilitating policy dialogue between the private sector and the Government on issues and challenges created by the electronic enterprises in Viet Nam today. Ladies and gentlemen, Viet Nam now is on the way to approach the legal framework on labour and employment and its implementation, ensuring the right and benefits for both employers and workers. All Vietnamese employers' contribution to this progress has been made not only by our effort but also in cooperation with our partner as ILO, the Government, the worker representative, especially the assistance of IOE and all our partners, including the ILO ITC Campus in Turin, the Norwegian Enterprise Confederation, the Dutch Employers' Cooperation Programme, etc. I would like to take this opportunity to express my sincere thanks to our partners in this regard and look forward to further assistance from ILO and its member countries. On this occasion, I wish all of you good health and success. Thank you for your attention.

**Mr Pyakurel**

## **Worker (Nepal)**

Honourable Chair, distinguished delegates, sisters and brothers. First of all, please accept my warm greetings on my behalf and the entire workers in Nepal. I am pleased to address the 107th Session of the International Labour Conference. It's a very important gathering for all of us to bring issues and challenges, for discussions and find ways how to resolve these problems. After a long fragmentation and having difficulty to get common consensus on workers issues and agenda, we decided to come up with a Joint Trade Union Coordination Centre in 2007, which is an example of collaborative work to protect workers' rights, and achieved its intended objective in social dialogue and collective bargaining. Our practice of collective work through joint trade union had given unanimous voice and build strengthen among workers in

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Nepal. Over 72 years of Nepalese Trade Union movement now must active and collaborative not only protecting workers' rights but contributing industrial peace and harmony. Due to the unification of the scattered trade union centres, we have been able to address common issues and strengthen our voice which has successfully proven unity in diversity. The new Constitution of Nepal has established a right to employment, right to form union and right to collective bargaining as fundamental rights of workers. Our Constitutions has also addressed the issues related to the workers like right to free health service, food, resident, elimination of gender discrimination, right to safe motherhood and reproductive health, prohibition of child labour, etc. Labour Act has been promulgated after a persistent effort of Joint Trade Union Coordination Centre. The Act, which was achieved after the joint effort of the Government of Nepal, JTUCC and employers, has grouped all the activities of workers and their rights within the legal territory. Let me highlight new Labour Act that covers the following provisions. Child labour shall not be entertained. Discrimination based on the gender, race, religion, caste shall not be entertained. Equal wage for equal job. Assurance of right of workers to form union. Working hours of labourers shall not exceed eight hours per day or 48 hours per week. Provision of health insurance and accident insurance and provision of provident fund. Recently, Contributory Social Security Act has also been passed, which is now under implementation phase. We are prioritizing and designing social security schemes such as health, maternity, accident, disability, retirement, unemployment and implementation. There shall be the contribution for the workers as well as the Government and employers in such security plans. Social Security Fund Act has been promulgated as an effort to rescue workers from any unforeseen circumstances. Now we have huge challenges for effective implementation of these important laws and their provisions in Nepal. I appreciate the ILO's support in all these aspects and also request to continue in future. There are many other issues from workers' side, such as formation of labour commission, participation in policy-making process, right to select for candidacy and vote from work place. Other major issues include unemployment issues, low wage, implementation of agreements, election of CBA, problems of migrant workers, labour audit and ratification of ILO Convention 87. We'll continue our dialogue and advocacy with our newly formed government with comfortable majority now. Respected Chair, we believe our attempts help play a crucial role in ensuring decent work and also for attainment of Sustainable Development Goals. We have considered social tripartite dialogue as vital, and we are in attempt for its implementation. This has been proven by the involvement of Government, employer and worker during the Promulgation of Labour Act and Social Security Act. Nepalese workers have been raising voice and creating pressure to Government against violence and harassment against women and men at the workplace. It is a matter of delight for us to raise these vital issues in this glorious ILO conference. I would like to acknowledge ILO Director-General and Governing Body and wish that this conference shall ratify the Convention. Nepal has stepped into a new era of political stability that will bring peace and development for Nepali people and workers. We believe Nepal Government put decent work in the centre of planning and implementation to achieve inclusive economic growth. Lastly, I wish for grand success of this important conference. Thank you.

**Mr Medina Torres**

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## Worker (Mexico)

Here we are here to define the future of work, but we see this important initiative, which has been put to us by the Director-General, showing great vision. The Confederation of Workers of Mexico, which is a democratic labour union, wants to contribute to this review and try to help to adopt tripartite actions and strategies which will help to combat poverty and the precarization of the lives of people via decent work, an inclusive and green economy, and building on a development model which will lead to legal certainty and provide the necessary framework for companies to thrive with respect also for the rights and the economic and social protection of workers. Now we need to try and ensure decent work for future generations. The future work indeed is the future of human development. Now, when it comes to the future of work, we've got to take a look and start with where we are at present in terms of the current trends in the world of work. Our economies, in most countries, are right now not coming up with the goods when it comes to providing decent work. Employment and wages are only improving in just a few countries in our region. Generally speaking, they're moving towards precarity in terms of contracts and wages. The informality of work is something which is affecting increasing categories of workers and also new ways that work is being organized and production organized. To our workers, we would like to take into account all the different factors which are going to be important for the future of work. Yes, technological factors are very important, but what we as union organizers are more worried about is the future of labour relations and labour administration. What's at stake is addressing the widening social gap. The gaps will increase and inequality will increase if we do not rethink our social structures. In a nutshell, what we're seeing is so many cases where there's an increasing imbalance between capital and work, and the workers are the ones who are suffering from this. We need to make policy changes so that we can move away from this determinism that is inherent in many economic and trade policies, where people assume there is nothing we can do about the trends, that nothing can be done to combat inequality. That's why, in this period of digitalization, and with the ever increasing use of global supply chains, the State must define and implement the proper solutions for the future. Ones that will lead to an inclusive and fair economy. One that will provide us at the same time collective social protection, sufficient both in cities and in rural zones. We also must take a look at the general division of labour. We must do away with any violence and harassment in the workplace. We must lay the foundations so that in the future there is no tolerance for inequality in general, and when it comes to gender in particular. We've got to eradicate violence from the world of work. We must respect individuals and persons as individuals, and the ILO needs to adopt the proper norms as we move forward as we see these problems before us. Now as we look at the future, we must do away with short-termism and the lack of integration, which so often is the case for public policy, and we see these policies often are just not simply up to the job of trying to attack the underlying sectorial problems. We must have a future society which is inclusive. The future will require a greater organization of the workers for the just defence of their interests of tripartism and for collective bargaining arrangements and relations. If we are going to meet the goals laid down in Agenda 2030 of the United Nations, we have got to be crystal clear. We've got to be fully aware, and we've got to see just how important tripartite approaches will be in making sure that we do ensure human development and decent work.

**Ms Howard**

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## Government (Barbados)

Mr Chairperson, distinguished delegates, it gives me great pleasure to stand before you and to address the 107th Session of the International Labour Conference on behalf of the Government of Barbados. I first wish to commend the Director-General on his report and specifically to his highlighting of the need for the advancement of the World of Work initiative and the need to focus on gender equality. In recent times, we have observed a microscope placed on two issues affecting women at work, and that is the issues of sexual harassment and violence. While most of these allegations have been made, or are usually made by females, we know that this phenomenon is not restricted to females only but also to males, men and boys. This is in fact a gender neutral issue. Having ratified the eight fundamental Conventions which address the subjects that are considered as fundamental principles and rights at work, Barbados has taken its commitment to these and other Conventions quite seriously. Indeed, my country is seeking to ensure that our labour legislation is being amended and, where necessary, designed to have a positive and effective impact on our Decent Work Agenda. I must emphasize that Barbados is not alone, since a number of countries in the Caribbean region have sought to address, and are addressing, the issues of sexual harassment as well as discrimination in the workplace. I am pleased to report that the Parliament of Barbados passed the Sexual Harassment Prevention Act in October 2017. This legislation, among other things, makes provision for the protection of employees, in both the public and private sectors, from sexual harassment at their workplaces, and it also provides a framework for the reporting of sexual harassment cases by employees as well as a method of resolving such cases. The passing of this legislation follows a comprehensive programme established by the Government of Barbados, through its Ministry of Labour and Social Partnership Relations, to review and where necessary revise existing labour laws and to examine trends in the labour market to inform the creation of new labour laws. As is customary, local employers' and workers' organizations, as well as other interest groups, were engaged in the process, and we continue to engage them. I'm also pleased to report that Barbados is currently working on wider discrimination legislation in the form of the Employment Prevention of Discrimination Bill. Barbados remains committed to the application of ethical business principles such as equality, diversity and the need to treat every employee with dignity and with respect. The Government has signalled its commitment to ensuring that workplace environments are conducive to the personal development, safety and high level performance of employees through robust collaboration with our social partners and the creation of relevant legislation. Mr Chairperson, while legislative control of sexual harassment is relatively new, the behaviour which has prompted such regulatory measures has long been institutionalized and defended by its practitioners. Now that it has been catapulted into international focus like never before, the time appears ripe to effectively address this issue. We can be nothing less than thorough in our approach. We must ensure that our laws are as exhaustive and coherent as possible. We must be prepared to go that one step further when required and fill any existing gaps in our legislation. I am therefore heartened, Mr Chairperson, that the issue of violence and harassment against women and men in the world of work has a place on the agenda of the ILC this year, where it can be fully ventilated and where we can have commitment to action to eradicate this scourge through the creation of the appropriate standard. A vision of a world of work that is free from violence and harassment in its many forms is not by any means an unattainable one. What it requires is a concerted effort and steadfast dedication to achieve what some may deem impossible. For those who might adopt this way of

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thinking, I would admonish you to embrace the words of Mr Nelson Mandela, former President of South Africa, who simply said, "It always seems impossible until it's done". Mr Chairperson, distinguished delegates, I thank you.

**Ms Conway**

## **Government (United States)**

Good afternoon. It's an honour to address the 107th Session of the International Labour Conference on behalf of the United States. Thank you, Director-General Ryder, for your report on the ILO's Women at Work initiative. The United States strongly supports empowering women in the workplace. It is an auspicious time to be with you. This week marks the 90th anniversary of the creation of the United States Department of Labour's Women's Bureau, an agency that focuses solely on women in the workforce in the effort to foster, promote and develop the welfare of wage earners, job seekers and retirees of the United States, improve working conditions, advance opportunities for profitable employment and ensure work-related benefits and rights. On the day the Women's Bureau was established, 5 June 1920, women made up only 21 per cent of the American workforce. Today, American women are in a much stronger position. In 2018, women make up 47 per cent of the American workforce. Last week, the Department of Labour's Bureau of Labour Statistics released employment information for adult women, reporting a 3.3 per cent unemployment rate. The lowest in 18 years. Women own more than 10 million businesses, and of all demographic groups, the fastest growing entrepreneur segment is women in the American Hispanic community. For the first time on record, the number of American job openings exceeded the number of job seekers. Now is the time that America is looking to expand even more opportunities for women. Domestically, we are focused on increasing demand-driven skills education and supporting policies to help all Americans join and stay in the workforce. As representatives of our nations meet and we exchange similar stories regarding the need for skilled work, so many of the nations represented today transformed their workforces through apprenticeship programmes. Similarly, we have pushed for an unprecedented expansion in apprenticeship programmes to meet the needs of a vibrant economy. The expansion of high-quality apprenticeship programmes is complemented by our commitment to offer more opportunity to women in the science, technology, engineering and mathematics fields, where we see higher wages, more demand and faster growth rates. Another important issue facing working women is that of parental leave and childcare. In half of American homes with children under the age of one, all parents work. No family should have to choose between working to put food on the table and spending time with a new-born or newly adopted child. Labour force attachment is very important. Paid family leave supports labour force attachment, leading to higher productivity and lower turnover rates. That is why, for the first time in history, our Administration included a paid parental leave proposal in the budget request to Congress. We have also sought to increase access to affordable childcare through an increase this year to the Childcare and Development Block Grants, which fund state-level efforts to provide childcare services to low income families. On a global scale, we've collaborated with key partners to launch global initiatives that seek to increase women's access to digital technology, entrepreneurship and family-sustaining work. These include the WomenConnect Challenge, which aims to close the digital divide while helping women pull their families out of extreme poverty, and the Women Entrepreneurs Finance Initiative, or WEFI, undertaken with the World Bank to help women in

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developing countries gain access to finance markets and networks necessary to start and grow a business. We strongly believe that employment opportunities for women must provide safe working conditions and fair wages. This past December, the United States Department of Labour developed a toolkit for service providers and policy-makers to help reduce the risk of child labour and other harmful labour practices in women-led enterprises. Indeed, much more needs to be done globally to improve the quality of women's employment and to fight egregious labour abuses affecting girls and women, like child labour, forced labour and human trafficking. More than 64 million girls globally are victims of child labour, and more than half of all victims of forced labour are women and girls. The Department of Labour is working with many other countries, as well as the ILO, to prevent women and girls from being victims of these abusive practices. For example, in Zambia and Uganda we are funding projects to increase access for adolescent girls and vulnerable women to decent work and high-quality skills training. In Paraguay, we're helping to develop future female leaders and innovators by helping them gain access to financial literacy, numeracy, entrepreneurship and in-demand skills. And in Ghana, we're working with adult female household members to reduce household reliance on child labour in the cocoa sector. To close, in the words of the first female United States Supreme Court Justice, Sandra Day O'Connor, "Society as whole benefits immeasurably from a climate in which all persons, regardless of race or gender, may have the opportunity to earn respect, responsibility, advancement and remuneration based on ability." The United States remains steadfast in its commitment to help advance the economic empowerment of women globally. It is an honour to provide these remarks, and I thank the Director-General and the ILO for your partnership on these important efforts. Thank you.

**Mr Tsivkach**

## Employer (Ukraine)

Mr President, your Excellencies, distinguished representatives of governments, workers, employers, ladies and gentlemen, it gives me great pleasure to congratulate you all on behalf of the joint representative body of Ukrainian employers, at national level, on the great work you do to improve work environment and deliver on UN Sustainable Development Goals Agenda. We strongly support gender equality principle at work and universally and advocate on a continuous basis for better rights of women at work in Ukraine and internationally. Nonetheless, the inequality is still present and has many faces, among which harassment at work, unequal salaries, inability to effectively progress up the career ladder and many other that are not less important. These issues have been tackled with joint tripartite effort in Ukraine and determined desire for a change for the better. Gender equality is a fundamental principle for effective future work and tolerant social relations. It lays foundation for fairness, understanding and solidarity in our society. We need to admit and always remember that there is no perspective for peaceful future and economic development without these three pillars. In the modern world, employers must take a stronger role in terms of social responsibility. Business is no longer about making profit alone but also about creating enabling environment for decent work and life. There is no excuse for selfish market behaviour, abuse of workers' rights of any gender, or non-participation in essential international initiatives like the UN SDG Agenda. This rule applies for national and international employers in any country, including Ukraine. Moreover, joint effort of local and foreign businesses to improve regulatory policy and business environment in Ukraine must be aligned and agreed between

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stakeholders. We should be partners and not adversaries, as Secretary-General Guy Ryder rightly stated in his speech. However, even today we feel misunderstanding in such sensitive areas like public procurement, export and import policies. We certainly support fair economic competition and free market. However, our national interests must be protected in a way that corresponds to best international processes. Reforms must be balanced and protect interests of all participants, including national producers and workers. Government, international organizations and development agencies must bear this in mind, and their work in this regard is much appreciated. Taking this opportunity, we express gratitude to ILO for the joint project we did on enabling environment for sustainable enterprises in Ukraine, and we look forward to future cooperation. Strong business environment in Ukraine is key preposition for national social consensus, decent work conditions and effective contribution to the UN SDG agenda. Our industrial policy requires urgent improvement in a way that can answer modern challenges associated with markets re-orientation and global geopolitical shifts that affect economies. Ukrainian employers and workers have much to offer to the international community but support is required. We still struggle with the launch of the national expert credit agency and hope that it will start effective work soon. We need to align existing, and sign new, bilateral and multilateral trade and cooperation agreements that would allow us to revive national industrial capacities. This applies to all industries, including energy, machinery, equipment, consumer goods and certainly to agriculture, where we need to create a solid, value-added chain based on carefully thought-through land reform. There is no room for mistakes here. Ukraine has to deal with numerous challenges that bear a serious threat to economic and territorial integrity. Among those that affect business and workers are big scale forced migration within Ukraine, about 1.5 million people since 2014. International labour migration and brain drain of skilled workers. Today, over 5 million of Ukrainians live and work abroad, many of those may work illegally, hence their working rights may be affected. Shortage of suitable professional education courses and facilities on national level, and other important issues that shall be urgently addressed and resolved. Effective application of ILO Conventions on national level, respect to tripartite interests and needs, balanced and thoughtful integration into global markets and other factors, can help achieve good results in this area and secure peace and the future for work in Ukraine. We call on all employers throughout the world and other tripartite constituents to foster cooperation and ensure safe and decent work for next generations to come. We live in one world and support to each other should be our multicultural natural law. Next year, ILO and its members will celebrate the big date, and it should become a milestone for future of work. Ukrainian employers will work hard on ideas how to effectively contribute to Centenary Initiatives, including all seven of them. Moreover, Ukraine is a proud member of the UN family ... [vgr INTERRUPTION 6:08] ... safer and better place to live and work in. We need to remember that our main goal is not to build walls around us but to create happy and tolerant society. Once again, I thank you, all parties, for their hard work, and thank you for the opportunity to speak today. Thank you.

**Mr Samariya**

## **Government (India)**

President of the 107th ILC, Director-General, ILO, Vice-Chairs, from workers, employers, dignitaries on the dais. Ladies and gentlemen, it is indeed a matter of great pleasure for me to address the ILC. I take this opportunity to compliment the

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DG ILO for a very comprehensive and relevant report on the Women at Work initiative. Women are an integral part of our economies. A country's growth has a direct link to the woman's participation in the economy. A low female labour force participation rate is a matter of concern for all of us. The Indian Constitution upholds the principle of equality and no gender biased discrimination. India is taking concerted efforts to change this mindset and increase the active participation of women in the labour market. We have legislative measures in place to ensure the equal wages for men and women. We have rectified the ILO conventions concerning equal remuneration and no discrimination in respect of employment or occupation. However, we have about 400 million workforce engaged in the unorganized sector where the majority are women. As a result, we also face policy implementation issues. Beti Bachao Beti Phadao scheme has been launched to ensure survival and participation. India is one of the very few countries where the maternity benefit is as high as 26 weeks. Maternity benefits are also allowed to commissioning mothers and adopting mothers. The Maternity Benefit Act has enabling provisions for facilitating work from the home and crèche facilities for increasing the participation of women in the workforce. We need to adapt a multi-pronged strategy to promote all-round equality for the women in the labour market. Women face discrimination due to a strong traditional mindset. This also means that any initiative for positive discrimination runs the risk of creating perverse incentives for the market to keep women out of it. Our overall approach should be to change the traditional gender roles in the labour market. We can have policies to promote and incentivize the employment and training of women in the male-dominated sectors. We also need to promote the traditionally women-dominated sectors in terms of better productivity, wages and working conditions. This will have the impact of attracting women to such sectors for work. We are taking initiatives for increasing employability of women and women entrepreneurs. The Support to Training and Employment Programme has been launched to provide the skills that enable women to become self-employed entrepreneurs. Dedicated online platforms like Mahila E-HAAT have been launched for women to sell their products. The Pradhan Mantri MUDRA Scheme provides the soft loans to the small women entrepreneurs. More than 70 per cent of the borrowers under this scheme are women. Over the years, Self Help Groups have proven to be the great medium for social and economic empowerment of rural women. These are volunteer associations of women founded with the aim to mobilize their savings and to meet their credit needs. They also act as a delivery mechanism for various other services like entrepreneur training, livelihood promotions and community development programs. Approximately 8.6 million Self Help Groups have saving deposits of over 161 billion rupees (INR) with the banks. It is estimated that these Self Help Groups cover more than 100 million rural households. In order to ensure the safety of women at the workplace, we have enacted the Sexual Harassment of Women at Workplace Act 2013 which provides for a redress mechanism in cases of sexual harassment, even in the smallest of the unorganized workplace. The Working Woman Hostel Scheme has been launched that aims to promote the availability of safe and conveniently located accommodation for the working woman with day care facilities for their children. We suggest that the Women at Work initiative of the ILO should be further strengthened. The ILO should also work on improving the labour statistics to account for women's contribution in the economy, especially in the case of unpaid work. The world community should get together to ensure that the future work for women should be free from decent work deficits. We look forward to productive deliberations on this ILC agenda in terms concerning women. Thank you.

**Mr Zafferani**

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## Government (San Marino)

Mr President, distinguished delegates, the topic of this year's conference is one of the main challenges facing countries today, increasing the participation of women in the labour market while ensuring equality both in terms of wages and in terms of job opportunities. Many countries, including San Marino, must face this challenge of low participation of women in the labour market, pay gaps and lack of opportunities. Luckily, San Marino can rely on a strong production and manufacturing sector that still accounts for over 31 per cent of GDP and employs more than 9,000 people, almost 50 per cent of the total workforce in our republic. In this period of economic upturn however, data still shows a persistent gender gap in the access to employment. Indeed, the unemployment rate in the strict sense, which includes people immediately available to work, is now around 4 per cent among men and 7.5 per cent among women. This testifies to differences in the labour market. San Marino is about to adopt substantial, targeted economic incentives which will be granted to companies that will hire, in the next few months, women with contracts of employment of indefinite duration. These incentives will be granted in particular to companies providing access to part-time work, so as to meet the growing needs of many San Marino women workers. Developing economic policies and incentives aimed at specific categories of workers is crucial, but it is not enough. It is essential to favour the establishment and the development of companies in sectors traditionally occupied by women, such as trade and services. San Marino has developed measures to open up its market to commercial undertakings, and we hope that this will lead to good results in the next few months. On the other end, in San Marino there are no challenges linked to wage differentials between women and men for equal work. I believe that the San Marino national collective bargaining model based on the *erga omnes* principle is an effective safeguard against this phenomenon. In any case, our Government must work even harder to strengthen the fight against undeclared and unlawful employment because it is precisely within this form of work that exploitation and non-respect of rights are hidden. This will be discussed with social partners in the coming months. With regard to the issues of the social dialogue, I would like to point out that San Marino recently decided to strengthen the roles and the functions of the Labour Commission. This is a tripartite body made up of representatives of the Government, of the workers and of the employers which used to deal only with the administrative procedures. With the new law, its function changed and the Commission is now responsible for training and obligation for unemployed people, management of employment list, provision of social safety nets and much more. The tripartite management model entails intense interaction among the parties, which are required to dialogue on the most important elements of the labour market. Finally, I would like to mention a first test on the involvement of workers in company decisions. The San Marino Government has recently established an Agency for Economic Development, a body jointly controlled by the state and by businesses, whose aim is to promote the country abroad and which will also work as a chamber of commerce. The Constitution of the agency provides for the establishment of a two-person committee, appointed by workers, which shall be constantly informed by agency management on the strategic decisions of the company. In other words, the committee will not enjoy powers of direct management, but it will represent a way to actively involve workers in the business process. Thank you very much.

**Mr Carranza Discua**

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## Government (Honduras)

Distinguished delegates, distinguished workers' representatives, distinguished employers' representatives, on behalf of my Government I wish to extend a warm welcome and warm greetings to the presidency of the conference and all those present. President, Honduras is experiencing a new historic stage in its history. Over the last five years, we have enshrined individual freedoms and the ability to exercise political rights. We are fully involved in all international fora. We are engaged in active diplomatic relations with more than 100 countries, and trade, financial and services exchanges have enabled us to enjoy positive economic growth. Progress in terms of public security and social protection programmes are noteworthy indeed. The Honduras 2020 Plan is Honduras' most significant ever economic growth initiative with promotion of investment in four sectors. The aim is to generate 600,000 jobs over five years and to attract investment to the tune of some \$13 billion. Our goal is to generate high rates of growth by attracting investment as well as fostering exports and wholesale generation of jobs by 2020. In addition to these efforts, we are engaged in housing projects for workers in the maquila sector, with more than 3,000 jobs for seafarers, and strengthening of the Euro Plus labour and Euro Plus jobs projects with support of the EU, and the establishment of the task force for job creation, as well as opportunities and revenue with a special inter-institutional structure within the executive for coordinating work deriving from the Honduras State National Employment Policy with four key objectives: competitiveness, job creation, a business-friendly environment and development of human capital. In addition, we have seen an overhaul of the structure of government to enable better efficiency and effectiveness through the Department For General Government Coordination with joint general coordinators and their respective sectorial technical offices on governance, infrastructure, services and public enterprises, and the Office For Prevention, Security And Defence. President, as part of this conference, and pursuant to Convention 87, we have reported to the Committee on the Application of Standards as to progress in security and human rights over the reporting period, and we have been able to show that the majority of cases under review have been prosecuted as criminal offences. Further, Honduras, over the last two government terms, has made special efforts to improve public security whilst combating impunity, bolstering a system of social protection and increasing the effectiveness and efficiency of service provision in education and health as well as social security, political rights and inclusiveness for the most vulnerable sectors of the population, as well as inroads in terms of a more fair society. In particular, in the labour sphere, the new Labour Inspection Act which is in force has gradually led towards a new compliance culture. 32,268 inspections have been carried out to date, and these reflect an 81 per cent increase in rectification of violations found in enterprises. Thanks to this, 430,304 workers have benefited of the 590,442 total. In other words, 73 per cent compliance with the goals cumulatively for 2017-2018. At the same time, since the entry into force of the Labour Inspection Act, a total of \$1,057,793.51 has been levied in fines for various labour law violations, with a total figure of \$63,701.41 for violations of trade union law, and \$188,199.22 for obstruction of labour inspectorates. This context has also fostered freedom of association, and there have been a number of applications for granting of legal personality, with a total of 26 registered trade unions in the period 2014 to March 2018. At the same time, I would inform you that there are currently 11 applications for trade union status being heard, with 37 new unions in the last four years. President, in order to apply Article 6 of the Indigenous and Tribal Peoples Convention 169, the Government of Honduras has enjoyed the support and technical

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assistance of the ILO, leading to the Bill on Free, Prior and Informed Consent which has duly been revised by this organization. This process involved an inclusive process, bringing together 102 organizations and at least 1,300 people. [vgr INTERRUPTION 5:59] Lastly, we wish to indicate that Honduras will continue as a State to respect human rights. We reaffirm that respect, protection and promotion of human rights is at the very heart of all activities being carried out by the state. I thank you.

**Ms Laurin**

## Government (France)

Thank you, President. Ladies and gentlemen, delegates, France would like to thank the Director-General for the presentation of his report on the actions of the ILO for the two-year period 2016-2017. Progress made by the ILO when it comes to promoting social justice via decent work should be saluted. To discuss the results of its action, the ILO will become stronger and will reinforce its role in world governance. The organization, throughout this two-year period, built on the work that it had done in the past. It recalled the Declaration on the fundamental principles and rights at work and also the Convention on the elimination of the worst forms of child labour. France has fully supported these initiatives and recently again supported the protocol on the Convention on forced labour which it ratified in 2016. Mr President, a report on Women at Work and the seven initiatives for the centenary have been presented to this conference. Now, the way that this report ties in, and the discussions which have been undertaken here on violence and harassment against men and women in the world of work, is a perfect illustration of the link between these two subjects. This is something of major importance for us all. It certainly is for France. The President of our country, the French Republic, has said that equality between men and women is to be one of the major causes of his mandate. Our Parliament has adopted a bill to combat violence, be it sexual or sexist violence, and working with the Minister for Work and the Secretary of State for Equality Between Men and Women have presented an action plan to achieve a true equality between men and women in the world of work and to combat against sexist and sexual violence. This action plan has five main priority areas of action. First of all, the mustering of the social partners. Secondly, the training of those involved, including the labour inspectorates, and the dissemination of information and raising of sensitivity, and also victim support, and finally sanctions for those who transgress. Today, the voice of victims will be heard. The adoption of a Convention with a corresponding Recommendation is the reflection of the vitality and the ability of the ILO to meet the aspirations of society. Coming to such an agreement during the year of the centenary will be yet further proof that social dialogue and tripartism are the best way to meet the challenges faced by the world of work. President, in his report, the Director-General has underlined just how important inequality leads to injustice and instability. This, the centenary of the ILO, particular attention will be put upon the organization as it deals with the major challenges before it. The role that it should play to fully meet the Sustainable Development Goals will be determinant. The ILO should, at this point in time, reaffirm its unique tripartite role to take its place in world governance. France is aware of the major progress that has been made by the ILO to try and meet the different goals and objectives which were laid down in the Constitution of the organization and also the Philadelphia Declaration of 1944. Nonetheless, much remains to be done to meet those goals. To undertake this, the ILO should reinforce its role within the system of global governance. The different

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organizations of the multilateral system need to coordinate and integrate in all their different dimensions in a consistent and coherent approach. The ILO should do this within the context of the United Nations system for development, a process which is undergoing reform, fully supported by France, and being undertaken by the Secretary General of the United Nations. For these reasons, France believes that a declaration of the centenary in 2019 should be adopted. We need to reaffirm that the universal principles of the Philadelphia Declaration are still relevant today. It is important that we affirm today indeed that labour is not a commodity. These principles open a new horizon for the initiatives of the centenary, particularly the Future of Work Initiative. For France, it is via such a declaration, an ambitious declaration, that we can best take a look at the future of work and its prospects. A declaration of the centenary could put forward a plan of action aimed at guiding the work of the organization, building on the principles of the Declaration of Philadelphia and the major changes which the world of work is currently undergoing. With this in mind, it could take into account the report which the Global Commission of the Future of Work is to produce at the start of 2019. President, as we now enter into the second century of the ILO, you can count on the constructive spirit and commitment and support of France as we see the organization pursue its mandate for social justice. Thank you.

### **Mr González-Aller Jurado**

#### **Government (Spain)**

Thank you very much, President. Honourable delegates, I would like to start off by congratulating the ILO and in particular the Director-General, Mr Guy Ryder, for the excellent work that they have done in the run up to, and during the course of, the 107th International Labour Conference. In the same way, I would also like to say that Spain fully agrees with the issues that are being dealt with during this conference. This is a conference which is going to be tackling issues which are of essential importance for the world of work such as social dialogue, tripartism, the fight against violence and harassment of men and women at work, and also the contribution of the International Labour Organization to cooperation and development in support of the Sustainable Development Goals. And we agree and give our full support to all of these. You are no doubt aware that it is a few years now since Spain has emerged from the very tough years of economic and financial crisis. Nevertheless, we have not yet seen a full recovery of our labour market in terms of both quantity and the quality of the labour market. We still continue to face very important challenges, just like other member States of the ILO, and this when it comes to creating better job opportunities for those people who are looking for work and also better job opportunities for those who already have a job but would like to have a better quality job, i.e. better remunerated, a more sustainable job with better pay and over a longer period. We have made very many efforts since 2008, and we continue to do so, especially for those groups which were hardest hit by the crisis, such as young people, persons with a disability, older workers or the long term unemployed. In order to do this work, we feel that it is essential that we strengthen our international cooperation with other countries and international bodies because they, without a doubt, can provide us with their own experience and know-how. The ILO has been, and will continue to be, a key partner in trying to do this work, and Spain has been collaborating with the ILO ever since it was created, and we have been strengthening the joint work that we do together. We have participated in initiatives which are of particular relevance such as the Global Initiative on Decent Jobs for Youth, because education is key, and we have made a commitment to the ILO Future of Work

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Centenary Initiative in 2009. We are carrying out national dialogues at the autonomous regional level and within the universities, and we will continue with our commitment on the application of standards, ratifying Conventions and ILO protocols, the most recent of these being the 2014 protocol relating to the Convention on forced labour, and thus consolidating one of the instruments that has been most ratified by the organization. As far as Spain is concerned, the fight against violence and harassment of men and women at the world of work is a key priority for our country, and it is one of the essential focuses of this conference. Evidence of the importance we attach to this was the approval in September 2017 of a cross-party pact against gender-based violence, one of the most important cross-party pacts or agreements which we have managed to adopt in the history of our democracy, and which obviously will be marking the roadmap over the next five years. And one of the measures in this pact merits a special attention, i.e. through the representation of Spain at the ILO, to promote an international agreement against gender-based violence at the place of work. In the context of social dialogue, once again we want to try and make progress and have consensus between the organizations of workers and employers, which has allowed Spain to make progress in social policy and also improve its productivity and competitiveness of the economy. Our country is obviously firmly committed to social dialogue and is aware that it is an essential pillar for our progress. And perhaps if I now can refer to another essential access of our work, the 2030 agenda and complying with the Sustainable Development Goals. We have our commitment to setting up in September 2017, which is what we have already done, a high level group, with the twofold objective to coordinate the Spanish position and everything we need to do in order to meet the Agenda 2030. To conclude, President, I would like to reaffirm the commitment of the Government of Spain to continue the dynamism of the Spanish economy and to help bring about an increase in employment, all of which we want to do within a climate of dialogue and social inclusion, which will help us to promote sustainable growth and provide quality public services, thank you.

## **Mr Chishimba**

### **Employer (Zambia)**

Conference President, distinguished delegates, I am pleased to have this opportunity to make some remarks on the Report of the ILO Director-General, presented to the 107th Session of the International Labour Conference. The DG's report has touched on a number of issues in terms of activities in the review of the decent work results in the past two years and in providing evidence of areas in the efforts of the ILO in making a difference in impacting on peoples' lives through policy formulation and results-based projects. May I, on behalf of my Federation, commend the Governing Body and the DG on the milestones achieved in the area of helping member States in promoting social justice through decent work, social dialogue and tripartism. Distinguished delegates, my country, Zambia, has benefited immensely from the technical support offered by the ILO Office over the years and during the past two years covering the DG's current report through the field office in Lusaka, Zambia. Through this technical support, Zambia has been working on the Social Protection Floor by developing a comprehensive social protection policy that has proposed to establish a National Social Protection Council which will be a coordinating structure of the National Social Protection Policy. The new policy on social protection has also provided a window to expand the mandate of the Social Security And Insurance Regulatory Authority to include prudential regulation and

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supervision of both the public and the private pension schemes in situations of insolvency and severe investment loss. On the subject of fundamental principles and rights at work, the Zambian Federation of Employers has always been committed to ensuring that the employers in Zambia are encouraged to formulate workplace policies and implement such policies in compliance with the Zambian labour laws that have been formulated based on the ILO labour standards that promote fundamental principles and rights at work. The ZFE will continue encouraging employers in Zambia to respect these fundamental principles and rights at work for every worker in the country. Mr President, distinguished delegates, during the year 2017, the Zambian Federation of Employers participated in the review of the Zambian labour laws, through the tripartite consultative labour council, with a view of ensuring maximum protection of both the employers' and the workers' fundamental principles and rights at work. In this process, the ZFE and these social partners also ensured that the Zambian labour laws are designed in a manner that does not hinder investment flow in the Zambian economy. May I also use this opportunity to call on those investment funds to come and invest in Zambian, in the different sectors of our economy, and you will be assured of yielding better returns from your investment. Conference President, distinguished delegates, the ongoing discussion in the Committee on ending violence and harassment in the world of work, whose aim is to develop an instrument to protect workers from acts of violence and harassment in the workplace, once developed and domesticated by member States, will strengthen national mechanisms of ensuring protection of workers from being subjected to acts of violence and harassment. However, in formulating the instrument we urge the social partners to exercise flexibility and avoid placing costly obligations on the employers, as doing so may lead to implementation challenges at national level. Mr President, the DG's report to this conference has raised the serious concern that the world of work has been unfair to the women, indicating that only a handful of women have made it to the top of the corporate world while the majority of our women are in low-paying jobs. They are over-represented in informal and non-standard forms of employment. They have continued to be paid less than men globally, even when they do the same work, or work of equal value, and are likely to be subjected to violence and harassment at work. While we are aware that some employers globally are fully committed to continuing making progress on developing women as a critical talent and pool, we call on everyone, the public institutions, the private sector, through our employers organization, workers organization and other stakeholders to provide the extra push necessary for equal opportunities and integration of women at the workplace. The ILO office should continue with its global work on gender equality and non-discrimination and should be free, both human and financial resources, to the field offices to support the work of the ILO constituents in making a difference to address the gender inequality issues so far raised. Finally, Mr President, distinguished delegates, let me comment on the ILO's global work on international labour standards which, according to the DG's report, placed special emphasis on effectively engaging the ILO ... [vgr INTERRUPTION 6:40] ... commend this work, as it ensures that the labour standards, where necessary, were revised to be up to date and relevant for the changing world. I thank you very much.

**Mr Trambajolo**

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## Government (Italy)

Ministers, delegates, workers, employers, members of unions, ladies and gentlemen, new technologies, sharing economy, globalization are creating increasing opportunities for enterprises and make new goods and services more and more available for our citizens, but they may also open doors to increasing risks of marginalization and exploitation in new forms. We have to tackle the challenges of the new economy, not to fight trends that are positive and irreversible but to ensure to respect the rights of our citizens to ensure that people continue to be at the centre of any transformation. Italy therefore supports the initiative taken by Director-General Ryder to launch a worldwide reflection on the future of work, and we are extremely pleased about the recent developments and achievements. ILO is once again proving to be a vital organization, capable of adapting to the new challenges with both flexibility and leadership. We intend to continue to actively contribute to this initiative. Italy developed a tripartite dialogue on the future of work during the last two years, and the new Government that we have in Italy is now determined to move into action. We are ready to implement concrete initiatives to address the new challenges facing the world of work, starting from the issue of workers in the platform and gig economy, and the ILO will continue to represent an important reference and guide for us. Transformations in the world of work represent a great opportunity but can also deepen, if not properly managed, inequalities and poverty. We therefore believe that they should be accompanied by investments and macroeconomic policies to achieve the dream objective of economic growth and employment together with active labour markets and social protection policies to redress labour market imperfections and inequalities. These latter policies feature prominently in the Government's program. They include activation strategies to increase labour market participation of women, young people and disadvantaged groups, such as persons with disabilities. This is in full alignment with the goals of the 2030 Agenda on sustainable development, which Italy is committed to achieve, both domestically and through its development cooperation programs. Through our policy priorities, we do really want to ensure that no one will be left behind. Among the goals that we want to achieve, the fair wage for all is a priority. We also wish to strengthen protection for self-employment and the spread of new technologies, with particular regard to smart working to support conciliation between work and private life. But we think that, above all, it is necessary to introduce specific measures to support our citizens facing poverty, unemployment or underemployment, with the provision of a basic income. What we have in mind is a social protection cum employment activation that will help people in need return to work and social life and so protect their dignity and rights. Finally, the Government of Italy intends to intensify action aimed at prevention and contrast to gender inequalities at work. We need to incentivize both good practices that avoid it and employers who remove discrimination. We need to support maternity with financial help to the families and incentives for the companies that give work to mothers after the birth of their children. It is also important to improve social infrastructures and social educational services. In this context, the fight against gender violence and harassment to workers is of paramount importance for us. We are strongly committed to ending them. We will continue to support the adoption of international labour standards that will guide us in achieving this fundamental human right objective and the work of ILO constituents at this 107th Session of the International Labour Conference. We are particularly glad that consciousness at national and international levels is growing on the need to fight together consistently with the objectives and targets of Agenda 2030. Thank you very much ladies and gentlemen.

## **Government (Somalia)**

Mr President, Ministers, delegates, observers, ladies and gentlemen, let me first start in congratulating you and your Bureau for the election as President of the 107th Session of the International Labour Conference and commend the previous Bureau for the outstanding work they did during their office period. Mr President, the Federal Republic of Somalia reaffirms its obligations and continued participation as a member of ILO and ILO's agenda in pursuit of universal social justice and lasting peace in the world of work. As ILO's work for gender equality enters its second century, and with it its continuous long commitment record, we are still a long way to reaching the fair world of work for women with low progress, as indicated to the report of the Director-General. Numerous studies have shown women are one of the most powerful investments we can make in building a better future. Somali women are among them. They did not spare any effort to contribute to the future of their country from independence until today. As a country in the world, we need to move with a greater sense of urgency in addressing the gender pay gap. It is the injustice for our time. We must double our efforts to reverse these imbalances and fulfil the universal suffrage of equal pay for equal work. In the context of Somalia, women business associations and networks have great potential to become sustainable institutions that support and strengthen, enabling an environment for the economic advancement of women. Mr President, we know that violence against women leads to losses in productivity and well-being, impacting the national budget, people's lives and overall development. We should put our efforts together to protect women and girls. The Somali Provisional Constitution provides for protection from discrimination in the workplace and from violence against women, including sexual abuses. The Independent Human Rights Commission selected candidates, with four women and one disabled, is in the process of approval. Mr President, the underlying strategic objective of the ILO suggests the right to decent employment and income opportunity for women and men and the guarantee for social protection is key to the spirit and product of state building and sustainable development of my country. With the support of ILO, we have devolved the first ever employment strategy of Somalia in the draft form to seek additional feedback from federal member States and stakeholders to further tackle unemployment, job creation and poverty reduction for our citizens, specifically for youth and women. In terms of civil servant reform processes, the Minister of Labour and Social Affairs is in the process of completing the HR audit that focuses on ensuring identification of both strengths and weaknesses of public administration officers in aligning the national development plan and strategic policy of this issue. The Ministry is also leading the process for the review of labour laws, as well as developing National Employment Strategy with the public and private sector. Mr President, ILO's strong core mandate on Goal 8 of the 2030 Agenda positions the ILO in a crucial role in the world's quest to end global poverty. Indeed, as unemployment is a major obstacle to strengthening the citizens' purchasing power and their way out of poverty, this has pushed many of our youth to make the dangerous journey across the Mediterranean where lives are needlessly lost or attracted to be recruited by terrorist groups. The Somali Government is committed towards peace and economic development in the country. As one of the least developed countries, and being severely affected by conflict and natural disaster, Somalia is at a critical stage in laying the foundation and the persuasions needed to realize the 2030 goal in particular. We urge the ILO in assisting Somalia in establishing programmes targeting job creation for the youth. We are indeed a

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country where more than 70 per cent of the population is youth. Human trafficking will therefore come at the cost of our productivity and creativity. Mr President, Somalia places great importance on social dialogue. It is more than just an abstract notion, but an instrument which is a means to an end in achieving the global goals we have set out to pursue. Indeed, the detailed objective of Somali Compact, endorsed by the Federal Government of Somalia and our international partners, rests upon works to build, strengthen, promote and lastly respect the fundamental convention of ILO. We would like to thank ILO's Decent Work Programme's efforts in Somalia which have been transformative and have aided the Government and social partners to make real progress towards peace and state-building goals. In conclusion, in order to face the challenges we are experiencing, it is important that the international community continues to support Somalia at what is a crucial juncture so that peace, stability and decent work efforts do not lose momentum. I thank you Mr Chairman.

## **Ms Francisco**

### **Worker (Angola)**

President of the Conference, ladies and gentlemen, it is a great honour and indeed a privilege to take the floor in this august tripartite assembly on behalf of the men and women workers of Angola. I would like to begin by first of all congratulating the Director-General for having chosen for the debates of this conference such an important issue for the world of work, specifically the Women at Work initiative. I would also like to congratulate the Chairperson of the Governing Body for his report on the period of 2017 to 2018. Now we have this concept of gender, of fairness, and equality in the world of work, and that is to be discussed here in the run-up to the centenary, is a unique opportunity which can serve as a catalyst to try and reinforce our tripartite efforts at the national level to try and promote fairer and more egalitarian societies. Violence and harassment in the world at work are some of the most visible forms of non-respect for human rights, and for this reason this discussion of these issues is of the utmost importance. Your Excellencies, non-discrimination and the promotion of equality have always been fundamental rights in the Republic of Angola. Since the 1970s, Angolans have been concerned with economic and political emancipation and trying to combat different social stereotypes. The efforts of the State to try and promote gender equality and also the role played by the women's committees of unions has been very, very important as we try to move and break with preconceived notions as we have seen a massive wave of women join the labour market over the last years. We see that women have moved forward in the area of gender equality over this period of the last decades, but the achievements of women in Angola, we should point out the following. First of all the constitutional call for no gender discrimination and gender equality within our Constitution and that there be no discrimination based upon origin, race, party politics, sex, colour, or any other form of discrimination. The approval of Law 25/11 against domestic violence provides a text which can be used to try and combat domestic violence. And also we have the approval of Presidential Decree 8/11 which defines different rights for family benefits, for nursing benefit and other areas to try and help with subsidy for maternity and pre-maternity. We have then also had a national law put forward which is being discussed by unions to try and combat sexual harassment and other problems in the workplace. Now, according to the statistics, there are more women in the world than men and yet, despite the fact that women are in the majority, stereotypes continue to force women into second-place positions

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in societies, and in particular in labour markets. In Angola, for example, most Angolan women work in the informal sector and in caregiving roles, and for that reason they are working in precarious jobs and not earning much, and have little social protection. Ladies and gentlemen, the Angolan society over these last months has seen major economic, social and political changes which have affected workers in general and in particular women. Prices are high for food and other goods. It makes it impossible for people, with the salaries they earn, to actually get the things they need if they are going to meet their families' needs. The tripartite organs which have been created in the country don't work very regularly, and have not been useful in trying to discuss the labour problems. Beyond the different economic and social problems that workers face, over 64,000 public servants have not been paid since the month of April. There is no legal justification for this, violating the very underpinnings of human rights and human dignity, and indeed over a million people are not having the financial means available for their basic subsistence needs. A basic general labour law a couple of years ago led to more layoffs, more unemployment, less security and less health in the workplace, and indeed, in a nutshell, more precarity. We need to try and do what we can to try and find a better way to balance our work lives and professional lives and to make it easier for women to join the workforce, and we need to make sure that we can ease the path into the job market. We see that we have had the traditional, old-fashioned approach where men feel that they are superior and would not deign to help in the family or help with the family responsibilities. In most countries in Africa, most of the caregiving is performed by women, which makes it harder for women to join the formal labour market, and quite often it means that women are often seen as not being very reliable employees because of their many responsibilities. If we can't get the balance right between family life and working life, if we can't find a way to do this at the national level and international level, then we are going to have a great deal of problems. We are going to see that the informal sector will be where women work and only there. [vgr INTERRUPTION 6:34] I just wanted to speak on behalf of the rights of the 64 state public servants who are not having their rights respected, so I would like to take up their call for justice.

**Ms Horváth**

## **Government (Hungary)**

Mr Chairperson, let me congratulate you on behalf of the Hungarian Government, to all officers of this year's conference and their excellent job in running the sessions of the ILC. I would like to thank the Director-General for the excellent report on *The Women at Work Initiative*. We are particularly glad that this important topic is at the heart of our discussions this year. The Hungarian Government fully supports the view that gender equality is one of the main pillars for achieving global social justice. Furthermore, in this context, I would like to express our appreciation for the global efforts led by the ILO to meet the ambitious commitments of the 2030 Agenda. Hungary strongly believes that the goals of the Women at Work initiative can and should be achieved. We simply cannot allow sitting idly by, watching the enormous inequalities among us and the negative effects they impose on the world of work. Therefore, we are committed to the efforts of ILO in this domain, as we are preparing to celebrate the centenary of ILO. One of the main priorities of the Hungarian Government is to improve the responsiveness of the labour market by promoting job creation and employability through stimulating both the supply and the demand side of the labour market. As part of our efforts, we have elaborated

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several strategies and implemented action plans for facilitating gender equality in the world of work. The basic guiding principle of these policies is that reaching social justice is not possible without providing decent jobs and working conditions for women and men. The Government also recognizes the importance of the balance between family and work. Therefore, a number of programmes and campaigns have been started, such as the Year of Families 2018. A wide range of subsidies are provided for families, like the Child Care Allowance Plus Programme, which makes it possible for women to rejoin the labour market six months after giving birth and still be entitled to receive childcare allowance. As a result of the measures taken by the Government of Hungary, the number of employed women in the country has risen substantially, regardless of age or qualification. Furthermore, we are proud to report that the rate of women's unemployment has fallen below the 5 per cent threshold. It needs to be emphasized that social partners are also essential in raising awareness and understanding the benefits of gender equality and creation of decent jobs. We must acknowledge that the commitment of all stakeholders is pivotal for adequate implementation of the aforementioned strategies, action plans and programmes. Concerning the future, Hungary considers that the promotion of decent work for all and upholding fundamental rights at work are imperishable objectives and have to remain at the heart of all ILO's activities. On behalf of the Hungarian Government, I would like to reassure the Director-General about our commitment to support the work of ILO in general and the Women at Work initiative in particular. We are looking forward to participating in ILO's deliberations and invaluable work that leads towards the achievement of our shared goals. Thank you for your attention.

**Mr Diane**

## **Government (Guinea)**

Mr President, Director-General, distinguished delegates. At the outset, it is my pleasure to convey to you the warm greetings of Professor Alpha Condé, the President of the Republic of Guinea. He, as do I, wishes you every success in the course of this 107th Session of the ILC. I would also like to commend Mr Samir Murad, the Minister of Labour of the Hashemite Kingdom of Jordan, for his election to preside over the work of the 107th International Labour Conference. My delegation wishes to reassure him of its full cooperation in his work. President, my delegation is delighted to be able to participate in this global meeting which, given its tripartite nature, allows us to reflect on the ways and means to address the challenges facing the world of work in an international context characterized by economic and political shocks against a backdrop of migratory crises and environmental degradation. Our organization, which will be marking its centenary in 2019 has, since it was founded, spared no effort in its effort to promote decent work and social justice towards a fairer world. The items on the agenda for this conference session do contribute, to a great extent, to improving labour governance. Guinea would commend the Chairperson of the Governing Body and the ILO Director-General for their exhaustive reports. It goes without saying that the implementation of the Sustainable Development Goals will further improve the wellbeing of populations whilst reducing inequality through effective cooperation that can enable resources to be mobilized. With this in mind, Guinea has taken steps towards improved ownership of Agenda 2030 with the 17 goals being disseminated to the population on an ongoing basis. My delegation remains deeply concerned by the phenomenon of violence and sexual harassment, which needs to be dealt with in a holistic way through relevant national policymaking to protect women as well as

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fostering equality and non-discrimination in terms of gender issues and migration. Guinea has established an institutional legal and regulatory framework to combat these degrading phenomena. As part of labour governance, my country has set up a national committee for social dialogue which allows us to prevent and to address conflict. This committee played a noteworthy role in the positive outcome from the most recent strike action by the Free Union of Teachers in Guinea in January and February 2018. My country wishes to renew its attachment to the ideals of peace and justice and launches a call to end discrimination, oppression and harassment in the workplace against men and women, and to ensure that all workers may flourish in sustainable development. Lastly, my delegation reaffirms its steadfast commitment to the cause of the Palestinian people. I thank you.

## **Ms Rwanyindo Kayirangwa**

### **Government (Rwanda)**

Mr President, distinguished delegates, on behalf of the Government of Rwanda, my delegation wishes to start by congratulating Honourable Minister Samir Murad for his election as President of this session. I commend both the President of the Governing Body and the Director-General for the report they have presented to us, where areas requiring more efforts were highlighted for our urgent focus. I also would like to thank each and everyone here present for the work we are doing, all of us together, to promote employment and decent work. Our delegation further commends the Governing Body for having included on the agenda a standard setting item on violence against women and men in the world of work. Mr President, distinguished delegates, Rwanda has made efforts to prevent and eliminate all forms of discrimination and violence in the world of work. We have pursued zero tolerance efforts on gender-based violence and discrimination. Victims of violence in the world of work must be protected and receive psychosocial, medical, police and legal services. In the case of Rwanda, we have established ISANGE One Stop Centres to enhance prevention and provide treatment services to the victims of gender-based violence, including any cases of violence and gender-based discrimination that may occur in the workplace. In the context of social protection, a national maternity insurance scheme was approved in 2015 and is implemented in public and private sectors. It has helped ensure job security for both pregnant and breastfeeding women and allows them to continue receiving their full salary during the maternity leave. The maternity insurance scheme also allowed mothers to have enough time to take care of their young kids, contributing to early child development critical to sustainable, productive adulthood. Rwanda has a strong political will to promote gender equity and equality in all spheres of life, including at the workplace. Currently, 64 per cent of Rwandan parliamentarians are women, and women representation in other sectors has also been increasing. In 2015, the Government of Rwanda, in collaboration with all social partners, adopted the Five Year Decent Work Country program, which is built upon promoting employment for women and youth, extension of social protection to all, promotion of tripartite social dialogue and promotion of rights at work. With a view to creating decent and productive jobs, Rwanda has set a target of creating 1.5 million productive jobs by 2024 under our National Strategy for Transformation. Employment trends are now measured through a Bi-Annual Labour Force Survey that helps avail labour and employment statistics to inform evidence-based policy actions. Under the leadership of His Excellency Paul Kagame, the President of the Republic of Rwanda, the Government of Rwanda is committed to promoting, protecting and ensuring full respect of all fundamental

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principles and rights at work. Concerning prevention and elimination of violence and harassment in the world of work, Rwanda aligns itself with the proposal of a Convention supplemented by a Recommendation. In the regional and global context, Rwanda is open to free movement of labour and workers, and firmly believes in the benefit of labour migration. And beyond the labour migration context, you are all welcome to visit Rwanda. Concluding, I would like to reiterate our expectation that the new ILO Centenary Initiatives and Future of Work will continue to devote special attention to the needs of women and youth in terms of employable skills, and national policies conducive to creation of productive and decent jobs. Thank you all for your kind attention.

**Mr Bacale Obiang**

## **Government (Equatorial Guinea)**

President, distinguished delegates, ladies and gentlemen. The Constitution of my country regards work to be a right and an obligation of any citizen resident in the country of Equatorial Guinea. Equatorial Guinea has been a member of the ILO since 1981 and at all times has done everything possible to facilitate the exercise of this right and delegation, which are anchored in the Constitution, and to do so in optimal conditions, despite the very many difficulties that derive from our short experience and the profile of our society. And these are obstacles that we have managed to overcome with the support of the ILO. The Director-General of the ILO in his report covering 2016-17 gives what we feel to be an accurate snapshot of the situation of social justice around the world. The report highlights some of the success stories that have been achieved by the member States during the two year period, and it also refers to the development, implementation and evaluation of the strategic goals of the ILO, and obviously all of this working towards consolidating the global Decent Work Programme. Employment, social protection, social tripartism are the fundamental principles and rights, questions which are vital in the global context, and obviously these have directed a lot of interest on the part of our governments. And we see that at the time we are going through a global economic crisis and the negative effects of this crisis have had an impact on the socio-labour sphere. The report highlights that there will be 192.7 million unemployed people around the world, including citizens from Equatorial Guinea. Our country has seen very high levels of unemployment since the drop in the crude oil price, which was the main source of revenue for our country, and also with the finalization of infrastructure work, which all forms a part of the first part of a national plan for economic and social development in our country, Horizon 2020, which was developed by the Government. The adverse situation has led to very many young people being affected by unemployment, which is a phenomenon which is undermining and has exacerbated some of the shortcomings relating to relations on our labour market. And in this sense, the Director-General's report has also said that there are 4,000 million people around the world without adequate social protection, including citizens from our country, and obviously this does constitute a challenge for us. In this field, the Government has decided to optimize social protection cover, and to this end, has submitted a draft social protection law which is currently being discussed with a view to its adoption. And in this way, we should be able to face up to all the challenges. We would like to express our gratitude here, and say that we count on the support of the ILO, and we are currently working on developing and implementing a Decent Work Country Programme, and the activities related to this are going forward at a good pace. And we have identified the three priorities which characterize our Decent Work Country

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Programme, that is employment for young people and women, social protection and labour standards. With this Decent Work Country Programme in Equatorial Guinea, what my Government aims to do, amongst other things, is to reduce the informal economy, improve protection for women and young people, and also promote self-employment. In a specific way, what Equatorial Guinea is trying to do is promote tripartism on the basis of a structure which will allow participation of all social actors, guaranteeing direct, realistic and sincere social dialogue. The Government is very much willing to count on the participation of representatives of the workers, and in order to do this they are pushing the reform of the current law which regulates freedom of association and trade union freedom. This is a law that was adopted 26 years ago, and obviously it is essential now that we proceed to its reform in order to be able to adapt to the new times and to better guarantee participation of workers in social dialogue. We therefore wish to continue to count on the guiding voice of the ILO because we need the support of the ILO on our path towards improving and consolidating relations on the labour market and tripartite dialogue, and obviously that support will be very much valued. The Ministry for Labour, Job Promotion and Social Security and its Minister addressing you today obviously places its full trust in the current good relations with the ILO, which have always existed right from the outset. In order to conclude, I would like to point out that Equatorial Guinea, with President Obiang Nguema Mbasogo at its head, has been enjoying a very long period of political stability, which is one of the factors that favours a climate for negotiation and foreign investment. We live in peace in our country, and this can be seen through the very high level of hospitality which we share with other countries represented here. Another important factor is the youth and the characteristics of our people, always willing to grow professionally and to explore new experiences in the world of work. Honourable delegates, I would just like to say that when I go back to my country, in my luggage I will be carrying the hope of my country, both in terms of bilateral relations and multilateral relations, and hopefully to be able to count on the support of all of you in order to achieve the goals we have set ourselves. Thank you.

## **Mr Hothnyang**

### **Government (South Sudan)**

Thank you, Mr President. Honourable Ministers, the Director-General of the ILO, distinguished delegates, ladies and gentlemen, on behalf of the delegation of the Republic of South Sudan, and on my behalf, I would like to avail myself of this opportunity to congratulate you, Mr President, for having been elected the President of the current 107th Session of the International Labour Conference. Our congratulations are also due to the Vice-President of the Conference. I would also like to congratulate the Director-General, Mr Guy Ryder, and his staff for the excellent organization of this important annual event and the warm welcome accorded to our delegation. On the other hand, we would like to commend the very comprehensive and informative report that Mr Guy Ryder presented during the opening session of the conference. We are in agreement with what the Director-General said in his report about the vital need for dialogue to improve the working relations, the importance of collective bargaining, and zero tolerance violence and harassment in the workplace. In this regard, and to realize some of these objectives, I am privileged to announce to this plenary that South Sudan has successfully enacted its labour bill into law. It was passed by the Transitional National Legislative Assembly in November 2017, and it was assented by the President on 12 December 2017. The labour law observes the importance of the working relationship, including

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the rights of the workers, and it embodies for provision for the regulation of working relations between the various stakeholders, as well as the protection of workers without discrimination, and especially of the women. Since its independence in July 2011, the Republic of South Sudan has adopted seven Conventions of the International Labour Organization. These Conventions were ratified when we were one Sudan, before independence. In addition to these Conventions, South Sudan signed a Memorandum of Understanding with the ILO. This Memorandum allowed the presence of ILO in South Sudan. The ILO Office in Juba, by then provided the necessary technical assistance which led, among other things, to the drafting of the Labour Bill, designing of the regulatory framework, combating child labour, drafting of the vocational training policies, developing capacity of workers and strengthening labour administrative systems. Mr President, distinguished delegates, ladies and gentlemen, the Republic of South Sudan commends the ILO for its contribution in the implementation of the 2030 Agenda for Sustainable Development, to eradicate poverty and achieve sustainable development. However, for the Government of the Republic of South Sudan, and the social partners to contribute positively in the efforts regarding the implementation of the Sustainable Development Goals, I would like to reiterate on behalf of our Government that the ILO resumes its vital activities in the country. The presence of the ILO in the country shall assist us in printing and wider dissemination of the labour law that has been enacted into law by the President. Regulations for the labour law need to be drawn in order to facilitate the implementation of the law. It shall also assist us in polishing the drafted National Social Insurance Bill, which will be presented to the Council of Ministers and to the Parliament. The purpose of this bill is to meet the pension needs of the private sector and the NGOs. Meeting the financial needs of the private sector and the NGOs is not the only challenge that the country is facing. The country is also facing a lot of difficulties in reporting about the adopted ILO Conventions, despite its commitment and willingness to comply with all the ILO reporting requirements. Thus, the provision of technical assistance and capacity building for the Government and its social partners by ILO is paramount. This has contributed positively to the fulfilment of all the requirements of the ILO, reporting and adhering to the deadline. Mr President, distinguished delegates, ladies and gentlemen, another challenge that the Transitional Government of National Unity is facing is the issue of peace in the country. The Government is currently implementing the August 2015 Agreement and pursuing the revitalization of the same agreement in order to bring lasting peace to the country. This shall in turn enhance the development and improve the livelihood of the population of the whole country. In conclusion, together we look forward to a continued partnership with the ILO in improving labour performance in the Republic of South Sudan. I thank you, Mr President. God bless you and bless the Republic of South Sudan.

**Mr Konkolewsky**

## International Social Security Association

Honourable Vice-President of the International Labour Conference, distinguished delegates, ladies and gentlemen, on behalf of Doctor Breuer, President of the International Social Security Association, the ISSA, it is my great pleasure to convey to all delegates to the 107th Session of the International Labour Conference the greetings of the ISSA and its membership of 320 government departments and social security institutions from 153 countries. First, I would like to extend my congratulations to the ILO Director-General on his report, *The Women at Work*

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*Initiative: The Push for Equality*, which stresses the need to supplement existing policy instruments for the promotion of equality with new and innovative approaches. There is indeed a need to go beyond business as usual, as highlighted by the Director-General, and intensify efforts to make real progress. Importantly, this is also a condition for achieving the global commitments for 2030 and for addressing the area in which our vision of social justice is probably most challenged by the reality of grave inequalities. Having also defined inequalities, and in particular gender inequalities, as one of the main challenges for social security, the International Social Security Association and its global membership are very supportive of the leadership role that the ILO takes in the global debate on gender equality in the world of work. Poorly designed social security systems risk to perpetuate labour market inequalities by mirroring pay gap or unpaid care periods in lower levels of protection for women. As experiences from amongst other Scandinavian countries demonstrate, social security systems can do a lot of good if they are gender sensitive and are designed to compensate for inequalities in pay and work. Parental leave systems for both mothers and fathers, pension credits and other redistributive mechanisms that help reduce the pension pay gap can act to empower women and promote a fairer sharing of responsibilities between women and men, and consequently improve balance between family and work life. In addition, we must ensure that not only social security policies are designed to promote gender equality but also that delivery systems enable effective access of women to coverage and benefits. For instance, the significantly lower access of women to financial services and bank accounts must be reflected in the design of benefit delivery systems by social security institutions. The ISSA and its global membership are therefore committed to using all opportunities, in partnership with the ILO, to develop and promote innovative solutions to realize the positive impact of gender sensitive social security policies and delivery systems for promoting gender equality and empowerment of women in society. Compiling and sharing such innovations is one of the pillars of our work, for instance through our reports on key challenges for social security or our regional and global events. Using gender mainstreaming as a tool to ensure the gender sensitivity of ISSA guidelines, which are global professional standards for governance, service delivery and management of social security, is another important new measure that expresses our commitment. Clearly, these efforts must be closely interconnected with activities to address other key developments in the world of work, including in particular emerging new social needs for care in ageing societies as well as the evolving nature of work as part of the digital economy. Ladies and gentlemen, as highlighted by the Director-General, both holistic and innovative approaches are needed to address gender equality and inequalities. Having closely collaborated for more than 90 years, the ISSA is once again at the side of the ILO to promote a new push for gender equality through its unique global network of social security government departments and institutions, and as the ILO enters its centenary, we look forward to this collaboration to tackle one of the oldest and most persisting challenges to social justice. Thank you very much.

**Mr Ozkan**

**IndustriALL Global Union**

Distinguished Chair, delegates, I am speaking here on behalf of IndustriALL Global Union, representing more than 50 million workers in mining, energy and

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manufacturing sectors throughout the world. We consider it very important that this ILC discusses the effective development cooperation of the ILO in support of the Sustainable Development Goals. The 17 inspiring and ambitious goals address everything from poverty and hunger to equality, clean energy, climate action, decent work and economic growth and peace and justice. Indeed, the goals are interlinked and very ambitious. This is the nature of sustainability and integration of social, economic and environmental needs and solutions. Surely the time is now to recruit every individual, every institution, every movement and every force that cares about a sustainable future, the only future worth imagining, to the task of achieving them. The IndustriALL Global Union supports this effort. We do not think they are unreachable. The resources needed to attain them are in plain view. We believe we can change the world for the better. What is needed is a plan. We agree with those analysts who predict that many greener, more sustainable jobs will be created in the coming transformation. However, it cannot be disputed that there will also be job losses and job disruption. What will we say to those workers? Shall we simply tell them that they must sacrifice their lives or at least their jobs, their families and their communities for the greater good? The only morally defensible answer is to guarantee them a just transition. If we want them to support this urgently needed transformation, there must be something in it for them. If we want them to stop what they are doing today, we must be able to tell them what they will be doing tomorrow, and it had better sound good to them. No one will support a transition to a pessimistic future. No one will support an unjust transition. Therefore, programmes to ensure a just transition are not optional, they are the necessary prerequisites, the essential bridge to a sustainable future, and workers must be fully involved along with employers and governments in shaping it. Altogether we need to be able to build a future that both today's and tomorrow's workers can look forward to. Altogether we need to be able to build a future that we need not apologize to our children for. Distinguished Chair, another important item that this conference discusses is the future of work, and as manufacturing, energy and mineworkers, we already strongly feel the impacts of digitalization and so-called Industry 4.0, the label for a variety of advances in disruptive production technologies in our industries and our employment. Industry 4.0 is undoubtedly a huge transformation that will hit sectors and regions. And today, trade unions are more important than ever as we face a new and drastic industrial transformation. They are crucial players to manage the socio-economic and political changes. As the digitization of the workplace progresses, several points must be won: the right to information and consultation rights by workers' representatives at the local, regional, national, international levels; the right to education and training; the right to defined levels of privacy at work and at home. These points are not unrelated to the points I made earlier but need to ensure a just transition for workers. Chair, there is an important debate here at this conference on social dialogue and tripartism under the follow-up of ILO Declaration on Social Justice for a Fair Globalization. Social dialogue requires full respect and implementation of fundamental rights at work. However, with a great regret and outrage we observe an increasing trend of violation of workers' rights in every corner of the world. During this ILC, there were some painful cases on the agenda of the Committee of Application of Standards. The civil coup in Brazil is now proceeding with the dismantling of workers' rights in the country. Even though it was not on the agenda, but legal strikes continue to be banned in Turkey over so-called grounds of national security. In Ukraine, deadly accidents in the mining sector make it the most dangerous sector to work in the country. Likewise, we regularly receive fatal accident news from the mining industry in Pakistan, an environment where workers cannot

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enjoy the fundamental rights. In Belarus, since August last year there is an obvious increasing move to eliminate independent trade unions through the false criminalization of their activities. In Algeria, Mr Chair, independent unions are subjected to terrible repression campaigns by bringing union members to court, penalizing union officials with fabricated cases. So this list is longer with the cases in other countries. This must come to an end. The world can't continue like this. If this is the place where joint commitments are made by all the constituencies to achieve progress and social justice in the world, then these violations of labour and human rights must be stopped immediately. We need to promote decent work through coordinated approach ...[vgr INTERRUPTION 6:07] ... respecting fundamental principles and rights at the work. As the manufacturing, energy and mine workers of the world, we reaffirm our commitment. We expect and demand the same from the governments and employers. Thank you very much.

**Mr Celi Vegas**

## Exchange and Cooperation Centre for Latin America

Ladies and gentlemen, on behalf of the Exchange and Cooperation Centre for Latin America, an NGO with a consultative status with the ECOSOC and with UNCTAD and with WIPO, I would like to warmly congratulate the organizers of this the 107th Session of the ILC. The Report of the Director-General, ensuring decent working time for the future has shown the basis of much of the work of the ILO, particularly those Conventions which involve working hours, annual leave, weekly rest, night work and part-time work, and paid annual leave. These involve nine Conventions, a Protocol 6 Recommendation is to protect the rights of workers, and the idea is to try and make sure that labour is not exploited in vulnerable sectors and to protect workers who have no particular skills and also those under working age. In the modern society, we have seen that much has changed in the world of work as different technologies have come to the fore. Transformations have really changed the way that we conceive working time, and this is something which has had an impact on the economic actors and also those who manage the working rights, the governments namely. Traditional work has changed a lot, and we have seen that the relations of work have changed. We have seen telework, different platforms for working together with others, delocalization and the gig economy. In a nutshell, all of these different changes have meant that the traditional work has been much evolved, and we have seen that the labour market is in constant evolution, and we now see that we need to see new relations between the different parties to the world of work. In this context, work today is something that makes it very difficult to establish a border between the private life and working life. Days of work go on without limit, and dedication to work means that you don't actually take any rest time, and quite often we see that there is not proper respect for the basic standards which have been set by ILO Conventions. And if we are going to really try and do something about this, we have got to find a way to try and come up with new strategies so that we can make sure that work is properly paid and respects human working conditions. Ladies and gentlemen, so these are very major challenges, and most of the States have a very important role to play here. They must respect the rights of workers and make sure that those rights are defended. Ratification of the ILO instruments should be one of the major concerns of member States. We would see that this would involve making sure that we do twin human rights with workers' rights. On the employers' side, if you look at the Director-General's report, the International Organisation of Employers stresses the slowness of States when it comes to ratifying the essential

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Conventions. I am thinking here of Convention 1, hours of work in the industrial sector, and Convention 30, hours of work for commerce and offices, that from 1930. Only 25 per cent and 13 per cent of member States respectively have ratified these two ILO Conventions. In the same report, you'll see that the International Trade Union Confederation says that we need to have tripartite discussions which are open ended as to how to update working time gaps to the new conditions so that we can actually provide protection to workers and make sure that we do establish and respect the work-life balance for our workers. In this light, the negotiation and social dialogue mechanisms have to be essential to ensure that there is proper legal protection for workers. Ladies and gentlemen, the different Latin American governments have shown that there are strategies that can be implemented to make sure that we do address the changes in the labour market. Let me give you a couple of examples. In Brazil, for example, work on Sundays in commercial activities has to comply with municipal regulations. There has to be a day off, which would fall on a Sunday, at least once every three weeks. In Uruguay, there can be cases, where justified, where the executive is allowed in certain sectors, certain areas, certain businesses to keep shops open on Saturdays up until 1 p.m. and then on Sundays up until 9 p.m. These are examples of how we can adapt national standards to the international standards which have been approved by the ILO. That said, we are going to have lots of question marks, and we have seen often governments are not doing enough as the labour markets are going through these transformations. That is where NGOs have a role to play. They can play the role of catalysers to try and ensure that changes are made in different sectors and different contexts, where governments are not able to directly intervene. Thank you.

**Mr Thiry**

## **World Union of Professions**

Ladies and gentlemen, at the outset I wish to commend Mr Samir Murad for his election to preside over the 107th Session of the International Labour Conference. I also thank the presidency of the conference and the Director-General of the International Labour Office for the warm welcome they extend to the World Union of Professions year in year out. As the organization prepares to mark its centenary, we must admire the huge amounts of work already carried out, but we are astonished further at the fact that the organization is always looking forward, dealing head on with the problems that remain in the world of work, despite the progress achieved thus far. That the organization is setting itself objectives stands testament to its vitality, whilst also demonstrating the visionary spirit of those who lead it. The Union shares the concerns expressed by the DG of the ILO as to the new and serious difficulties with engaging social dialogue in various parts of the world, which further lead to stigmatization and potential challenging of international cooperation in the multilateral arena. The World Union of Professions considers also that social dialogue is worthy of recurrent discussion and that every organization can, on a permanent footing at its respective levels, be involved in this. Further, the Union of Professions is convinced that to call into question international cooperation would be a grave error. Our Union, which is in essence non-governmental and international in competition will support any initiative in reaffirming and confirming the productive nature of the international system and will support any measure that might be taken to improve its functioning. The professions within the global union come from different continents and are therefore well placed to attest to the variety of real working conditions and the crucial importance of international cooperation. Liberal

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professions are also the nexus for aspirations within the world of work, and indeed may be a safe space for expressions of a desire to strive, individually or collectively, towards improvement of well-being, living condition of citizens, respect for human dignity, or in more precise terms, minimum standards for decent work or fulfilling work. The World Union of Professions therefore perfectly understands why emphasis should have been placed now on the need to rid the world of work of all forms of violence and harassment, be this in healthcare or in the legal profession, technical arenas, accountancy or the environment. Members of the professions are working hand in hand with people who are victims of violence and harassment, and through their professional qualifications, they see to it that the consequences of such violence can be dealt with, as well as becoming involved in preventative measures against such harassment whilst taking initiatives to raise awareness of the basic rules of respect for others. This area of concern is particularly acute today and needs particular consideration. Let us not however forget the other objectives that were set forth last year. And I am talking here about the greening of the world of work, which is of interest to all of us, workers, employers, governmental organizations and non-governmental organizations. We must act if we are all to thrive. Members of professions number in the millions worldwide, and out of conviction or idealism are contributing to the flourishing of individuals, social dialogue and development, on an individual basis or through organizations of professions, locally, regionally, nationally or internationally. Answering to lofty ethical rules, members of the professions are well placed to positively influence the implementation of these objectives. However, in certain parts of the world, members of professions themselves find themselves without protection or forced into a highly precarious situation tantamount to forced labour or with legislative amendments that lead to serious undermining of their labour conditions. You will appreciate, therefore, that I restate once again this year the willingness of the World Union of Professions to cooperate with the ILO in all areas that will allow tangible improvements in working conditions. We are convinced that, beyond the centenary celebrations, we will all agree that if we flourish at work, the world flourishes. I thank you for your attention.

**Mr Mohamed**

### **Government (Maldives)**

Mr Chair, I congratulate you on your election as the Chair of the 107th International Labour Conference. Excellencies, ladies and gentlemen, it is an honour for me to address this august gathering, and I would like to send well wishes to all the delegates present here. The Government of Maldives welcomes the Director-General's report on *The Women at Work Initiative* and would like to take this opportunity to share our views to the report. We believe that this is an important topic to be addressed and deliberated this year. The Government of Maldives places very high importance to empower women economically and socially. Towards this end, the Government has taken a number of positive steps and measures to create a more conducive environment to address the gender gaps in the country and to enable more women participation in all the sectors of the workforce. I would like to proudly announce that about 60.7 per cent of the civil service staff is women. Honourable Chair, allow me to share with you some of the key important steps that the administration of President Abdulla Yameen has undertaken in this regard. On the legislative front, in 2017, the Government for the first time introduced the Gender Equality Act. This act establishes a framework to ensure gender equality and eliminate gender-based discrimination, gender-based violence, as well as sexual

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harassment in the workplace within the country. It further outlines the role of the Government and other agencies to help ensure the successful implementation of the act. The Government of Maldives, under the Ministry of Gender and Family, has been spearheading the implementation of the act. Apart from the Gender Equality Law in 2014, the Government has elected a Sexual Harassment Act and Sexual Offence Act. The introduction of these important pieces of legislation in the early part of the administration of President Yameen is a clear testament to the importance that the government places on promoting women in the workplace, ensuring their rights are protected and that enabling framework is put in place to bridge gender gaps and promote gender equality. Mr Chair, to effectively implement these important pieces of legislation, the Government of Maldives has been taking a number of initiatives to ensure benefits flow to women in the workforce. To recognize women for their valuable contribution to the development of Maldives, the Ministry of Gender and Family in 2014 has introduced a special annual award by the name of Rehendhi Award. This has been an initiative to further encourage women to engage and contribute to the society and overall growth of the country and added impetus to bring positive changes in the lives of women. In addition, the Government has ongoing development projects aimed at promoting and strengthening the livelihoods of home-based women workers. The objective of these ongoing development initiatives is to facilitate women entrepreneurs of small businesses to market their commodities. Further, to target women working in the informal economy under the Government's SME initiative, dedicated loan facilities are provided to foster women to take up entrepreneurial activities and assist them in setting up their own businesses. In fact, 40 per cent of all government run SME loan facilities are earmarked for women and youth. The Government also places importance in assisting women to eliminate the gender gaps in the corporate sector. To this end, in corporate boards of state-owned enterprises, women representation is now on the rise. On the social front, Maldives ensures equal opportunity for a girl child to get a proper education. Education is free for both genders up to 12th grade. Most recently, university statistics reveal that more women are graduating from the education system. Universal healthcare is provided to all Maldivian irrespective of gender. Pension benefits are available to both genders, and old age retirement pensions are made available for 65 and above, irrespective of gender. Mr Chair, to promote gender diversity and increase the role of women in the workplace, the Government has been undertaking a number of initiatives. Mr Chair, the Government of Maldives is fully committed to promoting gender diversity and equality in the workplace. Thank you.

**Mr Akbar**

## **Government (Afghanistan)**

Thank you Mr Chair. I want to exercise my Government's right of reply in response to the allegations made by the respected worker's delegate concerning two issues. One, the state properties under dispute which he mentioned and referred to, and two, the need for democratic elections of the worker's union through the workers' congress, which he did not mention in his statement. Mr Chair, the Government's recent decision to temporarily suspend the license of the workers' union is part of the broader land reform, anti-corruption, labour rights and democracy promotion goals of the Government. The action to vacate the disputed lands was a response to reports of the state land being illegally used for commercial purposes. This decision was not made by the President only but was based on two previous Cabinet decisions which the workers' union has continued to disregard. The lands are temporarily quarantined,

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not seized. The lands will be returned to the rightful owners or entities following the completion of the legal procedures. The allegation of unfair treatment of the workers' union members is being reviewed, and appropriate actions will be taken against individuals involved in the alleged unfair treatment of workers. The Government has categorically urged the union to convene in an expedited manner, fair and transparent elections for the leadership bodies of the workers' union, as well as the urgent need for a comprehensive assessment of the state properties under dispute. The assessment of government properties, which includes the lands used by the workers' union, is well underway. This is in our view in the interest of the nation's workers and critical for the state-building agenda. In addition, the President has issued an Order which guarantees the renewal of the workers' license, conditioned on the union's cooperation with a settlement of property disputes and the announcing of a tentative date for the election. The Ministry is working with the presidentially appointed commission to resolve these issues. We assure you of the Government's commitment to further strengthening the social dialogue and to expanding the social partners' representation in all labour and social protection agendas. We count on your support, Mr Chair, and I thank you.

**Mr Petersen**

### **Government (Brazil)**

Mr Vice-President, the Brazilian Government would like to exercise its right of reply in response to allegations made by IndustriALL Global Union a few minutes ago. You, Mr Vice-President, have asked the plenary to use parliamentary language. Workers from different countries who do not know what is going on in Brazil are passing judgement on issues that do not concern them. I wish that this kind of behaviour and un-parliamentary language could stop. Once more, we call on you, Mr Vice-President, on the President, on the Vice-Presidents of this conference and the Director-General of this organization to put a stop to this kind of manifestation. It is not in accordance with the best parliamentary practices of ILO and of any UN agency for this matter. Brazil does not acknowledge any misrepresentation of legitimate processes in our country. Over the last two years, Brazil has faced political crisis and economic recession. We have implemented important economic and labour reforms, enacted key legislation and promoted positive change. Rights were not dismantled, democracy is alive, civil society is vibrant, political debate is in full force. The press continues to play its vital role in informing society and ensuring accountability. The rule of law is in place and strong. The judiciary remains fully independent. In October 2017, Brazil organized free and fair municipal elections. We are on track to hold presidential, gubernatorial and legislative elections in October later this year. Our institutions have proven their strength. By our deeds and our actions, the Government has demonstrated its unwavering commitment to the rule of law, and above all to the open and democratic character of our society. I thank you very much, Mr Vice-President.



**Second item on the agenda:  
Programme and Budget  
and other questions**

**Report of the Finance Committee  
of Government Representatives**

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1. The Finance Committee of Government Representatives met on 1 June 2018. Ambassador Negash Kebret Batora (Ethiopia) was elected Chairperson and Reporter and Mr Byeong Hee Kwon (Republic of Korea) was elected Vice-Chairperson.

## Status of collection of member States' contributions

2. The Committee had before it document [C.F./D.2](#) on the status of collection of member States' contributions as at 18 May 2018.
3. A representative of the Director-General (Treasurer and Financial Comptroller) reported that in addition to the information contained in the Office paper, contributions for 2018 and prior years amounting to 5,962,626 Swiss francs (CHF) had been received from six member States as follows:

Member States	Contributions received for 2018 (in CHF)	Contributions received for arrears (in CHF)	Total contributions received (in CHF)
Colombia *	–	1 927 335	1 927 335
Central African Republic *	–	62	62
Oman	429 529	25	429 554
Côte d'Ivoire	30 556	–	30 556
Mexico	–	1 279 470	1 279 470
United Arab Emirates	2 295 649	–	2 295 649
<b>Total</b>	<b>2 755 734</b>	<b>3 206 892</b>	<b>5 962 626</b>

\* Colombia and Central African Republic regained their right to vote.

Including contributions received between 19 May 2018 and 1 June 2018, the total contributions received in 2018 amounted to CHF273,045,433. Of this amount, CHF211,338,569 represented contributions for 2018 and CHF61,706,864 represented contributions for arrears. The balance due as of 1 June 2018 was CHF272,631,734.

4. *The Committee took note of the information contained in the document.*

## Request for permission to vote in accordance with paragraph 4 of article 13 of the Constitution of the ILO

5. There was no paper under this item.

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## **Financial report and audited consolidated financial statements for the year ended 31 December 2017**

6. The Committee had before it the *Financial report and audited consolidated financial statements for the year ended 31 December 2017 and Report of the External Auditor (ILC.107/FIN)*; Report II, *Information concerning the programme and budget and other questions (ILC.107/II)*; and document [C.F./D.3](#), containing a recommendation submitted by the Governing Body that the Conference adopt the consolidated financial statements for the year ended 31 December 2017.
7. *The Committee decided to recommend that the Conference adopt the consolidated financial statements for the year ended 31 December 2017, and accordingly that it adopt the resolution, the text of which appears at the end of the present Provisional Record.*

## **Scale of assessments of contributions to the budget for 2019**

8. The Committee had before it Report II, *Information concerning the programme and budget and other questions (ILC.107/II)* containing, in Appendix I, details of the proposed scale of assessments for 2019 and a recommendation submitted by the Governing Body for its adoption.
9. *The Committee decided to recommend that the Conference adopt the draft resolution, the text of which appears at the end of the present Provisional Record.*

## **Composition of the Administrative Tribunal of the International Labour Organization**

10. The Committee had before it Report II, *Information concerning the programme and budget and other questions (ILC.107/II)* containing, in Appendix II, a draft resolution concerning the renewal of the terms of office of five judges of the Administrative Tribunal of the ILO.
11. A representative of the United States requested that an update of the status of the Tribunal's workload be provided for information.
12. *The Committee decided to recommend that the Conference adopt the draft resolution, the text of which appears at the end of the present Provisional Record.*

## **Pensions questions: Appointments to the ILO Staff Pension Committee (United Nations Joint Staff Pension Board)**

13. The Committee had before it document [C.F./D.4](#) containing a draft resolution on appointment of one alternate member to the ILO Staff Pension Committee (United Nations Joint Staff Pension Board).

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- 14. *The Committee decided to recommend that the Conference adopt the draft resolution, the text of which appears at the end of the present Provisional Record.***

## **Appendices**

- 15.** The draft scale of assessment of contributions to the budget for 2019 is attached as Appendix I.
- 16.** A statement showing the contributions due from each member State for 2019 is also attached as Appendix II.

Geneva, 4 June 2018

*(Signed)* N. K. Botora  
Chairperson and Reporter

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## **Resolutions submitted to the Conference**

### **Resolution concerning the financial report and audited consolidated financial statements for the year ended 31 December 2017**

The General Conference of the International Labour Organization,

Decides, in accordance with article 29 of the Financial Regulations, to adopt the audited consolidated financial statements for the year ended 31 December 2017.

### **Resolution concerning the scale of assessments of contributions to the budget for 2019**

The General Conference of the International Labour Organization,

Decides that, 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 adopt the draft scale of assessments for 2019 as set out in Appendix I to *Provisional Record* No. 5A.

### **Resolution concerning the composition of the Administrative Tribunal of the International Labour Organization**

The General Conference of the International Labour Organization,

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

### **Resolution concerning the Appointment to the ILO Staff Pension Committee (United Nations Joint Staff Pension Board)**

The General Conference of the International Labour Organization,

Appoints Mr P. Coutaz as alternate member to the ILO Staff Pension Committee (United Nations Joint Staff Pension Board), with immediate effect, for the period ending 8 October 2019.

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## Appendix I

### Scale of assessments for 2019

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

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

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

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

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

## Appendix II

### Income budget for 2018–19

#### *Statement of contributions due from member States for 2019 (in Swiss francs)*

	Member States	Assessed Contribution for 2019		Earned Credits Distributed in Respect of :		Total credits	Net Contribution for 2019
		%	Amount	2017 Incentive Scheme	2016–17 50% Net Premium		
1	Afghanistan	0.006	22 818	-	-	-	22 818
2	Albania	0.008	30 424	80	-	80	30 344
3	Algeria	0.161	612 280	21 398	9 747	31 145	581 135
4	Angola	0.010	38 030	660	654	1 314	36 716
5	Antigua and Barbuda	0.002	7 606	-	-	-	7 606
6	Argentina	0.893	3 396 063	-	-	-	3 396 063
7	Armenia	0.006	22 818	943	425	1 368	21 450
8	Australia	2.338	8 891 372	316 591	144 336	460 927	8 430 445
9	Austria	0.720	2 738 147	53 538	49 649	103 187	2 634 960
10	Azerbaijan	0.060	228 179	4 649	3 271	7 920	220 259
11	Bahamas	0.014	53 242	2 206	1 014	3 220	50 022
12	Bahrain	0.044	167 331	5 438	2 715	8 153	159 178
13	Bangladesh	0.010	38 030	719	654	1 373	36 657
14	Barbados	0.007	26 621	869	491	1 360	25 261
15	Belarus	0.056	212 967	6 973	3 663	10 636	202 331
16	Belgium	0.885	3 365 639	117 733	61 620	179 353	3 186 286
17	Belize	0.001	3 803	-	-	-	3 803
18	Benin	0.003	11 409	-	-	-	11 409
19	Bolivia, Plurinational State of	0.012	45 636	-	-	-	45 636
20	Bosnia and Herzegovina	0.013	49 439	998	981	1 979	47 460
21	Botswana	0.014	53 242	2 206	1 014	3 220	50 022
22	Brazil	3.825	14 546 406	-	-	-	14 546 406
23	Brunei Darussalam	0.029	110 286	194	1 799	1 993	108 293
24	Bulgaria	0.045	171 134	6 484	3 009	9 493	161 641
25	Burkina Faso	0.004	15 212	53	229	282	14 930
26	Burundi	0.001	3 803	6	65	71	3 732
27	Cabo Verde	0.001	3 803	-	-	-	3 803
28	Cambodia	0.004	15 212	556	262	818	14 394
29	Cameroon	0.010	38 030	-	-	-	38 030
30	Canada	2.922	11 112 313	422 961	193 233	616 194	10 496 119
31	Central African Republic	0.001	3 803	67	-	67	3 736
32	Chad	0.005	19 015	-	-	-	19 015
33	Chile	0.399	1 517 390	23 926	23 974	47 900	1 469 490
34	China	7.924	30 134 829	301 090	427 645	728 735	29 406 094
35	Colombia	0.322	1 224 560	-	-	-	1 224 560
36	Comoros	0.001	3 803	-	-	-	3 803
37	Congo	0.006	22 818	-	-	-	22 818
38	Cook Islands	0.001	3 803	86	65	151	3 652
39	Costa Rica	0.047	178 740	2 562	-	2 562	176 178
40	Côte d'Ivoire	0.009	34 227	20	654	674	33 553
41	Croatia	0.099	376 495	16 051	7 359	23 410	353 085
42	Cuba	0.065	247 194	1 639	-	1 639	245 555
43	Cyprus	0.043	163 528	5 815	2 944	8 759	154 769
44	Czech Republic	0.344	1 308 226	52 188	23 876	76 064	1 232 162
45	Democratic Republic of the Congo	0.008	30 424	-	-	-	30 424
46	Denmark	0.584	2 220 941	89 433	41 178	130 611	2 090 330
47	Djibouti	0.001	3 803	-	-	-	3 803
48	Dominica	0.001	3 803	-	-	-	3 803
49	Dominican Republic	0.046	174 937	2 256	-	2 256	172 681
50	Ecuador	0.067	254 800	-	-	-	254 800

	Member States	Assessed Contribution for 2019		Earned Credits Distributed in Respect of :		Total credits	Net Contribution for 2019
				2017 Incentive Scheme	2016-17 50% Net Premium		
		%	Amount				
51	Egypt	0.152	578 053	703	9 354	10 057	567 996
52	El Salvador	0.014	53 242	-	-	-	53 242
53	Equatorial Guinea	0.010	38 030	-	-	-	38 030
54	Eritrea	0.001	3 803	14	65	79	3 724
55	Estonia	0.038	144 513	5 574	2 551	8 125	136 388
56	Ethiopia	0.010	38 030	-	-	-	38 030
57	Fiji	0.003	11 409	416	196	612	10 797
58	Finland	0.456	1 734 160	67 157	31 889	99 046	1 635 114
59	France	4.861	18 486 295	697 603	342 018	1 039 621	17 446 674
60	Gabon	0.017	64 651	-	-	-	64 651
61	Gambia	0.001	3 803	-	-	-	3 803
62	Georgia	0.008	30 424	203	491	694	29 730
63	Germany	6.392	24 308 661	377 684	442 756	820 440	23 488 221
64	Ghana	0.016	60 848	-	-	-	60 848
65	Greece	0.471	1 791 204	5 315	36 272	41 587	1 749 617
66	Grenada	0.001	3 803	-	-	-	3 803
67	Guatemala	0.028	106 483	3 019	1 799	4 818	101 665
68	Guinea	0.002	7 606	127	98	225	7 381
69	Guinea-Bissau	0.001	3 803	-	-	-	3 803
70	Guyana	0.002	7 606	210	98	308	7 298
71	Haiti	0.003	11 409	14	-	14	11 395
72	Honduras	0.008	30 424	1 059	523	1 582	28 842
73	Hungary	0.161	612 280	24 358	13 966	38 324	573 956
74	Iceland	0.023	87 469	1 675	1 635	3 310	84 159
75	India	0.737	2 802 798	100 604	45 888	146 492	2 656 306
76	Indonesia	0.504	1 916 703	54 761	27 801	82 562	1 834 141
77	Iran, Islamic Republic of	0.471	1 791 204	-	-	-	1 791 204
78	Iraq	0.129	490 585	138	-	138	490 447
79	Ireland	0.335	1 273 999	23 797	24 628	48 425	1 225 574
80	Israel	0.430	1 635 282	-	-	-	1 635 282
81	Italy	3.750	14 261 182	153 572	-	153 572	14 107 610
82	Jamaica	0.009	34 227	593	654	1 247	32 980
83	Japan	9.684	36 828 078	1 189 801	671 247	1 861 048	34 967 030
84	Jordan	0.020	76 060	113	-	113	75 947
85	Kazakhstan	0.191	726 369	20 865	10 205	31 070	695 299
86	Kenya	0.018	68 454	-	-	-	68 454
87	Kiribati	0.001	3 803	-	-	-	3 803
88	Korea, Republic of	2.040	7 758 083	258 475	131 973	390 448	7 367 635
89	Kuwait	0.285	1 083 850	2 864	-	2 864	1 080 986
90	Kyrgyzstan	0.002	7 606	-	-	-	7 606
91	Lao People's Democratic Republic	0.003	11 409	84	-	84	11 325
92	Latvia	0.050	190 149	6 814	3 173	9 987	180 162
93	Lebanon	0.046	174 937	-	-	-	174 937
94	Lesotho	0.001	3 803	77	65	142	3 661
95	Liberia	0.001	3 803	65	65	130	3 673
96	Libya	0.125	475 373	-	-	-	475 373
97	Lithuania	0.072	273 815	10 359	4 743	15 102	258 713
98	Luxembourg	0.064	243 391	5 490	-	5 490	237 901
99	Madagascar	0.003	11 409	-	-	-	11 409
100	Malawi	0.002	7 606	-	-	-	7 606
101	Malaysia	0.322	1 224 560	37 163	19 722	56 885	1 167 675
102	Maldives, Republic of	0.002	7 606	-	-	-	7 606
103	Mali	0.003	11 409	28	229	257	11 152
104	Malta	0.016	60 848	-	-	-	60 848
105	Marshall Islands	0.001	3 803	151	65	216	3 587
106	Mauritania	0.002	7 606	299	131	430	7 176
107	Mauritius	0.012	45 636	1 755	818	2 573	43 063
108	Mexico	1.436	5 461 082	-	-	-	5 461 082
109	Moldova, Republic of	0.004	15 212	490	229	719	14 493
110	Mongolia	0.005	19 015	336	262	598	18 417

	Member States	Assessed Contribution for 2019		Earned Credits Distributed in Respect of :		Total credits	Net Contribution for 2019
				2017 Incentive Scheme	2016-17 50% Net Premium		
		%	Amount				
111	Montenegro	0.004	15 212	641	294	935	14 277
112	Morocco	0.054	205 361	7 554	3 794	11 348	194 013
113	Mozambique	0.004	15 212	487	229	716	14 496
114	Myanmar	0.010	38 030	1 314	654	1 968	36 062
115	Namibia	0.010	38 030	1 267	654	1 921	36 109
116	Nepal	0.006	22 818	405	-	405	22 413
117	Netherlands	1.483	5 639 822	118 721	102 635	221 356	5 418 466
118	New Zealand	0.268	1 019 199	37 335	17 040	54 375	964 824
119	Nicaragua	0.004	15 212	184	-	184	15 028
120	Niger	0.002	7 606	-	-	-	7 606
121	Nigeria	0.209	794 823	-	-	-	794 823
122	Norway	0.849	3 228 732	118 385	55 635	174 020	3 054 712
123	Oman	0.113	429 737	-	-	-	429 737
124	Pakistan	0.093	353 677	5 564	-	5 564	348 113
125	Palau	0.001	3 803	-	-	-	3 803
126	Panama	0.034	129 301	1 303	-	1 303	127 998
127	Papua New Guinea	0.004	15 212	-	-	-	15 212
128	Paraguay	0.014	53 242	697	785	1 482	51 760
129	Peru	0.136	517 205	9 265	8 275	17 540	499 665
130	Philippines	0.165	627 492	21 023	10 434	31 457	596 035
131	Poland	0.841	3 198 308	126 068	57 663	183 731	3 014 577
132	Portugal	0.392	1 490 769	55 912	28 324	84 236	1 406 533
133	Qatar	0.269	1 023 002	33 895	15 634	49 529	973 473
134	Romania	0.184	699 749	14 696	-	14 696	685 053
135	Russian Federation	3.089	11 747 411	283 283	180 805	464 088	11 283 323
136	Rwanda	0.002	7 606	-	-	-	7 606
137	Saint Kitts and Nevis	0.001	3 803	-	65	65	3 738
138	Saint Lucia	0.001	3 803	120	65	185	3 618
139	Saint Vincent and the Grenadines	0.001	3 803	-	-	-	3 803
140	Samoa	0.001	3 803	72	65	137	3 666
141	San Marino	0.003	11 409	385	196	581	10 828
142	Sao Tome and Principe	0.001	3 803	-	-	-	3 803
143	Saudi Arabia	1.147	4 362 020	127 160	65 807	192 967	4 169 053
144	Senegal	0.005	19 015	-	-	-	19 015
145	Serbia	0.032	121 695	185	2 355	2 540	119 155
146	Seychelles	0.001	3 803	74	65	139	3 664
147	Sierra Leone	0.001	3 803	-	-	-	3 803
148	Singapore	0.447	1 699 933	59 654	27 180	86 834	1 613 099
149	Slovakia	0.160	608 477	22 911	10 826	33 737	574 740
150	Slovenia	0.084	319 450	13 040	6 018	19 058	300 392
151	Solomon Islands	0.001	3 803	-	-	-	3 803
152	Somalia	0.001	3 803	-	-	-	3 803
153	South Africa	0.364	1 384 285	52 695	24 072	76 767	1 307 518
154	South Sudan	0.003	11 409	-	-	-	11 409
155	Spain	2.444	9 294 488	63 961	177 240	241 201	9 053 287
156	Sri Lanka	0.031	117 892	3 585	1 832	5 417	112 475
157	Sudan	0.010	38 030	-	-	-	38 030
158	Suriname	0.006	22 818	-	-	-	22 818
159	Swaziland	0.002	7 606	301	164	465	7 141
160	Sweden	0.957	3 639 454	17 516	62 732	80 248	3 559 206
161	Switzerland	1.141	4 339 202	156 638	71 596	228 234	4 110 968
162	Syrian Arab Republic	0.024	91 271	296	1 963	2 259	89 012
163	Tajikistan	0.004	15 212	-	-	-	15 212
164	Tanzania, United Republic of	0.010	38 030	-	-	-	38 030
165	Thailand	0.291	1 106 668	38 038	17 335	55 373	1 051 295
166	The former Yugoslav Republic of Mac	0.007	26 621	542	491	1 033	25 588
167	Timor-Leste	0.003	11 409	-	-	-	11 409
168	Togo	0.001	3 803	152	65	217	3 586
169	Tonga	0.001	3 803	-	-	-	3 803
170	Trinidad and Tobago	0.034	129 301	5 556	2 551	8 107	121 194
171	Tunisia	0.028	106 483	3 893	2 093	5 986	100 497
172	Turkey	1.019	3 875 239	81 397	76 796	158 193	3 717 046

	Member States	Assessed Contribution for 2019		Earned Credits Distributed in Respect of :		Total credits	Net Contribution for 2019
				2017 Incentive Scheme	2016-17 50% Net Premium		
		%	Amount				
173	Turkmenistan	0.026	98 877	3 093	1 472	4 565	94 312
174	Tuvalu	0.001	3 803	64	-	64	3 739
175	Uganda	0.009	34 227	513	491	1 004	33 223
176	Ukraine	0.103	391 707	3 992	6 607	10 599	381 108
177	United Arab Emirates	0.604	2 297 001	75 686	39 216	114 902	2 182 099
178	United Kingdom	4.465	16 980 315	657 187	315 525	972 712	16 007 603
179	United States	22.000	83 665 604	-	-	-	83 665 604
180	Uruguay	0.079	300 436	617	4 285	4 902	295 534
181	Uzbekistan	0.023	87 469	447	1 243	1 690	85 779
182	Vanuatu	0.001	3 803	-	-	-	3 803
183	Venezuela, Bolivarian Republic of	0.571	2 171 503	-	-	-	2 171 503
184	Viet Nam	0.058	220 573	7 099	3 271	10 370	210 203
185	Yemen	0.010	38 030	-	-	-	38 030
186	Zambia	0.007	26 621	-	-	-	26 621
187	Zimbabwe	0.004	15 212	-	-	-	15 212
	<b>TOTAL</b>	<b>100.000</b>	<b>380 298 200</b>	<b>6 749 081</b>	<b>4 238 672</b>	<b>10 987 753</b>	<b>369 310 447</b>

# ***Record of Proceedings***

107th Session, Geneva, May–June 2018

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# **5B**



**Date:** Wednesday, 6 June 2018

## **Plenary sitting**

### **Report of the Finance Committee of Government Representatives: Submission and approval**

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Tuesday 5 June 2018, 10.10 a.m.  
*President: Mr Elmiger, Government*  
*Vice-President of the Conference*

## **Report of the Finance Committee of Government Representatives: Submission and approval**

**The President**  
*(Original French)*

Now we can move on to consider the report of the Finance Committee of Government Representatives which met last Friday. The report can be found in *Provisional Record* No. 5A.

In paragraphs 7, 9, 12 and 14 of its report, the Finance Committee invites the Conference to take the following four decisions:

First, the Committee recommends that the Conference adopt the report along with the consolidated financial statements verified by the External Auditor for the year ending 31 December 2017.

Second, the Committee recommends that the Conference adopt the scale of contributions for the 2019 budget, as set out in Annex I of the Committee's report.

Third, the Conference is invited to renew the mandate of five of the seven judges of the ILO Administrative Tribunal for a period of three years. The five judges concerned are: Mr Giuseppe Barbagallo (Italy), Ms Fatoumata Diakité (Côte d'Ivoire), Ms Dolores Hansen (Canada), Mr Michael Moore (Australia), and Sir Hugh Rawlins (Saint Kitts and Nevis).

Finally, the Conference is called upon to appoint Mr Pierre Coutaz as alternate member of the ILO Staff Pensions Committee, with effect from now until 8 October 2019.

If there are no objections, may I take it that the Conference approves the report of the Finance Committee and the four resolutions that it contains?

*(The report is approved and the four resolutions are adopted.)*

*(The Conference continued its discussion of the reports of the Chairperson of the Governing Body and of the Director-General.)*



**Third item on the agenda: Information  
and reports on the application of  
Conventions and Recommendations**

**Report of the Committee on  
the Application of Standards**

PART ONE

GENERAL REPORT

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## A. Introduction

1. In accordance with article 7 of the Standing Orders, the Conference set up a Committee to consider and report on item III on the agenda: “Information and reports on the application of Conventions and Recommendations”. The Committee was composed of 228 members (115 Government members, eight Employer members and 105 Worker members). It also included 11 Government deputy members, 81 Employer deputy members, and 166 Worker deputy members. In addition, 33 international non-governmental organizations were represented by observers.<sup>1</sup>

2. The Committee elected its Officers as follows:

*Chairperson:* Mr Rorix Núñez Morales (Government member, Panama)

*Vice-Chairpersons:* Ms Sonia Regenbogen (Employer member, Canada) and Mr Marc Leemans (Worker member, Belgium)

*Reporter:* Mr Patrick Rochford (Government member, Ireland)

3. The Committee held 17 sittings.

4. In accordance with its terms of reference, the Committee considered: (i) the reports supplied under articles 22 and 35 of the Constitution on the application of ratified Conventions; (ii) the reports requested by the Governing Body under article 19 of the Constitution on the following instruments concerning working time: the Hours of Work (Industry) Convention, 1919 (No. 1); the Weekly Rest (Industry) Convention, 1921 (No. 14); the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30); the Forty-Hour Week Convention, 1935 (No. 47); the Night Work (Women) Convention (Revised), 1948 (No. 89); the Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948; the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106); the Holidays with Pay Convention (Revised), 1970 (No. 132); the Night Work Convention, 1990 (No. 171); the Part-Time Work Convention, 1994 (No. 175); the Night Work of Women (Agriculture) Recommendation, 1921 (No. 13); the Holidays with Pay Recommendation, 1954 (No. 98); the Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103); the Reduction of Hours of Work Recommendation, 1962 (No. 116); the Night Work Recommendation, 1990 (No. 178); and the Part-Time Work Recommendation, 1994 (No. 182); and (iii) the information supplied under article 19 of the Constitution on the submission to the competent authorities of Conventions and Recommendations adopted by the Conference.<sup>2</sup>

### Opening sitting

5. The Chairperson said that he was honoured to preside over this Committee, which was a cornerstone of the regular supervisory system of the International Labour Organization (ILO). It was a forum for tripartite dialogue in which the Organization examined the application of international labour standards and the functioning of the supervisory system.

<sup>1</sup> For the initial composition of the Committee, refer to *Provisional Record* No. 2. For the list of international non-governmental organizations, see *Provisional Record* No. 1A.

<sup>2</sup> Report III to the International Labour Conference – Part A: Report of the Committee of Experts on the Application of Conventions and Recommendations; Part B: General Survey.

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The conclusions adopted by the Committee and the technical work of the Committee of Experts on the Application of Conventions and Recommendations, together with the technical assistance of the Office, were essential tools to support member States in the implementation of the international labour standards. The Chairperson trusted that, in the course of the two-week session of the Conference, the Committee would be able to work efficiently, to respond, in a spirit of constructive dialogue, to the mandates of the Organization.

6. The Worker members emphasized that the Committee's task of supervising the application of standards served the objective of promoting social justice which lay behind the foundations of the ILO. The Worker members indicated their wish to do everything to ensure that the Committee's work had a real impact on the cases of serious violations of the international labour Conventions, which had had disastrous consequences on the economic and social situations of individuals and communities. The desired impact of the work depended as much on the Committee's working methods as on the involvement of the three groups of which it was composed, and on the Office. The conclusions adopted by the Committee were admittedly not legally binding, but enabled the greatest number of States to participate in the discussions. Those conclusions also opened up a dialogue which would have been difficult at the national level. While the Worker members were frustrated with, year after year, having to re-examine certain cases without any notable progress, they remained convinced that tripartite dialogue within the Committee offered the best guarantee for the promotion of the Organization's instruments. The Worker members hoped that all those involved would adapt their way of working with the joint objective of strengthening the mission of supervising the standards referred to the Committee and, through this fundamental mission, maintaining social peace, and combating injustices, poverty and deprivation.
7. The Employer members noted that the Conference Committee was at the centre stage of the regular ILO standards supervisory system. While the report of the Committee of Experts was the basis for the work of the Conference Committee, the members of the Conference Committee contributed to the final supervisory assessment as reflected in the conclusions, with their own legal evaluation, knowledge of latest developments and experience concerning practical, feasible and sustainable solutions. The Employer members emphasized the importance of constant and direct dialogue between the Conference Committee and the Committee of Experts, not only to strengthen constituents' understanding of standards-related requirements, but also to ensure that the Committee of Experts fully grasped the realities and needs of the users of the supervisory system.
8. At the election of the Officers of the Conference Committee, the Government member of the Bolivarian Republic of Venezuela indicated that he did not support the candidacy of the representative of the Government of Panama for the post of Chairperson of the Committee, as it did not have the consensus of the Americas Group (GRUA). Since the Government of Panama, as a member of the Lima Group, had adopted the approach of not supporting any Venezuelan candidacy for regional and international mechanisms and organizations, his Government, in accordance with the principle of reciprocity, would not be supporting any candidacy from any countries in the Lima Group. In particular, it would not be supporting the candidacy of the Government of Panama, which should have been agreed by consensus in the plenary of GRUA, as that was a fundamental rule governing this group.
9. The Government member of Paraguay, speaking on behalf of the Group of Countries of Latin America and the Caribbean (GRULAC), indicated that the group had been leading consultations regarding the chairmanship of the Committee for several months and recalled that, in 2015, it had committed to a rotation for the functions of the Chairperson and Reporter of the Committee. In that connection, GRULAC had fulfilled its role in the coordination of formal and informal meetings.

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10. The Government member of the Republic of Korea, speaking on behalf of the Government group, indicated that the group had already noted the reservations as expressed by the Government member of the Bolivarian Republic of Venezuela, and the explanations provided by GRULAC. He explained that consultations for the nomination of the Officers of the Committee had been carried out in the Government group since January 2018, and confirmed his group's support of the nomination of the Government member of Panama as Chairperson of the Committee.
  11. The Government member of Brazil expressed full support for the candidacy of the Government member of Panama to chair the meeting of the Committee.
  12. The Government member of Mexico, echoing the information presented by the representative of GRULAC, indicated that his Government had participated in the consultations mentioned where it had supported the candidacy of the Government of Panama to the Chairperson of the Committee. He reaffirmed his support for that candidacy.

## **Work of the Committee**

13. During its opening sitting, the Committee adopted document D.1, which set out the manner in which the work of the Committee was carried out<sup>3</sup> and, on that basis, the Committee considered its working methods, as reflected below.
14. In accordance with its usual practice, the Committee began its work with a discussion on general aspects of the application of Conventions and Recommendations and the discharge by member States of standards-related obligations under the ILO Constitution. In this general discussion, reference was made to Part One of the report of the Committee of Experts on the Application of Conventions and Recommendations. A summary of the general discussion is found under relevant headings in sections A and B of Part One of this report.
15. The Committee then examined the General Survey concerning working-time instruments. Its discussion is summarized in section C of Part One of this report.
16. Following these discussions, the Committee considered the cases of serious failure by member States to respect their reporting and other standards-related obligations. The result of the examination of these cases is contained in section D of Part One of this report. More detailed information on that discussion is contained in section A of Part Two of this report.
17. The Committee then considered 23 individual cases relating to the application of various Conventions. The examination of the individual cases was based principally on the observations contained in the Committee of Experts' report and the oral and written explanations provided by the governments concerned. As usual, the Committee also referred to its discussions in previous years, comments received from employers' and workers' organizations and, where appropriate, reports of other supervisory bodies of the ILO and other international organizations. Time restrictions once again required the Committee to select a limited number of individual cases among the Committee of Experts' observations. With reference to its examination of these cases, the Committee reiterated the importance it placed on the role of tripartite dialogue in its work and trusted that the governments of the countries selected would make every effort to take the necessary measures to fulfil their obligations under ratified Conventions. The result of the examination of these cases is contained in section D of Part One of this report. A summary of the information submitted

<sup>3</sup> Work of the Committee on the Application of Standards, ILC, 107th Session, C.App./D.1 (see Annex 1).

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by governments and the discussions of the examination of individual cases, as well as the conclusions adopted by the Committee, are contained in section B of Part Two of this report.

18. The adoption of the report and the closing remarks are contained in section E of Part One of this report.

## **Working methods of the Committee**

19. Upon adoption of document D.1, the Chairperson made some announcements regarding time management, particularly the time limit for interventions made during the discussion. Recalling the obligation for delegates to abide by parliamentary language, he trusted that the shared experience would ensure the success of the Committee's work.
20. The Worker members underlined that the Committee's working methods had evolved to take account of the shortening of its work to two weeks, like that of the Conference, thereby imposing a heavy workload. Strict time management had enabled the Committee to complete its work in the time available, allaying some concerns in that regard. Certain fears raised regarding the quality of the discussions under such conditions could also be set aside through a more rigorous and concerted preparation by the groups of the Committee, which would also reinforce the relevance of the interventions. It was nevertheless necessary for everyone's voice to be heard and to contribute to the work of the Committee. The reduction in speaking time should also be marginal. Over and above these practical aspects, the work of the Committee was based on the contributions made by the Committee of Experts, Governments, the Worker and Employer members of the Committee, and the Office. The quality of the work of the Conference Committee was conditional on that of the report and the General Survey prepared by the Committee of Experts. The work of the Office was essential in the follow-up to the Committee's recommendations. In that regard, the reports of follow-up missions should be published so that everyone could be informed. Furthermore, the resources of the International Labour Standards Department of the Office should be strengthened to enable it to more structurally incorporate the follow-up to the conclusions of the Conference Committee. Governments, through their obligation to respect and ensure respect of the protection provided for in ILO instruments, had an essential role in the resolution of the failures detected, and through the sharing of experience.
21. The Employer members hoped that the views they expressed during the discussions and reflected in the conclusions of the Conference Committee would be used by the other ILO supervisory procedures of the Office in the support it provided to the supervisory bodies, as well as ILO initiatives within the context of the United Nations 2030 Agenda for Sustainable Development. Recalling that this was the last session of the Conference Committee before the ILO Centenary, they looked forward to constructive tripartite dialogue which reaffirmed the central role of the Conference Committee in the supervision of international labour standards. While divergences of views on substantial issues existed among constituents, and between the Conference Committee and the Committee of Experts, the Employer members were committed to voicing these differences in a spirit of mutual respect and understanding, and working towards constructive outcomes.
22. The Government member of Paraguay, speaking on behalf of GRULAC, regretted that the views of this group were not reflected in document D.1 which, in his view, contained elements on which there had not been tripartite consensus, which did not help to build trust in or credibility of the supervisory system. To defend effective tripartite consensus in the Committee, it was essential to increase the participation of governments in the informal tripartite consultations on the working methods of the Committee. Lastly, the Committee should examine cases of progress, as they could act as examples of good practices for other States and would therefore have a positive impact on future ratifications.

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## Adoption of the list of individual cases

23. During the course of the second sitting of the Committee, the Chairperson of the Committee announced that the list of individual cases to be discussed by the Committee was available.<sup>4</sup>
24. Following the adoption of this list, the Worker members emphasized the particular importance of the adoption of the list of individual cases in the Committee's work as it was a moment which placed certain States before the failures which they refused to consider at the national level, and which were brought up in the presence of other States. This year, once again, the cases selected which related to violations of the fundamental Conventions were numerous and, once again, reflected the constant pressure placed on respect for fundamental rights at work throughout the world. While the Worker members welcomed the fact that the list of individual cases had been adopted by consensus, they regretted the inevitable disappointment generated by the list for certain Worker members who would have hoped their cases to be examined by the Committee. Although the following cases would not be discussed, the Worker members wished to refer to certain worrying situations relating to the world of work and express the hope that they would be addressed within the context of other ILO supervisory mechanisms. They included breaches of fundamental labour rights in Kazakhstan, serious violations of fundamental rights and civil liberties in Turkey, child labour in Malawi, particularly in the tobacco and tea sectors, and the situation of the labour inspection services in Pakistan. There was also the violent repression of peaceful demonstrations by workers in Bangladesh and the stark lack of progress in bringing the law and practice into conformity with the requirements of Convention No. 87, despite the repeated examination of the case by the Committee since 2000. In that respect, the Worker members would follow the development of the situation in the country until the following year and, on that basis, consider the possibility of recourse to the complaints procedure under article 26 of the ILO Constitution. They also wished to draw attention to the situation of serious failures in relation to fundamental rights at work in certain countries not on the preliminary list of cases. Those concerned violations of freedom of association and the right to collective bargaining in Argentina and Colombia, as well as in Egypt, where a recently adopted law threatened the independent trade union movement.
25. The Government member of Paraguay, speaking on behalf of GRULAC, recalled his group's position on the following points: (i) the final list of individual cases should be published earlier so that governments could prepare a satisfactory response; (ii) the most serious cases should be given priority; (iii) the Chairperson of the Committee could play a role in seeking tripartite consensus; and (iv) the governments concerned should be informed well in advance so that they could forward all the information to the competent authorities, so that they could take the necessary action. With regard to the adoption of conclusions, it was important to encourage the government concerned to communicate its views on the conclusions, including the conditions under which they would be implemented.
26. The Government member of Algeria hoped that the informal tripartite discussions on working methods that had taken place would support the decision-making process for the reform of the supervisory bodies, with a view to strengthening the role of the Committee on the Application of Standards and the relevance of its work in the discussion of individual cases. The Committee's current working methods for the selection of individual cases was the result of an evolution intended to increase relevance. However, those methods had had a perverse effect which weakened the tripartite values defended by the Organization and even the Committee's work. Recalling that his Government had put forward proposals on the informal discussions, he welcomed certain changes introduced thus far, in particular the advance communication to the Governments of the preliminary list of cases and the rigorous

<sup>4</sup> ILC, 107th Session, Committee on the Application of Standards, C.App./D.4 (see Annex 2).

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management of speaking times during discussions. While the selection process for individual cases had become more transparent and effective, progress remained to be made, particularly regarding the search for an adequate formula to ensure equal tripartite participation in that process. The Government group should participate, along with the Employer and Worker members, in the process of determining the selection criteria for individual cases. Furthermore, the final list of individual cases should be available before the start of the Committee, in order to allow countries included on the list to prepare their responses and provide the necessary information. Discussions on the Committee's working methods should contribute to the relevance of its work and all member States should continue in that direction.

27. The Employer member of Argentina, referring to the Worker members' statement, recalled that his country did not even appear on the preliminary list of cases and inquired as to the real reason for that reference.
28. The Government member of Argentina, referring to the Workers' statement, said that while she respected freedom of expression and opinion, she considered that the mention of her country and references to any economic agreements and legislative reforms being formulated were irrelevant to the Committee.
29. The Government member of Egypt, referring to the Worker members' statement, noted that his country did not appear on the preliminary list of individual cases. He recalled that the new legislation, referred to by the Worker members, had been subject to in-depth consultation, particularly with the ILO.

## **B. General questions relating to international labour standards**

### **Statement by the representative of the Secretary-General**

30. The representative of the Secretary-General recalled that the Committee on the Application of Standards was a standing Committee of the International Labour Conference which had met each year since 1926 and its mandate, which was at the heart of the ILO's activities, consisted, among other functions, of examining and bringing to the attention of the Conference meeting in plenary session: (i) the measures taken by Members to give effect to the Conventions to which they were parties; and (ii) the information and reports concerning Conventions and Recommendations communicated by Members in accordance with article 19 of the Constitution. Under the terms of this article, the Committee examined each year a General Survey on the law and practice of member States in a specific field. The details of the Committee's work were contained in document D.1, which also reported on the many improvements made to the working methods of the Committee following the informal tripartite consultations held on this subject since 2006.
31. Following the latest informal tripartite consultations held in November 2017 and March 2018, it had been agreed that the procedure for the adoption of conclusions on the cases that are examined would be modified slightly. It was now envisaged that the conclusions would be visible on screen in the language used by the Chairperson while they were being read out and that at the same time a hard copy of the conclusions would be provided to the Government representative concerned in one of the three working languages of their choice: English, French or Spanish. The Government representative concerned could take the floor, if she or he so wished, once the Chairperson had announced the adoption of the conclusions. Once again this year, in the same way as last year, the draft minutes of the meetings would

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be published in a trilingual “patchwork” version (English, French and Spanish). Each intervention would be reflected only in the working language in which it was made or in the language selected by the speaker when requesting the floor. The final report of the Committee, and particularly Part Two on the examination of individual cases, would be submitted to the Committee for adoption in plenary session in the same trilingual “patchwork” version, and the three fully translated versions of the report would be posted online ten days after the end of the Conference. In addition, all the Committee’s documents, including the draft minutes of the sittings, would be posted online on the Committee’s web page, which would be the main means of sharing documents, in accordance with the paperless policy implemented by the Office. Amendments to the minutes for each sitting may be submitted either in writing or by email. During the latest informal tripartite consultations, it had been decided to allocate more time for the discussion of the General Survey to permit its examination in greater depth. The members of the Committee were invited to take full advantage of the opportunity to inform the Committee of problems and national practices relating to working time in the light of the examination made by the Committee of Experts. The General Survey and the outcome of the Committee’s discussions would inform the subsequent examination by the Tripartite Working Group of the Standards Review Mechanism.

- 32.** In 2018, the ILO was celebrating the 70th anniversary of the Universal Declaration of Human Rights and of the Freedom of Association and Protection of the Right to Organise Convention (No. 87), which had both been adopted in 1948. It was also the 60th anniversary of the adoption of the Discrimination (Employment and Occupation) Convention (No. 111) in 1958. Finally, 2018 was the 20th anniversary of the adoption of the ILO Declaration on Fundamental Principles and Rights at Work, which had been adopted in 1998. It seemed important to emphasize the interdependence and relevance of all those instruments. Moreover, the fact that the 2030 Sustainable Development Agenda, adopted by the United Nations, devoted many of its targets and indicators to equality, diversity and inclusion, as well as to the rule of law and good governance, demonstrated the importance of equality and freedom of association for the future of work and for sustainable development. Those two indissociable principles had their foundations and universal recognition in an emblematic document, the Universal Declaration of Human Rights. The recognition in the Universal Declaration of Human Rights that all human beings had fundamental rights and freedoms had retained all its relevance and remained essential today. That universal message had been taken up in the ILO Declaration on Fundamental Principles and Rights at Work, adopted in 1998, in order to emphasize, among other matters, the indissociable nature of the four fundamental principles and rights at work. Nevertheless, despite the time that had elapsed since the adoption of those two Declarations, violations of human rights, including of freedom of association and non-discrimination, were far from eradicated throughout the world. Convention No. 87 was part of the ILO’s DNA. Without Convention No. 87, it would be impossible to speak of tripartism and social dialogue. And it was often said that, without freedom of association, there could be no equality, since social dialogue and collective bargaining made a decisive contribution to promoting equality and protecting against discrimination. To date, Convention No. 87 had received 154 ratifications. Even so, it was still the least widely ratified of all of the ILO’s fundamental Conventions. The recurrent report on social dialogue, which would be discussed during the present session of the Conference, and last year’s recurrent report on fundamental principles and rights at work, both emphasized the need to further promote the ratification and implementation of the fundamental Conventions, particularly in the field of freedom of association, especially as the ILO’s Centenary drew near. Convention No. 111 had been adopted in 1958, in the middle of the period of decolonization and the historic civic movements. Today, following the adoption of the 1998 Declaration and the subsequent ratification campaign, the Convention had been ratified by 175 member States. Despite that, and the major progress achieved since the adoption of the Convention, the eradication of discrimination was far from a reality and discrimination of all types persisted on grounds of race, colour, sex, religion, political

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opinion, national extraction and social origin. That worrying situation lay behind one of the commitments of Agenda 2030 to leave no one behind.

- 33.** With particular reference to women at work, according to the Director-General of the ILO, whose Report this year covered that important subject, “[t]he undeniable reality is that the disadvantages that women continue to face at work, notwithstanding the real progress that has been recorded, including through the ILO, constitute perhaps the most flagrant and the greatest offence to social justice”. It therefore seemed appropriate that the International Labour Conference was examining this year in the first discussion the adoption of a new instrument on violence and harassment at work which, as emphasized recently by the media, was unfortunately a very widespread reality in the world of work. In that regard, the Director-General called on all the members of the ILO community, and not only those who worked in the Office, but also the members of the Governing Body, experts, delegates and participants in ILO meetings and Conferences, to be aware of and to prevent any manifestation of sexual harassment or violence. It was the responsibility of everyone to ensure that the International Labour Conference offered an example in that respect.
- 34.** With regard to the progress achieved within the context of the Centenary Standards Initiative, she recalled that the Standards Initiative had two components, which were both under the responsibility of the ILO Governing Body. The first component concerned the Standards Review Mechanism and its Tripartite Working Group, the object of which was to contribute to ensuring that the ILO’s body of standards was up to date and responded to the changing patterns of the world of work. In that regard, the work was progressing constructively. At its third meeting in September 2017, the Tripartite Working Group had undertaken its first substantive examination of 19 instruments on occupational safety and health (general provisions and specific risks). During its examination, the Tripartite Working Group had benefited from the outcome of the Conference Committee’s discussion of last year’s General Survey on occupational safety and health. The findings of the Tripartite Working Group included: (i) the need to promote the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187); (ii) the fact that the Prevention of Industrial Accidents Recommendation, 1929 (No. 31), was outdated and should be withdrawn; and (iii) the fact that ten instruments required further action to maintain their future relevance. Finally, the Tripartite Working Group had identified two gaps in terms of protection relating respectively to questions of ergonomics at work and biological hazards. With a view to following up the recommendations of the Tripartite Working Group, the Office had taken measures to support the development of national tripartite plans of action on international labour standards. The second component of the Standards Initiative related to the strengthening of the ILO supervisory system. Both bipartite and tripartite discussions were also progressing in that respect. At its next session, the Governing Body would examine several improvements to the supervisory system, including the extension of the reporting cycles for technical Conventions from five to six years and reinforcing the planning of requests for reports by subject.
- 35.** With reference to the Office’s strategy to provide technical assistance to facilitate tangible progress at the national level, she indicated that, as a result of the implementation of two action and promotional plans, over the past two years there had been 14 ratifications of the Maritime Labour Convention, 2006, as well as 14 ratifications of instruments on occupational safety and health. The full results of ILO action over the last two years, including in the area of international labour standards, were outlined in the Report of the Director-General on ILO programme implementation 2016–17, which was submitted to the current session of the Conference. As decided during informal tripartite consultations on the working methods of the Committee, information regarding the measures taken by the Office to give effect to the recommendations of the Committee had once again been posted on the dedicated web page and was updated regularly. In line with the conclusions and recommendations adopted last year by the Committee, a high-level tripartite mission had

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visited Kazakhstan; there had been two direct contacts missions to Egypt and El Salvador; a high-level mission in Mauritania; and a technical assistance mission in Belarus. Moreover, several other countries had requested and received technical assistance from the Office. The reports received from governments that had benefited from such assistance often demonstrated the extent to which the discussions and conclusions of the Committee could facilitate the provision by the Office of targeted and truly effective assistance. In cases of serious failure by member States to comply with their reporting obligations, the Office offered technical assistance tailored to their needs. Several of the member States concerned had fulfilled, at least in part, their reporting obligations. Finally, with the Turin Centre, the Office was continuing to provide tailored training on international labour standards at the national, regional and international levels. The annual International Labour Standards Academy had been held for the second time this year with a view to sharing knowledge and tools on international labour standards with the tripartite constituents of the ILO, judges, lawyers, law professors and media professionals.

36. In conclusion, the representative of the Secretary-General reaffirmed that the Office was once again determined to support and consolidate the constructive participation of the tripartite constituents in a reliable supervisory system which enjoyed their trust and in which everyone was a stakeholder. The International Labour Standards Department was therefore placing its full expertise at the service of the Committee so that it could play its vital role within the ILO's constitutional framework.

### **Statement by the Chairperson of the Committee of Experts**

37. The Committee welcomed Mr Abdul Koroma, Chairperson of the Committee of Experts, who expressed his appreciation for the opportunity to participate in the general discussion and the discussion of the General Survey. The Chairperson of the Committee of Experts underscored the importance of the Committee of Experts' special sitting with the two Vice-Chairpersons of the Conference Committee, which together with his participation in the work of the Conference Committee represented the institutional framework of good practice whereby representatives of the two bodies exchanged views on matters of common interest. At the last special sitting, the Committee of Experts had duly noted the concerns expressed by the Employer Vice-Chairperson regarding the increase in the number of cases of serious failure to comply with reporting obligations, upon which the Committee of Experts had decided to institute as of its next session, the practice to launch "urgent appeals" upon the following criteria: (i) failure to send first reports for the third consecutive year; (ii) failure to reply to serious and urgent observations from employers' and workers' organizations for more than two years; and (iii) failure to reply to repetitions concerning draft legislation when developments had taken place. In such cases, the Committee of Experts might include an opening paragraph in its comments, informing the governments concerned that in the case of continued failure to supply a report or replies to the points raised by 1 September of the following year, the Committee of Experts might proceed with its examination on the basis of the information at its disposal and adopt a new comment. Similarly, the Conference Committee might call on the governments concerned to appear before it and inform the governments concerned about this possibility of the substantial consideration by the Committee of Experts in the event of continued reporting failure, thereby also reinforcing the synergies between the two supervisory bodies.
38. The Committee of Experts also welcomed the information received during the last special sitting on the methods proposed in the discussions in the Governing Body on the Standards Initiative to strengthen the supervisory system, which included: (i) the thematic grouping of Conventions for reporting purposes; (ii) the practice of consolidated comments; (iii) the introduction of an electronic document and information management system for the

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supervisory bodies; and (iv) the extension of the reporting cycle for technical Conventions from five to six years. Concerning the latter proposal, the Committee of Experts expressed its willingness to consider, from its next session, the manner in which it might extend the currently limited criteria for breaking its cycle of review when receiving comments from employers' or workers' organizations under article 23(2) of the ILO Constitution. Inspiration could be drawn from the criteria used for requesting early reports.

39. The Committee of Experts had noted in its report that the number of observations received from employers' and workers' organizations on the application of Conventions and Recommendations had continued to increase, which was an indicator of the vitality of the supervisory mechanism and greatly assisted it in making its assessment. The Committee of Experts had also reiterated its long-standing concern at the low proportion of reports received by 1 September, and was going to examine in more detail the treatment of reports received after the deadline of 1 September at its next meeting. Moreover, the Committee of Experts had once again called on all governments to ensure that copies of reports on ratified Conventions were communicated to the representative employers' and workers' organizations so as to safeguard this important aspect of the supervisory mechanism. Lastly, the Chairperson of the Committee of Experts drew attention to the General Survey concerning working-time instruments. The scope of the General Survey was particularly ambitious as it covered all working-time aspects (hours of work, weekly rest, annual leave, night work and part-time work) regulated by ILO instruments (nine Conventions, one Protocol and six Recommendations on working time). He referred to the positive developments and challenges identified in the General Survey, including those brought by new working arrangements. Informing about the content of the General Survey, he referred, among other things, to the importance of social dialogue and collective bargaining in the implementation of Conventions on working time, as well as the need for effective labour inspection and dissuasive penalties for non-compliance with working-time provisions.
40. The Committee of Experts was firmly engaged in meaningful dialogue with the Conference Committee and all other ILO supervisory bodies, in the interest of an authoritative and credible ILO supervisory system and ultimately for the cause of international labour standards and social justice worldwide.
41. Lastly, the Chairperson of the Committee of Experts announced the departure of Professor Mario Ackerman and Justice Ajit Prakash Shah from the Committee of Experts and paid homage to their long-standing and invaluable contributions to its work.

### **Statement by the Employer members**

42. The Employer members welcomed the presence of the Chairperson of the Committee of Experts in the general discussion of this Committee. The Employer members indicated that for more than 90 years, the Conference Committee had been at the centre stage of the regular standards supervision. The Committee had provided a regular forum for dialogue between tripartite constituents on the application of ratified Conventions and other standards-related obligations. Tripartite dialogue in the Conference Committee was based on two elements: the report of the Committee of Experts, and the contributions from the members of the Conference Committee, who brought their own assessment of the application of the Conventions in law and practice, their real and practical understanding of the economic and social situation in ILO member States, their knowledge of the latest developments and their rich experience in labour and social affairs. In the Employer members' view, this was key to the achievement of balanced, relevant and practical conclusions of the Conference Committee, that advised the governments concerned on realistic and specific ways to fully implement ratified ILO Conventions, and thus to better compliance of member States with their obligations arising from international labour standards. This could best be achieved

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with the active and full participation of the tripartite constituents of the ILO at all stages of the supervisory process. Achieving better compliance did not only require pointing to failures in proper implementation, but also shed more light on cases of progress and emphasizing best practices. While the Conference Committee discussed and reached conclusions on some 24 cases, its members also commented on general application problems, including the provision of guidance to the Committee of Experts in carrying out its preparatory work. To ensure full governance and ownership, further measures should be considered to extend tripartite supervision to areas that, thus far, had been left only to the Committee of Experts.

43. The Employer members highlighted a number of positive elements in the report of the Committee of Experts. First, the mandate of the Committee of Experts had once again been reproduced in paragraph 19 of the report, thus clarifying that its opinions and recommendations were non-binding. Second, the systematic reference made by the Committee of Experts in its observations to the discussions and conclusions of the Conference Committee reflected the increasing integration of the two main supervisory bodies, which should be continued. Third, they welcomed the decision taken by the Committee of Experts, based on the proposal of the Employer members made last year, to launch “urgent appeals” of cases of serious reporting failure, and to draw the attention of the Conference Committee to those cases. This enabled the Conference Committee to advise the governments concerned that, in the absence of a report, the Committee of Experts might examine the substance of the matter at its next session. This new practice was most likely to have an important impact on the work of the Conference Committee as of 2019.
44. The Employer members made a number of proposals to increase the effectiveness, transparency and relevance of the regular standards supervision: (i) in view of the need to render the report of the Committee of Experts more reader-friendly and transparent, it should contain clear, concise and straightforward language with concrete requests for action; (ii) it would be desirable to include hyperlinks in the electronic version of the Committee of Experts’ comments to relevant earlier Committee of Experts’ comments and Conference Committee discussions, as well as the text of submissions made by employers’ and workers’ organizations to the Committee of Experts, in so far as these organizations wished to have them made publicly available; these submissions could then also be published on the NORMLEX website; and (iii) as stated in the 2017 Joint Position of the Workers’ and Employers’ groups, reports of missions regarding Conference Committee conclusions or a summary with the non-confidential concrete results of missions should be published on the Conference Committee web page and/or the NORMLEX website. The Employer members specifically requested that a number of issues should be included on the agenda of the next meeting on the working methods of the Conference Committee, including: (a) more direct cooperation and dialogue between members of the Committee of Experts and the Conference Committee; (b) the exploration of the possibility of the Conference Committee to examine the implementation of conclusions adopted in previous years rather than simply posting them on the dedicated Conference Committee website, as well as the improvement of the Conference Committee web page, including by adding information on tripartite deliberations, and enabling full access to the submissions made by the constituents during the Committee’s work; and (c) improvements in the supply of information by member States in D documents, including the encouragement of member States concerned by the preliminary list of cases to provide updated information on their cases one month in advance of the opening of the International Labour Conference, which the Office would make available on the Conference Committee web page. This would allow the social partners to access the latest information from governments to narrow down the preliminary list, and would allow the tripartite constituents to prepare interventions for the discussion in the Conference Committee in advance with all the necessary up-to-date information.

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45. The Employer members also raised a number of concerns relating to the regular supervision of standards: (i) given the continued failure of many governments to comply with their reporting obligations, they trusted that the present efforts to streamline reporting, including extending the possibilities for e-reporting as considered by the Governing Body in March 2018, would facilitate reporting and increase reporting rates in the future. Nevertheless, more fundamental steps were needed to respond to this issue. In particular, consolidation, concentration and simplification of ILO standards themselves would be required. This had already been achieved to a significant extent in the field of maritime labour standards, and it was hoped that the work of the Standards Review Mechanism Tripartite Working Group would also lead to progress in this respect in other standards areas; (ii) the criteria concerning the differentiation between observations and direct requests as described in paragraph 41 of the Committee of Experts' report, in particular, the criteria termed "primarily of a technical nature", for direct requests and "important discrepancies" for observations, were not entirely clear and gave rise to some confusion. In many cases, it was difficult to understand why a comment had been classified in the chosen category as opposed to the other. This was important because direct requests were not included in the report of the Committee of Experts. By making comments and recommendations to governments in the form of direct requests, a major part of the substantive issues relating to the application of ratified Conventions was removed from tripartite supervision. The Employer members therefore called on the Committee of Experts to make all comments that concerned compliance issues and respective recommendations in the form of observations; (iii) the Employer members also expressed concern with regard to the decision of the Committee of Experts to depart from the regular reporting cycle in some cases and not in others. While they recognized the discretion of the Committee of Experts in this respect, they also emphasized that, in the spirit of good governance, there should be transparency surrounding the reasoning when the reporting cycle was altered. In future reports, relevant information on similar cases should be provided by the Committee of Experts; and (iv) the Employer members raised concerns with regard to the discrepancy that might arise between the Conference Committee's conclusions and the comments of the Committee of Experts, referring to a case in relation to which the Committee of Experts had noted with satisfaction action taken by the Government that clearly disregarded the Conference Committee's own conclusions; they called upon the Committee of Experts, when making assessments, to duly take into account the conclusions of the Conference Committee which reflected tripartite consensus.
46. The Employers members reiterated their belief in fundamental principles and rights at work, including freedom of association, as the foundation for democracy. At the same time, they emphasized their continued disagreement with the direct connection made by the Committee of Experts between Convention No. 87 and an explicit right to strike, and with its broad interpretation in this respect. They highlighted the fact that, in the Committee of Experts' Report, out of 49 observations on Convention No. 87, 33 dealt in one way or another with the right to strike, which included comments that dealt exclusively with the right to strike. The Employer members wished to put on record that they did not recognize the Committee of Experts' interpretation of a right to strike under Convention No. 87 and that they firmly maintained their dissenting position on this issue. Additionally, they expressed concern about the frequent reference by the Committee of Experts to cases examined by the Committee on Freedom of Association. They stressed that the Committee of Experts and the Committee on Freedom of Association had different legal bases and mandates. While the situations that the Committee on Freedom of Association and the Committee of Experts were confronted with might often be similar, the important differences between the two procedures should not be disregarded when making such references.

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## Statement by the Worker members

47. The Worker members welcomed the presence of the Chairperson of the Committee of Experts in the general discussion of the Conference Committee. They observed that the world was currently experiencing upheaval in several respects: (i) the globalization of the economy was allowing the free movement of capital with the sole objective of achieving profit, which often had detrimental social and environmental consequences; (ii) climate change and environmental issues would give rise to an increasing number of work-related problems; and (iii) armed conflict was laying waste to certain whole regions. Those three phenomena were closely linked and were behind the massive migratory flows which were raising fundamental questions concerning how work-related issues should be addressed in a context which was also characterized by the emergence of authoritarian regimes in certain countries that were not very respectful of civil liberties and fundamental rights. The problems that arose in that regard constituted challenges for the ILO, in which the Committee had an important role to play as one of the two pillars of the Organization in the supervisory system for international labour standards, alongside the Committee of Experts.
48. The Worker members welcomed the extensive references in the report of the Committee of Experts to the conclusions of the Conference Committee, which was a significant development. They suggested, however, that the Committee of Experts might examine in greater detail the manner in which each of the recommendations was given effect by the governments concerned. They also welcomed the initiative by the Committee of Experts to ensure a better balance between the various types of Conventions in the selection of cases with a double footnote. The Committee of Experts should pay as much attention as possible to the so-called technical Conventions.
49. The Worker members shared the concern of the Committee of Experts in relation to the backlog accumulated by many governments in presenting their reports. Only 38.2 per cent of the reports requested had been received by 1 September 2017, which was a lower rate than the previous year. Such delays were detrimental to the quality of the work carried out by the Committee of Experts. They therefore called on governments to comply with their reporting obligations within the required time limits. They were however aware of the fact that such failings were not always intentional, but were due to practical difficulties. The technical assistance provided by the Office in this respect was valuable and reflection was required on the best way in which it could be reinforced. They also echoed the comment by the Committee of Experts that several governments were still not fulfilling their obligation to communicate the reports beforehand to workers' and employers' organizations. Those cases of failures offered an indication of the importance accorded to dialogue and concerted social action in the countries concerned.
50. Responding to certain proposals made during the discussions, the Worker members indicated that: (i) the observations in the Committee of Experts' report were directed at stakeholders who were accustomed to the particular vocabulary used, the governments and the social partners and should therefore respond only to the need for clarity and precision. The Employer members' proposal to simplify the vocabulary used in the Committee of Experts' report should therefore be subject to an in-depth discussion; (ii) they did not support the Employer members' proposal to publish the observations communicated to the Committee of Experts by workers' and employers' organizations which so agreed, as that risked undermining the discretion and independence of the Committee of Experts; (iii) the explanation of the circumstances that could result in an interruption of the reporting cycle in paragraph 64 of the Committee of Experts' report seemed clear and sufficient. Such circumstances constituted safeguards intended to maintain the effectiveness of the regular supervisory system; and (iv) the opportunities for exchanges between the Conference Committee and the Committee of Experts, which were already in place, were sufficient and it did not seem necessary to set up more.

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- 51.** Responding to the comment by the Employer members, who had recalled their position concerning Convention No. 87 and the right to strike, the Worker members wished, in turn, to recall that they considered that the right to strike was recognized within the framework of Convention No. 87. That right was related to the exercise of freedom of association, which was not only a fundamental ILO principle and right but also a fundamental element of all democracies. In that regard, the Worker members recalled that the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association had indicated that the right to strike was enshrined in international law and that its protection was necessary to ensure fair, stable and democratic societies. They recalled the constructive and concerted work carried out in the Committee since 2015 to establish effective regular supervisory mechanisms and hoped that those mechanisms would continue to be strengthened, beyond differences in viewpoints, in order to achieve the objectives of the ILO.

## **Statement by Government members**

- 52.** The Government member of Bulgaria, speaking on behalf of the European Union (EU) and its Member States, the candidate countries Montenegro, Serbia and Albania, the potential candidates Bosnia and Herzegovina and Georgia, emphasized that the regular and successful monitoring of the application of international labour standards was crucial to ensure the mandate and authority of the ILO and welcomed the recent changes made to the functioning of the Conference Committee. Given that the improvement of the working methods of the Conference Committee was under way, she made a few comments and recommendations in that connection: (i) issues covered by the complaints procedure under article 26 of the ILO Constitution should, to the extent possible, not be discussed in the Conference Committee to avoid duplication; (ii) assessing the seriousness of some cases, based on the report of the Committee of Experts, was sometimes challenging, particularly when the report did not contain up-to-date information, and she therefore strongly encouraged governments on the preliminary list to provide the Office with any available information once the list was issued, which should be shared with all ILO constituents. In this respect, it would be useful to have a clear assessment of each case by the Committee of Experts on the situation. In some cases, the assessments in the report related only to specific aspects, which did not provide a clear overall picture of the level of compliance with the Conventions in question. In other cases, the Committee of Experts only referred to the observations of the social partners and it was difficult to evaluate the seriousness of the situation from the report; (iii) while the constraints of the Workers and Employers relating to internal consultations were understandable, having the final list of cases when the Conference Committee had already started made preparation more complicated. It was therefore essential to have available, for each case discussed in the Conference Committee, a clear description of the issue at stake, along with the most up-to-date information and opinions of the Committee of Experts to allow for an informed and fruitful discussion; (iv) General Surveys should assist and inform the discussion of the Standards Review Mechanism Tripartite Working Group, in its task to update and modernize the body of Conventions and Recommendations. Outcomes of the Tripartite Working Group discussions could also feed into the General Survey discussion of the Conference Committee. The results of the discussions in the Standards Review Mechanism Tripartite Working Group and on the General Surveys could then be communicated to the Governing Body for further discussion.
- 53.** The Government member of Brazil supported the request made by the Employer members that information should be provided by the Committee of Experts in relation to each individual case where it had departed from the regular reporting cycle. He emphasized that this would respond to the need for transparency and enhanced legal certainty in the existing supervisory procedure.

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## Reply of the Chairperson of the Committee of Experts

54. The Chairperson of the Committee of Experts recalled that his attendance in the general discussions and on the General Survey was an element of the long-standing arrangements under which the Conference Committee and the Committee of Experts – as the two pillars of the regular supervisory mechanism – had engaged in constructive dialogue throughout the years. That ongoing dialogue was carried out in a spirit of mutual respect, cooperation and responsibility between the two Committees, as reiterated in the General Report of the Committee of Experts and demonstrated again throughout the current discussion in the Conference Committee. Many positive and some less positive comments had been made on the report of the Committee of Experts and the innovations introduced this year clearly demonstrated that that dialogue was a fruitful and important component of the successful functioning of the ILO supervisory mechanism.
55. The comments made by the members of the Conference Committee, including the requests for clarification on the criteria for the examination of cases outside the reporting cycle and the suggestions made by the Employer members, had retained his full attention and would be transmitted to the Committee of Experts. In this regard, the Committee of Experts would continue to give careful consideration to the views expressed by the tripartite constituents in the Conference Committee and the work of the Governing Body. In this context, he welcomed the emphasis placed by the Employer members on the importance of freedom of association as the basis of democracy and their recognition of the right of workers and employers to take industrial action in support of their legitimate industrial interests. Regarding the persistent concerns of the Employer members in relation to Convention No. 87 and the right to strike, he referred to paragraph 17 of the report of the Committee of Experts which reflected the important considerations of the Committee on that matter. Recalling that only Article 9 of Convention No. 87 left the extent of the guarantees of the Convention – in relation to the police and armed forces – to be determined by national laws and regulations, the Committee of Experts had highlighted the careful attention given to the useful information provided in the reports of member States and the comments from employers' and workers' organizations on the way in which that right was regulated at national level. The Committee of Experts had also emphasized that that question was only one of a wide range of important issues raised under Convention No. 87. As regards the General Survey, the rich discussions held in the Conference Committee were yet another example of how General Surveys and the related discussions in the Conference Committee could usefully inform broader tripartite processes and discussions concerning, in particular, standard-setting activities.

## Reply of the representative of the Secretary-General

56. The representative of the Secretary-General welcomed the acknowledgment by the members of the Conference Committee of the usefulness of ILO technical assistance in resolving long-standing issues related to the application of ratified Conventions and the call for the Office to even further develop its activity in this area. Such sentiments reflected the assessment the Office had conducted in the context of the implementation report of the Programme and Budget for the biennium 2016–17 submitted to the present session of the Conference, in particular the review of outcome 2 concerning the ratification and application of international labour standards. Building on the lessons learned, three main priorities had been set in the current biennium: (i) increased reach of international labour standards through wider ratification; (ii) enhanced action by tripartite constituents and other actors at country level for the application of international labour standards, supported through national and multilateral planning frameworks such as Decent Work Country Programmes (DWCPs) and United Nations Development Assistance Frameworks (UNDAFs) or equivalent planning

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frameworks; and (iii) effective engagement of and ownership by tripartite constituents in the preparation, adoption, reporting and review of international labour standards. These priorities were expected to increase the effectiveness of the impact of international labour standards and enable member States to advance towards the attainment of the relevant targets set in the United Nations Sustainable Development Goals.

57. The Office had taken due note of the many concrete suggestions with respect to questions that would be further discussed in the framework of the Standards Initiative, particularly during the tripartite informal consultations on the working methods of the Conference Committee. The Office would spare no effort to follow up on these suggestions within the limits of its available resources. The range, scope and content of the interventions of the members of the Conference Committee on the General Survey on working-time instruments had confirmed the topical nature of the subject and its importance for the future of work. The outcome of the discussion and the report on its discussions would be communicated to the ILO Tripartite Meeting of Experts on working time and work–life balance tentatively planned for 2019, as well as to the Tripartite Working Group of the Standards Review Mechanism when it would examine instruments concerning working time.

## Concluding remarks

58. The Worker members welcomed the discussions on the respective roles of the Conference Committee and the Committee of Experts, and on the ways of improving interaction between the two bodies. They recalled that these discussions should take place in the context of mutual respect for the independence of each body and with the sole concern of enhancing the functioning of the regular supervisory system for international labour standards. The Worker members also underscored the fact that the relation with the Committee of Experts was part of a process of collaboration and not integration. They emphasized that the Conference Committee should not exert any form of oversight over the other supervisory bodies. They also considered that the reproduction of the observations of the Committee on Freedom of Association did not pose any problem. On the contrary, the necessary links should be established between the supervisory bodies to ensure a consistent approach to the standards under their supervision.
59. The Employer members considered that the work of the Committee of Experts was an important component in the successful functioning of the work of the Conference Committee, as well as an important element of the regular standards supervisory system as a whole. Ongoing dialogue between the Committee of Experts and the Conference Committee was of utmost importance, not only for ILO constituents to better understand standards-related obligations but also to facilitate the understanding of the Committee of Experts of the practical realities and needs of the users of the supervisory system. They agreed with the Worker members that it was important to always maintain the independence of the Committee of Experts but also emphasized the importance that those two pillars of the supervisory system should be open and willing to listen to each other, as well as to the tripartite constituents, and to implement measures to make the regular standards supervisory system more user-friendly, effective and transparent so that all could work together to facilitate the understanding and best possible application of international labour standards. The discussion on the General Survey had been an opportunity to review the diversity in ILO member States regarding law and practice in the field of working time, which reflected different levels of efficiency, and working cultures, different sectoral requirements, diverse workplace needs, such as of micro-enterprises, and different legal approaches. That analysis had been very instructive and highlighted some of the challenges that lay ahead concerning the regulation in the area of working time.

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## **C. Reports requested under article 19 of the Constitution**

### **General Survey concerning working-time instruments**

- 60.** The Committee discussed the General Survey carried out by the Committee of Experts on the following working-time instruments: the Hours of Work (Industry) Convention, 1919 (No. 1); the Weekly Rest (Industry) Convention, 1921 (No. 14); the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30); the Forty-Hour Week Convention, 1935 (No. 47); the Night Work (Women) Convention (Revised), 1948 (No. 89); the Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948; the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106); the Holidays with Pay Convention (Revised), 1970 (No. 132); the Night Work Convention, 1990 (No. 171); the Part-Time Work Convention, 1994 (No. 175); the Night Work of Women (Agriculture) Recommendation, 1921 (No. 13); the Holidays with Pay Recommendation, 1954 (No. 98); the Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103); the Reduction of Hours of Work Recommendation, 1962 (No. 116); the Night Work Recommendation, 1990 (No. 178); and the Part-Time Work Recommendation, 1994 (No. 182).
- 61.** The General Survey took into account information on law and practice provided by 124 governments under article 19 of the ILO Constitution, as well as the information provided by member States which had ratified the Conventions in their reports under articles 22 and 35 of the Constitution. The General Survey also reflected the comments received from 30 workers' organizations and 11 employers' organizations pursuant to article 23 of the Constitution.
- 62.** The Chairperson of the Committee of Experts noted that it was the first time that a General Survey addressed all the aspects of working time together. The General Survey identified positive aspects, in particular in the legislation of many countries which was in conformity with key aspects of ILO Conventions on hours of work, weekly rest and paid annual leave. The General Survey also highlighted the efforts made in many countries to promote and regulate part-time work. Nonetheless, the Committee of Experts had noted that many issues remained in practice, such as long hours of work and their impact on the health and well-being of workers. Other issues related to financial compensation being provided in lieu of weekly rest, long qualifying periods of service being fixed for workers to be entitled to annual leave with pay, and annual holidays being divided into many parts or postponed for long periods of time. In the context of night work, necessary protective measures, such as limits to overtime, maternity protection and social services, were not frequently contained in national legislation. In the case of part-time workers, the General Survey highlighted the need to improve equality in employment conditions and social protection coverage. The Committee of Experts had also identified emerging challenges, including the increased use of on-call work and the impact of information and communication technologies on the organization of work and on working-time arrangements. The General Survey noted the role of collective bargaining and social dialogue in the implementation of the ILO instruments on working time. Lastly, the Committee of Experts had recalled the importance of ensuring that effective mechanisms were in place to secure compliance with working-time provisions, primarily through labour inspection and the application of dissuasive penalties for non-compliance.

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## **General remarks on the General Survey and its topicality**

63. The Committee welcomed the opportunity to discuss the General Survey which comprehensively covered all aspects of working time. Both Worker and Employer members, as well as a number of Government members, stressed that addressing this subject matter was particularly timely in a changing world of work.
64. The Worker members noted that the General Survey contained important findings to support the work of the Committee towards guaranteeing effective decent working time for all workers. They noted that the effective application of the limits to working time of eight hours a day and 48 hours a week which were already envisaged in the Treaty of Versailles, remained a current challenge. They stressed that limits on hours of work must take into account the health and safety of workers and the importance of “work–life balance”. Too many workers were deprived of that protection. They highlighted that the General Survey provided details on how effect was given to working-time regulations in ILO member States, both in law and in practice.
65. The Employer members noted that the General Survey was the first that comprehensively addressed all working-time aspects. They noted that the General Survey covered as many as 16 ILO instruments but seemed to cover the Conventions in much more detail than the Recommendations. In view of ongoing discussions on this in the Governing Body, the Employer members stressed that the function of General Surveys was to examine selected ILO standards, and not to examine a particular subject. In shedding light on difficulties in the implementation or ratification of the selected instruments, as well as potential gaps in their coverage, General Surveys enabled the ILO to make decisions on any necessary action regarding the instruments examined. They considered that the General Survey confirmed the existing diversity in ILO member States on working time law and practice, reflecting different levels of productivity, different working cultures, different sectoral requirements and different legal approaches. Working time was an issue that was subject to constant changes and required regular adaptation to new realities. Enhancements in technology and communications were changing the traditional time and space dimensions of work. There were also other factors such as the increased feminization of labour markets that were changing traditional working-time schemes. Workplace flexibility, both in terms of working time and location, was the most salient characteristic of the new world of work. Flexibility made life easier for many individuals with family or other responsibilities and allowed them to take control of the balance between their work and other life duties. They stressed that the organization of working time was of fundamental importance for the productivity, performance, competitiveness, sustainability and the ability to create jobs of enterprises. Any regulation of working time had to carefully balance both the protection needs of workers and the varying and evolving needs of enterprises, in particular in the following respects: the efficient use of machinery and equipment; the time preferences of markets and customers; the scarcity of skilled workers in labour markets; and the need to keep labour costs contained.
66. The Government member of Bulgaria speaking on behalf of the EU and its Member States, as well as Albania, Bosnia and Herzegovina, Georgia, Montenegro and Serbia, noted that the number of hours worked and their organization had major impacts on the life of workers and in particular on their health and safety and work–life balance. In addition to safeguarding workers’ health and safety, effective policies in the area of working-time regulations played a crucial role in sustaining business performance, security, productivity and competitiveness and in ensuring a level playing field for enterprises. The General Survey showed that progress had been made in many parts of the world with regard to legislation related to weekly limits, weekly rest and holidays with pay, but that many challenges remained. Due to the development of new technologies, the boundaries between working time and rest periods threatened to become blurred.

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67. The Government member of Norway, speaking on behalf of the Nordic countries, noted that working-time issues were at the very centre of policy discussions and design and in the Nordic countries largely regulated by collective agreements between social partners. The importance of the issues of working time feeding into the discussion on the Future of Work Initiative was stressed. The Government members of Belgium and Kenya underlined that the General Survey provided a clear overview of new trends and developments around the world in the field of working time.
  68. The Employer member of Brazil and a Worker member of Colombia highlighted that in the context of the future of work, working time today was a point that required particular attention. The Worker member of the Republic of Korea stated that regulation of working hours was essential to achieve social justice, a core value of the ILO.

### ***Importance of the ILO instruments on working time***

69. A number of members of the Committee commented on the value and relevance of the ILO instruments on working time covered in the General Survey.
70. The Employer members highlighted that the wide diversity of ILO member States and the developments in the world of work made it difficult to set generally recognized international standards on working time and to create a level playing field in this area at global level. The common denominator for international regulations in this field seemed small. The fact that ILO working-time Conventions had generally low ratification rates, particularly in Asia and the Pacific region, could be an indicator that they had gone beyond this common denominator.
71. The Worker members stated that since its creation in 1919, the issue of working time was at the core of the ILO's mandate and agenda and of its standard-setting activities over its first century. The General Survey showed that even the very first ILO Convention, Convention No. 1 on hours of work, was far from being universally applied, which demonstrated the need for vigorous action in this area. There was a need to clarify the misunderstandings reported by the Committee of Experts in relation to the 16 instruments covered by the General Survey. The ratification and effective implementation of these instruments had to be promoted.
72. The Government member of Norway, speaking on behalf of the Nordic countries, stressed that working-time instruments were at the core of international labour standards. Enhancing the relevance of these instruments and keeping them up to date was a current challenge for the ILO. In the midst of the new trends in the world of work, it was important to hold on to the fact that standards relating to daily and weekly hours of work, weekly rest, paid annual leave, part-time and night work, remained relevant and important for promoting decent working conditions and fair competition.
73. The Government member of Argentina considered that working time represented one of the most relevant pillars of international labour standards. The Employer member of India stated that the review of the working-time instruments had become long overdue. The Worker member of the United Kingdom, speaking also on behalf of the Worker member of the United States, noted that the current problems experienced by workers illustrated why ILO standards on working time remained relevant.

### ***Hours of work***

74. The Worker members reaffirmed the importance of the double limit of eight hours a day and 48 hours a week and noted that the regulation of working time was an essential tool for

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achieving social justice. The definition of working hours was not always applied in accordance with Convention No. 30. In some countries, only the daily limit or the weekly limit applied. Regulating working time and fixing limits to the daily and weekly hours of work was vital. Highlighting the impact that long hours had on the health and well-being of workers, they stressed that limits on hours of work had to take into account workers' health and safety and the need to ensure work–life balance. Adequate protection was necessary to prevent excessive fatigue and to guarantee that workers could rest and engage in social activities. With respect to the possibility of exclusions and exceptions to normal working hours, the Worker members stated that the scope of the Conventions offered considerable flexibility, allowing countries to exclude certain categories of workers from definitions and the application of important provisions. The large number of excessive derogations from the standards set in the Conventions on working time were of particular concern and exposed workers to possible burn out. Social dialogue and collective bargaining had an important role to play in the fixing of limits to hours of work. The Worker members hoped for a rapid increase in the number of ratifications of Conventions Nos 1, 30 and 47. They called on the ILO to launch a campaign to promote the ratification and effective implementation of these instruments, and to provide legal explanations, technical assistance and training on this subject, where necessary.

75. The Employer members recalled that it had already been noted in the 2005 General Survey on hours of work that Conventions Nos 1 and 30 did not fully reflect modern realities in the regulation of working time and that there were elements that were clearly outdated. There had been no new ratification for those Conventions since that time. The provisions of the two Conventions were too detailed and restrictive, in particular: maximum normal working hours, their variable distribution, and possible temporary or permanent exceptions were defined too narrowly; averaging of working hours was only permitted in exceptional cases; exceptions from the normal working hours often required regulation by the government or the public authorities, leaving insufficient room for collective or individual agreements between employers and workers; and the provisions on compensation of overtime were unduly restrictive. The Employer members considered that while health was a relatively objective and broadly accepted concept that could be used in determining working-time limits, the same could not be said with regard to “well-being” and work–life balance. These concepts frequently referred to in the General Survey were subjective and too vague to be used to define working-time limits. In their view, working time was not a good indicator of work performance, and attention had to be placed on results. Finally, they noted that Convention No. 47 establishing the principle of the 40-hour week was ratified only by 15 countries, showing that after more than 80 years this principle was not accepted by the large majority of ILO member States. A new approach on working-time regulations was required that would not be rigid and that would allow employers, workers and institutions to respond to dynamic needs and to find an appropriate balance at every point of their working life or at any stage of the business development.
76. The Government member of Bulgaria, speaking on behalf of the EU and its Member States, as well as Albania, Bosnia and Herzegovina, Georgia, Montenegro and Serbia, highlighted that the number of hours worked had a major impact on the life of workers, in particular on their health and safety and work–life balance. The EU directive on working time was the main regulatory instrument in this area. It protected the health and safety of workers while at the same time ensuring a level playing field. Protection of workers' health and safety at work as well as the right to work–life balance were also among the principles of the European Pillar of Social Rights proclaimed in November 2017. EU law only permitted certain derogations to regulations on hours of work, such as the establishment of long reference periods on working time, by collective agreement.
77. The Government members of Argentina, India and the Islamic Republic of Iran highlighted that the number of hours worked, together with the way they were distributed, affected the

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quality of work and life outside of work and noted the possible impact of excessive working hours on the health of workers. At the same time, working hours were central in determining the productivity and sustainability of the company.

78. The Worker member of the Republic of Korea indicated that a deregulation of working hours and too many exceptions allowed in the application of working-time standards were harmful to the health and safety of the workers.
79. A number of Government members provided an overview of their national legislation and compliance with the provisions of the Conventions on hours of work. The Government member of the Republic of Korea indicated that an amendment to the Labour Standards Act in March 2018 had reduced the maximum working hours from 68 to 52 per week.
80. The Worker member of Ghana indicated that workers in the informal economy, which represented about 90 per cent of the total labour force, worked up to 70 hours a week despite the legal limit of 40 hours. The Worker member of the Philippines indicated that despite recent statistics showing that an important part of the workforce was overworked, the national Parliament passed a bill in 2017 on a compressed work week which would increase the eight hours a day to 12 hours a day. The Worker member of the Republic of Korea stated that every year around 300 workers were officially recognized as affected by overwork-related diseases and that there were many cases of suicide related to work. The Worker member of Switzerland indicated that excessive working hours in the country was shown by the high number of cases of burn out.

### **Weekly rest**

81. The Employer members noted that Conventions Nos 14 and 106 on weekly rest had a higher ratification rate than the Conventions on hours of work. Convention No. 14 was a relatively flexible instrument in that it allowed almost unconditional total or partial exceptions to the normal weekly rest days, as well as exceptions to compensation where it was not possible to grant the weekly rest days. Since Convention No. 106 allowed exceptions to weekly rest only under much stricter conditions, and did not foresee exceptions regarding the provision of compensation, its application could be problematic, especially in particular sectors. In their view, employers and workers should be able to choose in certain limited cases to replace compensatory rest by financial compensation. Finally, they noted that the approach in the recent maritime instruments which provided for a choice to either set maximum working hours or minimum hours of rest seemed worth considering also beyond the maritime sector.
82. The Worker members indicated that despite the higher rate of ratifications of the instruments on weekly rest, too many workers were deprived of their right to a 24-hour weekly rest due to the excessive resort to exceptions provided in the Conventions. This was of particular concern in light of the impact of the absence of weekly rest on workers' health and safety as well as in terms of work-life balance.
83. A number of Government members provided an overview of their national legislation implementing the provisions of the Conventions. The Worker member of Switzerland indicated that draft amendments to the Labour Law which were currently being considered would largely abolish the maximum weekly hours of work and the prohibition of working on Sunday for workers in managerial positions. An observer representing the World Organization of Workers indicated that due to the crisis that affected the Bolivarian Republic of Venezuela, many workers were forced to work on their days of rest in order to compensate for the low purchasing power associated with their salary in a context of hyperinflation.

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## ***Annual holidays with pay***

84. The Worker members indicated that due to the numerous exceptions to the rules provided in Convention No. 132, too many workers were deprived of the right to an annual holiday with pay. This was of concern as it had an impact on their health and safety and work–life balance.
85. The Employer members considered that Convention No. 132 was unduly detailed and set limits which seemed to be far from universally recognized. They noted that this instrument had not been classified as up to date by the ILO Governing Body. This was the case for instance with the six-month limit imposed for the qualifying period of service for entitlement to annual leave, a limit which was not respected in many countries. With regard to monetary compensation in lieu of leave, they noted that the Convention did not limit this possibility to cases of termination of employment, as suggested in the General Survey. Monetary compensation that did not concern the minimum annual leave of three working weeks would be in line with the Convention.
86. The Government member of the Republic of Korea pointed out that contrary to what was said in the General Survey, workers in the agriculture sector were entitled to paid annual leave. It also had to be noted that, under the Labour Standards Act, workers who continuously worked for less than a year were granted one day of paid leave for each month attended in full, and that periods during which a worker took time off due to any injury or sickness arising out of duty and periods of leave for maternity and childcare were deemed to be periods of attendance at work for the purpose of the calculation of annual leave.
87. The Employer member of Australia indicated that employees were demanding greater flexibility in their work and that they often requested to carry over unused leave from year to year and to take annual leave as single days.
88. The Worker member of the United Kingdom, speaking also on behalf of the Worker member of the United States, indicated that in the United States there was no law on vacation leave and that, in the United Kingdom, workers were often owed their holiday pay. A Worker member of Colombia indicated that, due to the conditions of employment in Colombia, many workers had not benefited from holidays with pay in many years.

## ***Night work***

89. The Employer members stated that according to the General Survey, technological and economic changes had led to an increase in the demand for the round-the-clock provision of certain services. Nevertheless, it seemed that there was no clear trend towards an overall increase of night work and that the share of night workers remained relatively low. The very low rate of ratification of Convention No. 171 indicated that its provisions were too strict and not sufficiently practical to be accepted by a high number of countries. More generally, the approach to comprehensively regulate, in an ILO Convention, one particular form or aspect of work, such as night work, seemed to have proven not to be successful, as evidenced by the low ratification rates of a number of more recent Conventions. Subject to further discussion and findings in the Standards Review Mechanism (SRM), the Employer members suggested that Convention No. 171 may be revised in the context of a consolidation of all instruments on working time. Any future standard dealing with night work should limit itself to setting a broad policy and guidance framework without seeking to regulate details. With regard to the night work of women, there had been a shift in recent decades towards the removal of the prohibition of night work of women in industry in light of the principles of non-discrimination and equality of treatment. Protective measures for women working at night should normally not go beyond maternity protection.

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90. The Worker members noted that, according to the General Survey, there was an upward trend in night work, while at the same time, more and more scientific studies were showing the negative effects of night work on the health of the workers concerned. The General Survey also highlighted the risks for pregnant women and the lack of available social services for night workers.
91. The Government member of India indicated that the existing ban on night work for women should be examined in view of the limitations that this created on employment opportunities for women. Women should be permitted to work at night with appropriate safety measures, transport and medical facilities and a health environment guaranteeing their protection. National legislation and international instruments should be revised accordingly. The Employer member of India stated that the lifting of the ban on women working on night shift was being recommended in light of economic and social considerations. The Government member of the Philippines referred to the adoption of regulations on night work, in response to the increase in night work and the need to provide the necessary protection to employees engaged in night work who experienced considerable disruption of family life and social activities, fatigue, anxiety, depression and adverse cardiovascular effects.

### ***Part-time work***

92. The Employer members noted that part-time work had become a regular form of employment throughout the world. The collection of statistical data could help better understand the evolving needs of both workers and employers regarding work in general and part-time work in particular. Noting the low rate of ratification of Convention No. 175, they recalled its contentious adoption process during which employers had considered that it unduly restricted the necessary flexibility of part-time work and thus its employment creation potential. They challenged the view reported in the General Survey that low wages was a major motivation for employers to employ part-time workers. Part-time work was above all a means for employers to have operational flexibility and to retain workers wishing to work part-time. It responded to the necessary flexibility for employers and workers to meet the needs in the economy and the labour market and allowed the entry or re-entry into the labour market of certain groups of workers, for instance women and people suffering health problems. On average, part-time workers were working enough to gain sufficient income. The Employer members also noted that the Convention did not provide for a right to transfer from full-time to part-time work and vice versa, but only stipulated that such transfer could be made on a voluntary basis, where appropriate, which meant that any such transfer could only be considered within the possibilities of an enterprise.
93. The Government member of Brazil reported the recent changes to the labour legislation which provided that all part-time workers enjoyed 30 days paid leave regardless of their weekly workload, compared to 18 days at the most, prior to the reform. The Government member of Algeria noted that part time often responded to the need to better reconcile work and family responsibilities, which had a positive effect on employment, particularly for women.
94. The Worker member of Italy indicated that in light of the traditional distribution of family responsibilities, three quarters of part-time employees in the country were women. For many of them, part-time was not a choice. The Worker member of Brazil indicated that the legislative reforms adopted in 2017 introduced several provisions which contradicted the principles of decent working time, including the contract modality of intermittent work. The Government member of Brazil, exercising his right of reply, clarified the main objectives and positive impact of the labour reform in his country, including issues related to working time.

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## **Working time in non-traditional forms of work organization**

95. A number of members of the Committee highlighted the importance of reflecting on working-time arrangements in the context of non-traditional forms of organizing work.
96. The Employer members indicated that economic and social changes over recent decades had resulted in increasingly diverse working-time arrangements. Flexitime arrangements were adopted as much to facilitate work–life balance, education and increased participation, as for specific business reasons. As these new realities may raise new challenges, research should be conducted on factors influencing the development of various types of working-time arrangements. This should include examination of the specific issues related to disabled workers.
97. The Government member of Bulgaria, speaking on behalf of the EU and its Member States, as well as Albania, Bosnia and Herzegovina, Georgia, Montenegro and Serbia, considered that the new challenges arising from new economic, demographic and technological developments required that working-time arrangements and regulations, as well as the issues related to their enforcement, received constant attention. The positive references in the General Survey to the provisions of the EU law on shift work and on-call hours were welcomed.
98. The Government member of Norway, speaking on behalf of the Nordic countries, indicated that developments and trends in the world of work and the effects of new technologies needed to be considered, together with the pressures arising out of globalization, the issues of work–life balance and the growing of the “gig economy” and the care economy which often required work around the clock.
99. A number of other Government members, including India, the Islamic Republic of Iran and Kenya, noted that it was necessary to examine the impact of emerging working-time issues like “zero hours” contracts and other forms of on-call work as well as telework.

### **Flexible working-time arrangements in national legislation and practice**

100. The Workers members indicated that working hours averaging schemes, when applied over too long periods, risked jeopardizing the health and well-being of workers as well as their work–life balance.
101. The Government member of the Philippines made reference to the national regulations on the implementation of compressed work-week schemes which encouraged employers and workers to enter into voluntary agreements to adopt such mutually acceptable schemes.
102. The Worker member of Italy referred to the Amazon agreement on the organization of work shifts adopted in May 2018 which was the first of its kind signed by the company with trade union organizations.

### **Effects of new trends and technology on working-time arrangements**

103. The Worker members considered that it was not acceptable that digital platforms imposed that workers concluded contracts which were not employment contracts, with the purpose of avoiding labour law. They recalled that Recommendation No. 198 established the principle of the “primacy of facts” whereby the determination of the existence of an employment

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relationship should be guided by the facts relating to the actual performance of work and not on the basis of how the parties describe the relationship.

- 104.** The Employer members considered that the new forms of work, such as on-call work or on-demand work and telework addressed in the General Survey had little connection with the standards examined which in fact did not address these issues. These new forms of work had in common that they provided more autonomy and flexibility, including in the organization of working time. This had led to a blurring of the dividing lines between an employment relationship and self-employment. The classification of activities as employment or self-employment should be seen as an open-ended process that required constant observation of the developments and, if need be, adaptation of the demarcation criteria. However, the Employer members warned against the tendency to try to mechanically press traditional employment relationship patterns to new forms of activity and to regulate them as such, as this could potentially hinder the development of new work opportunities. They stressed that, while the ILO had competence for employment relationships, it was not competent for commercial contracts and self-employed persons. New forms of work were bringing overall advantages for enterprises and workers. Advantages for workers of telework included a reduction in commuting times, greater autonomy and flexibility in the organization of work, a better work–life balance and higher productivity. There may also be certain disadvantages, such as the tendency to work longer hours, to create an overlap between paid work and personal life (work–home interference) and the intensification of work. However, they considered that these possible disadvantages depended to a significant extent on individual perceptions and preferences. In relation to work–home interference and the question of whether there was a need for a “right to be disconnected”, the respective perceptions seemed also to be subject to a generational change.
- 105.** The Government member of Bulgaria, speaking on behalf of the EU and its Member States, as well as Albania, Bosnia and Herzegovina, Georgia, Montenegro and Serbia, noted that with regard to the gig economy and on-demand work, the Committee of Experts had indicated that consideration may be given to the ILO Employment Relationship Recommendation, 2006 (No. 198). The need to protect workers where their contractual arrangements deprived them of their rights in respect of working time was acknowledged. Following up on the European Pillar of Social Rights, the EU was currently considering possible new legislation with the aim of establishing workers’ basic right to predictability of work and securing the effective enforcement of workers’ rights to information about their working conditions.
- 106.** The Government member of Senegal noted that the new working arrangements under the digital influence were transforming labour relations and working-time regulations. New working arrangements, such as teleworking, raised difficulties in terms of labour protection, regarding hours of work unpredictability and revenue insecurity. The workers concerned were frequently considered as independent entrepreneurs and did not benefit from the same rights as workers under traditional labour relationships. At the same time, these arrangements could allow a certain working-time flexibility.
- 107.** The Worker member of the United Kingdom, also speaking on behalf of the Worker member of the United States, indicated that the growth in precarious work had created new difficulties for working people, including zero hours contracts, agency work or low paid self-employment. Unpredictable working hours made it impossible to organize childcare while uncertainty over take-home pay left workers struggling to manage household bills. Zero hours workers also lacked the basic protections needed to challenge bad practice at work and were subject to bullying and degrading treatment. In parts of the gig economy, workers faced excessive surveillance and work intensification and did not benefit from paid holidays.

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- 108.** The Worker member of Uruguay noted that technology had allowed increased productivity. However, changes in work organization facilitated by technology had led to a lack of protection for workers. Workers were more isolated and there were no trade unions to defend them. In several labour reform processes, like in France, Brazil or Argentina, workers were not consulted. In the Mercosur, the Social and Labour Declaration should be above the labour reforms carried out in the region. An example of good practice in this field was the reduction of the length of the working day in the metal sector of Uruguay, where work had been shared thanks to technology.
- 109.** The Worker member of France stated that the new digital tools had blurred the boundaries between working time and private life. In the digital economy, regulation of working conditions should be reinforced in order to avoid abuses in the name of flexibility. The right to be disconnected was essential in ensuring limits between private life and professional life. Boundaries were also blurred between workers and employers through the creation of grey zones where workers became self-employed with no access to labour rights. This was also a way of preventing workers from collectively organizing themselves against regressive working conditions.
- 110.** The Worker member of the Netherlands made reference to several new flexible working-time arrangements that had in common the unpredictability of working hours and the lack of clear boundaries between working time and time off. Broken work patterns, zero hours contracts, new information and communications technology developments, and flexible schedules in the gig economy entailed unpredictable and undefined working-time arrangements which made it very difficult to combine work with care responsibilities.
- 111.** The Worker member of Italy indicated that recent laws on teleworking and smart working had affected in depth the organization of work and contributed to the progressive dismantling of the protection provided for under a standard employment relationship. Replacement of workers by robots or artificial intelligence raised the question of the redistribution of the remaining work. A Worker member of Colombia expressed concerned at the generalization of non-standard forms of employment. An observer representing the International Transport Workers' Federation indicated that even where courts had correctly held that platform-based ride-hailing drivers were not genuinely self-employed persons, the nature of platform work was raising questions as to what actually counted as working time. This could be addressed by extending general principles underpinning working time to platform work.
- 112.** The Employer member of Australia considered that certain entirely legitimate and legal forms of work, that were delivering both flexibility and jobs, were being deliberately vilified and misrepresented. These work options were critically important to meeting increasingly diverse and individual employee preferences on working time.

### ***Social dialogue and collective bargaining***

- 113.** The Worker members indicated that the General Survey showed the importance of social dialogue, notably in setting limits to working hours and ensuring work–life balance. Agreements between employers' and workers' organizations could, for example, fix the reference period for averaging weekly hours of work or determine the circumstances in which overtime was possible. More generally, social dialogue should protect workers in case of derogation from basic rules. Given the fact that many categories of workers did not have the opportunity to participate in the social dialogue process or to designate their representatives democratically, many workers were finding themselves in a weak position vis-à-vis employers' requests for flexibility. The situation was often difficult in the smallest establishments, where unions were not present. In the case of on-demand work or the gig economy, union presence was also limited. The General Survey had noted the importance

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and significant contribution of collective agreements to protect the health and well-being of workers and strengthen social cohesion.

- 114.** The Employer members noted that most ILO Conventions on working time required consultations of social partners when implementing their provisions in national law and practice. Several Conventions also provided for collective agreements as a means of implementation. Social partners therefore played a key role in the regulation and organization of working time. The Employer members welcomed the tendency in many countries to decentralize collective bargaining, including on working-time aspects, to the enterprise level and to allow enterprise agreements to derogate from higher level collective agreements. Such an approach enabled the parties at the enterprise level to determine working-time solutions that were more tailored to their needs. In order to provide sufficient space for enterprise-level arrangements, the legal framework needed to be sufficiently flexible. While they agreed that national law and practice, including collective agreements, had to be in conformity with ratified Conventions, they recalled that responsibility for compliance with those Conventions was only with the government, and not the parties to a collective agreement.
- 115.** The Government member of Bulgaria speaking on behalf of the EU and its Member States, as well as Albania, Bosnia and Herzegovina, Georgia, Montenegro and Serbia, welcomed the recognition in the General Survey of the importance of social dialogue and collective bargaining for the regulation of working time. Effective social dialogue was the cornerstone of the European social model and it was a prerequisite for the functioning of Europe's social market economy. This was why the social partners were consulted on the direction and content of envisaged EU instruments in the field of social policy. As a result, a number of agreements, including the part-time work directive and most sectoral directives on working time, were directly agreed between the social partners.
- 116.** The Government member of Norway speaking on behalf of the Nordic countries noted that, in their countries, working time was to a large extent regulated by collective agreements between the social partners. There were few mandatory rules on the subject. Working-time regulation was a complex issue and needed to be balanced, both for the protection of workers and for the promotion of sustainable enterprises. The labour legislation and labour market models left most of this regulation to be negotiated between the social partners, with exception for the upper and lower limits for working hours, rest periods and paid leave.
- 117.** The Government member of Argentina stated that working hours were determined through collective bargaining, as this was essential to ensure that the needs of both parties were met. The Government member of Algeria noted that whether at the national, branch or company level, social dialogue played an important role in the regulation of working time. The Government member of Kenya noted that given the transformation currently taking place in the world of work, the regulation of working time was all the more important and could be achieved through adopting or strengthening national laws and policies and ensuring the right to organize and bargain collectively so that the interests of all stakeholders could be accommodated. The Government member of Senegal stressed the centrality of collective bargaining in the process of designing regulations on working time.
- 118.** The Employer member of Australia considered that there was a need to better encourage the use of collective bargaining to deliver innovations in the organization of working time in the country. This would help improve productivity and efficiency for more enterprises and work-life balance for more employees. National laws were increasingly failing to harness the power of positive relationships between employers and workers. This was of concern as increasingly technical application of the complex employment laws could put trust between the social partners and flexibility at risk.

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119. The Worker member of Italy noted that in the Italian practice, collective bargaining played a central role in defining most of the working-time schedules and was recognized as a source of law in the national system of industrial relations. National level collective agreements usually specified the areas of working-time arrangement and flexibility devolved to territorial collective bargaining and to company bargaining. The Worker member of India indicated that the increase of precarious work had impacted the possibility to negotiate collectively the terms of employment. A Worker member of Colombia considered that collective bargaining was the appropriate mechanism to regulate working-time issues.

### ***Measures taken to ensure compliance with national laws and regulations on working time***

120. The Employer members noted that enforcement included a variety of measures, such as the keeping of records of working time, labour inspection, the need to obtain authorization from the competent authorities, the involvement of the social partners, and penalties for non-compliance. They considered that rationalization of State regulations, including by limiting them to what was of public interest (such as the protection of workers' health) as opposed to regulations that, in addition, aimed at better work–life balance or improved workers' well-being, could contribute to reducing enforcement efforts and thus to achieving better compliance. Possibilities to delegate enforcement to the social partners, individual agreements or other mechanisms, should also be explored. The enforcement of certain working-time provisions by public authorities may not always be necessary, as long as workers could take action in court. Moreover, enforcement efforts by the competent authorities could be concentrated on those areas where infringements could have particularly damaging effects and where control was normally difficult, such as in the informal sector or agriculture. They noted that only Conventions Nos 1 and 30 required enforcement by means of penalty. Given that these two instruments contained, to a large extent, outdated and inappropriate working-time rules, insisting on penalties for their enforcement seemed problematic. The more recent working-time Conventions did not specifically prescribe penalties but permitted any means of enforcement. This could point to a change of perception to the effect that penalties were no longer considered indispensable in the case of infringements of working-time regulation and that there were often more appropriate means of enforcement. Finally, noting that the General Survey stressed the need for penalties to be dissuasive, the Employer members considered that it was necessary to point out that penalties, where they were imposed, had not to be disproportionate. In particular, prison sentences should be the absolute exception for extreme offences.
121. The Worker members noted that the best legislation was ineffective in the absence of a mechanism of control that guaranteed its application, made it binding and, if necessary, imposed penalties for serious infringements. This was also in the interest of the employers as without this mechanism, they would suffer an unfair competition from employers who were less scrupulous in the application of the rules. The General Survey noted that the lack of staff and resources dedicated to inspection services was a recurring problem in all regions of the world. In addition, it was impossible to monitor compliance with applicable standards if there was no reliable system for notifying and recording hours of work and rest periods.
122. The Government member of Bulgaria, speaking on behalf of the EU and its Member States, as well as Albania, Bosnia and Herzegovina, Georgia, Montenegro and Serbia, noted the importance of undertaking a combination of preventive and enforcement activities to achieve compliance with legal provisions related to working time.
123. The Government member of Egypt expressed support for the adoption of new mechanisms and techniques to enforce the provisions on working time through the performance of labour inspection and the imposition of dissuasive sanctions. The Government member of Argentina stated that it was key to have rigorous working-time records and timely

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inspections. For this purpose, countries should take advantage of new technologies. The Government member of Senegal noted that labour inspectors had a primary role to play in the enforcement of working-time provisions at the national level, which was why the Government had embarked on a policy of strengthening the labour inspection services in terms of human, financial and material resources. The Government member of Côte d'Ivoire indicated that provisions that aimed at guaranteeing a decent working time were regularly enforced by the labour inspection department and that controls were particularly focusing on the respect of the principles of eight hours of daily work and weekly rest, on the prohibition of night work for certain categories of workers, on the needs of workers with disabilities and on all activities that jeopardized the health and safety of workers.

124. The Worker member of the United Kingdom, speaking also on behalf of the Worker member of the United States, indicated that poor enforcement of working-time regulations meant that law-abiding firms faced unfair competition from companies who undercut standards or who misclassified individuals as self-employed.
125. Particular challenges were also highlighted with regard to the enforcement of working-time provisions in the informal economy, including by Worker members of Colombia.

### ***Challenges to the implementation of the instruments in specific sectors***

126. A number of members of the Committee highlighted existing challenges related to working time in the informal economy. They also referred to difficulties in certain sectors, such as the health sector, transport, domestic work, manufacturing, and the security sector.

#### **Informal economy**

127. The Worker member of Ghana stressed that workers in the informal economy represented 90 per cent of the workforce and that their precarious situation and low wages made it difficult for them to request reasonable hours of work and time for rest. A Worker member of Colombia indicated that informality was an obstacle to the implementation of regulations on hours of work. An observer representing the International Trade Union Confederation (ITUC) stressed that workers in the informal economy did not have a fixed schedule and that employers often refused to pay them overtime.
128. The Employer members indicated that enforcement efforts by the competent authorities might be concentrated on situations such as the informal economy where infringements were particularly damaging and where control was difficult.
129. The Government member of Norway, speaking on behalf of the Nordic countries, highlighted that the growing informality had to be borne in mind when addressing working time. The Government member of the Philippines noted that the legislation on working time often did not apply to the informal economy and hoped for further discussions on the issue.

#### **Health sector**

130. With respect to health services, the Worker member of Togo recalled that activity in this sector was uninterrupted, which meant long hours and work during the night. As the sector was affected by labour shortages, workers were also prevented from the possibility of taking rest or leave, at the expense of their health and family lives. Accumulated fatigue of medical workers also placed the lives of the patients in danger. A new international labour instrument was needed to ensure decent working time in the health sector. A Worker member of Colombia highlighted that in addition to the hours actually worked, medical workers were often required to remain on call.

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## Transport

- 131.** The Worker member of the Philippines stressed the importance of working time in labour-intensive sectors such as transport. A Worker member of Colombia referred to the situation of pilots who were required to work long shifts and remain on call afterwards. An observer representing the International Transport Workers' Federation stressed that international labour standards on working time remained relevant for transport workers. Sufficient trucker rest areas as well as standard pay rates for drivers were important measures to protect workers and reduce pressure to work excessive hours. In certain cases, excessive overtime resulted from the uninterrupted functioning of infrastructures, such as the Panama Canal. Workers in commercial fishing were also often exposed to excessive working hours.

## Domestic workers

- 132.** The Employer member of India stressed that domestic workers, who often worked for more than one employer, needed particular attention. An observer representing the ITUC called attention to the hardship suffered by domestic workers, often working in the informal economy. They did not have a fixed working schedule and sometimes worked 24 hours a day. In most cases, they did not benefit from annual holidays, were paid below the minimum wage and were dismissed without notice.

## Manufacturing

- 133.** An observer representing the ITUC stressed that workers in the manufacturing sector did not have fixed schedules and were denied payment of the hours worked in overtime. An observer representing IndustriALL Global Union stressed that the severe working-time challenges in the manufacturing sector related to the business model, based on the outsourcing of production. This created a global race to the bottom in working conditions to attract foreign investments at the expense of workers. Governments did not take responsibility for the activities of their companies abroad and local authorities were often unwilling or unable to enforce the legislation on working time. Binding rules and enforceable agreements were necessary to enhance traceability and accountability in supply chains and to ensure compliance with core labour standards. In many countries of production, provisions on weekly rest and annual leave did not exist. Furthermore, workers accumulated overtime paid below the mandatory rates and working-time records did not reflect the number of hours actually worked. As a result of long hours of work, workers in these sectors accumulated fatigue and were exposed to high risks of occupational injuries. Another challenge concerned the inability for workers to exercise their right to freedom of association and to bargain collectively. The situation of workers in export processing zones was of particular concern. Measures had to be taken to enhance workplace compliance with national legislation and collective agreements on working hours in textile garment industries.

## Security sector

- 134.** A Worker member of Colombia indicated that penitentiary guards were required to work more than 80 hours per week, causing grave consequences for their health. An observer representing the ITUC stressed that security guards also worked without fixed schedules and were not paid overtime.

## ***Possible ILO action***

- 135.** The members of the Committee indicated possible action that the ILO could take in follow-up to the General Survey.

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## 1. Standards-related action

- 136.** The Government member of Bulgaria speaking on behalf of the EU and its Member States, as well as Albania, Bosnia and Herzegovina, Georgia, Montenegro and Serbia, indicated that they looked forward to an examination by the ILO tripartite constituents of the steps that could be taken to further promote the Conventions under examination, to enable these instruments to achieve their full potential and if applicable, to consolidate and update them without lowering the level of protection they provided. They hoped that the discussion of the General Survey would make a useful contribution to the tripartite meeting of experts on working time and work–life balance and to the work of the Tripartite Working Group of the Standards Review Mechanism.
- 137.** The Government member of Morocco stressed the importance of updating ILO standards on working time by consolidating them in a new instrument which would take into account recent developments in the world of work and by adopting new instruments to regulate modern arrangements such as telework. The Government member of Kenya expressed support for the development of a consolidated instrument that would take into consideration all the fundamental elements provided in the General Survey, including equality for men and women workers, with a view to ensuring that standards on working time would contribute to the human rights approach to the regulation of these matters and further make it possible for workers to reconcile work and private and family life. The Government member of Norway, speaking on behalf of the Nordic countries, considered that the discussion of the General Survey would be an important input to the tripartite meeting of experts on working time and work–life balance and to the work of the Tripartite Working Group of the Standards Review Mechanism.
- 138.** The Employer members stressed the need to address the obvious lack of relevance and acceptance of the working-time standards under examination. Conventions Nos 1 and 30 were considered as more or less “outdated”. Convention No. 47 had been ratified by only 15 countries. Moreover, the case of earlier sectoral Conventions on maximum hours for particular sectors, such as textile or coalmines, which had never been ratified and had been withdrawn by the Conference, demonstrated that the setting of ILO standards on maximum hours of work was not successful. The two most recent Conventions examined, Conventions Nos 171 and 175, also showed a very low ratification rate which raised doubts about their actual relevance. They also considered that the approach to set standards on specific aspects of working time, such as on night work and part-time work, had reached an impasse. Furthermore, Convention No. 132 on annual paid leave was not widely ratified and had not been considered up to date by the Governing Body. Convention No. 14 on weekly rest (industry) had attracted a relatively significant number of ratifications, which could indicate that standards on minimum rest periods met with wider acceptance than standards on maximum working hours. They concluded that the role of international labour standards in the field of working time was probably much more limited than it may have been considered to date.
- 139.** The Worker members were opposed to proposals which would dilute existing minimum standards through any process of consolidation or revision, as the existing standards were extremely flexible and allowed exceptions which made it possible to take national situations fully into account. In view of the challenges arising in relation to the existing instruments, which nevertheless set out clear basic principles and important protection for all workers, it would be of no avail to devote time to the formulation of a new instrument. The approach adopted for sectoral instruments, such as the Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153), and the Maritime Labour Convention, 2006, as amended, which had made it possible to reinforce the general principles of working time in instruments adapted to specific sectors, still remained valid.

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2. Development cooperation  
and technical assistance

140. The Worker members encouraged the ILO to launch a campaign to promote the ratification and effective implementation of the Conventions covered by the General Survey and to provide legal clarifications, technical assistance and training as necessary. The Office should strengthen its technical assistance, in particular for capacity building and for political support.
141. The Government member of Kenya noted that technical assistance would be necessary in ensuring enforcement of working-time provisions and in making use of new technologies for the measurement of working hours.

**Concluding remarks**

142. The Employer members noted that 12 instruments concerning working time were included in the initial programme of work of the Standards Review Mechanism (SRM) Tripartite Working Group. When examining the issues under consideration, the SRM Tripartite Working Group would be called to assess the specific value added of standards in this field and to consider a better synchronization and division of roles with other ILO means of action, including guidance materials. The overall architecture of future ILO standards should be taken into account. Given the lack of a universal acceptance of most working-time standards that emerged from the General Survey, individual revisions of these standards, which in an isolated way addressed specific aspects of working time, did not seem to be a meaningful exercise to undertake. One possible way forward may be to adopt a framework instrument that would address working-time policies and principles, alone or within the context of overall working conditions. Rather than setting maximum or minimum working-time limits, the instrument may specify the considerations that needed to be taken into account in setting them, such as employers' need for flexibility, workers' needs for protection, and governments' needs for achieving overall labour market outcomes. The framework instrument should be open to new developments in the field of working time and be easily adaptable. It could be complemented by guidance materials on specific working-time aspects, such as sectoral codes of practice, handbooks, case studies and databases on working-time regulations. An ILO framework instrument that replaces all existing instruments in the field of working time could become a high-profile instrument reflecting and compiling ILO competence in this area.
143. The Employer members considered that, pending the examination in the SRM Tripartite Working Group and any action taken following the recommendations of the SRM, some interim measures seemed necessary. Concerning Conventions Nos 1 and 30, the situation was particularly problematic, as ratifying countries were probably trying to silently circumvent certain outdated obligations of the Conventions and the ILO supervisory bodies may be in an embarrassing situation as they had to criticize acceptable current working-time practices that were not in line with the outdated provisions of the Conventions. This could have negative effects for the credibility of ILO standards in general. The Employer members therefore suggested that, as an interim measure, the two Conventions be shelved and ratifying countries may consider their denunciation. As regards the other Conventions examined in the General Survey, they considered that ways to concentrate reporting on crucial provisions and pool their supervision should be looked into.
144. The Worker members encouraged the ILO to launch on an urgent basis an intensive campaign to promote the ratification and effective implementation of the instruments covered by the General Survey, and to provide legal explanations, technical assistance and training on this subject, where necessary. The competent bodies of the ILO would also have to play a proactive role in order to clarify the misunderstandings reported by the Committee

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of Experts in relation to the 16 instruments. Recalling that the regulation of working time was essential for the achievement of social justice, they welcomed the recognition of the limits of eight hours a day and 48 hours a week. Noting that the scope of the Conventions offered considerable flexibility which allowed countries to exclude certain categories of workers from the definitions and the application of important provisions, they expressed concern at the large number of excessive exemptions from the standards set in the Conventions and they recalled the importance of consulting the social partners before establishing any special schemes or exemptions. Collective agreements had an important role to play in protecting the health and well-being of workers and reinforcing social cohesion. Overtime hours and other forms of flexibility endangered the health and well-being of workers and the balance between work and private life. The Worker members emphasized that the lack of personnel and resources of inspection services was a recurrent problem in all regions of the world. In order to enforce compliance with the applicable standards, reliable systems were required for the notification and recording of working time and rest periods. It was important for the authorities to ensure the establishment of effective means of enforcing working-time provisions, principally through labour inspection, and the imposition of dissuasive penalties in the event of violations.

145. The Worker members recalled that they were opposed to proposals which would dilute existing minimum standards through any process of consolidation or revision, as the existing standards were extremely flexible and allowed exceptions which made it possible to take national situations fully into account. They expressed support for the organization of an in-depth tripartite meeting on issues of conformity with the working-time instruments.

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## **Outcome of the discussion of the General Survey concerning the instruments on working time**

146. The Committee examined the draft outcome of its discussion of the General Survey concerning the instruments on working time.
147. The Committee approved the outcome of its discussion, which is reproduced below.

### ***Introduction***

1. Recalling that working time has been at the heart of the Organization's standard-setting activities over its first century, the Committee welcomed the opportunity to discuss this important and topical issue in the context of its examination of the General Survey concerning the following working-time instruments: the Hours of Work (Industry) Convention, 1919 (No. 1), the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), the Forty-Hour Week Convention, 1935 (No. 47), the Reduction of Hours of Work Recommendation, 1962 (No. 116), the Weekly Rest (Industry) Convention, 1921 (No. 14), the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), the Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103), the Holidays with Pay Convention (Revised), 1970 (No. 132), the Holidays with Pay Recommendation, 1954 (No. 98), the Night Work (Women) Convention (Revised), 1948 (No. 89), the Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948, the Night Work of Women (Agriculture) Recommendation, 1921 (No. 13), the Night Work Convention, 1990 (No. 171), the Night Work Recommendation, 1990 (No. 178), the Part-Time Work Convention, 1994 (No. 175), and the Part-Time Work Recommendation, 1994 (No. 182).

2. The Committee noted that the organization of working time has a major impact on the physical and mental health of workers, work-life balance, the contribution of workers to society, workplace safety and the competitiveness, agility, productivity and sustainability of enterprises. The Committee recognized that finding an appropriate balance between the protection of workers and the needs of enterprises in the organization of working time remained an important

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goal for the realization of social justice. The Committee considered that this was all the more important in the context of the major process of change that the world of work was undergoing.

#### *Realities and needs of member States*

3. The Committee noted that the transformations currently taking place in the world of work, facilitated by developments and improvements in technology and communications, were changing many of the traditional time and space dimensions in work and having an impact on its organization. The Committee made particular reference to the new emerging working arrangements, including telework and work on platforms. It noted that these new arrangements were also being considered in the context of the Future of Work Initiative.

4. The Committee considered that the adoption of an appropriate regulatory framework on working time was important both to protect workers and to ensure a level playing field for employers. The Committee also noted that social partners through social dialogue and collective bargaining had an important role to play in setting rules and providing guidance on working time and thus ensuring that working-time arrangements better meet the concrete needs of both employers and workers.

5. The Committee noted the challenges related to the balanced adaptation and the enforcement of working-time regulations, including in the context of the new working arrangements. It stressed the need to strengthen efforts in these areas, as well as the opportunity of exploring a diversity of measures in this respect.

#### *ILO means of action*

##### *1. Standards-related action*

6. The Committee considered that the findings of the General Survey and its discussion could feed into the tripartite meeting of experts, should it take place, as contemplated in paragraph 21(a) of the conclusions concerning the recurrent discussion on social protection (labour protection) adopted by the Conference in 2015.

7. The Committee also considered that the General Survey, together with the report and outcome of this discussion, shall contribute to the work of the Standards Review Mechanism Tripartite Working Group on this matter.

##### *2. Development cooperation and technical assistance*

8. Acknowledging the references by a number of member States to the need for technical assistance in relation to working-time issues, the Committee expected the Office to provide the requested support and to continue to conduct the necessary research to identify possible responses to the current and emerging realities in this area, including integrated and innovative approaches to reconcile the needs of workers in terms of the balance between work, family and private life with the needs of enterprises in an increasingly integrated and competitive economy.

## **D. Compliance with specific obligations**

### **1. Cases of serious failure by member States to respect their reporting and other standards-related obligations**

**148.** During a dedicated sitting, the Committee examined the cases of serious failure by member States to respect their reporting and other standards-related obligations.<sup>5</sup> As explained in document D.1, part V, the following criteria are applied: failure to supply the reports due for the past two years or more on the application of ratified Conventions, failure to supply first reports on the application of ratified Conventions for at least two years, failure to supply information in reply to all or most of the comments made by the Committee of Experts,

<sup>5</sup> Detailed information on the examination of these cases is contained in section A of Part Two of this report.

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failure to supply the reports due for the past five years on unratified Conventions and Recommendations, failure to submit the instruments adopted for at least seven sessions to the competent authorities, and failure during the past three years to indicate the representative organizations of employers and workers to which, in accordance with article 23(2) of the Constitution, copies of reports and information supplied to the Office under articles 19 and 22 have been communicated. The Chairperson explained the working methods of the Committee for the discussion of these cases.

- 149.** The Employer members recalled that the functioning of the ILO supervisory system was based primarily on the information provided by governments in their reports. Compliance with reporting obligations was therefore crucial for an appropriate and effective supervision of ILO standards. The number of reports under article 22 of the ILO Constitution, which had been received by 1 September 2017, remained low, and the number of instances in which no information had been supplied in reply to comments made by the Committee of Experts, continued to be high. They regretted that, despite all efforts, it had not been possible to achieve visible progress on these long-standing issues. Submissions by workers and employers' organizations could add to the factual basis and provide a reality check but could not replace government reports. While the Office, within its existing financial and human resources capacities, should continue to provide assistance to governments in meeting these obligations, reporting was ultimately a government responsibility. It was the decision of governments to ratify Conventions, and ratification entailed reporting obligations. The Employer members noted with concern that none of the reports due had been sent for the past two or more years by 15 countries. Furthermore, 61 of the 95 first reports due had been received by the time the Committee's session had ended, and 13 member States had failed for two or more years to supply a first report, albeit the basis for a timely dialogue between the Committee of Experts and the member State on the application of the ratified Convention. They encouraged the governments concerned to request technical assistance from the Office and submit the first reports without delay. The Employer members welcomed the decision taken by the Committee of Experts, following a proposal made by the Employer members, to institute the practice of launching "urgent appeals" on cases corresponding to certain criteria of serious reporting failure and to draw the attention of the Conference Committee to these cases, so that governments could be called before the Conference Committee and, in the absence of a report, the Committee of Experts might examine the substance of the matter at its next session. With respect to reports under article 19 of the ILO Constitution, 38 countries had not sent reports on unratified Conventions and Recommendations for the past five years, despite their importance for the comprehensiveness of General Surveys. As to the submission of instruments adopted by the Conference to the competent authorities, the Employer members noted with concern that 31 member States had failed to meet this constitutional obligation, while welcoming the efforts made by a number of countries to overcome the delays in submission.
- 150.** The Worker members said that it was essential to keep the special sitting since it highlighted the large number of countries which did not respect their constitutional obligations. These failures endangered the smooth functioning of the ILO supervisory system. The sitting provided the occasion to invite countries that were not respecting their obligations to do so. The reduction in the number of reports received by comparison with the previous year was continuing. Moreover, 15 countries had not supplied the reports due for at least two years and 13 countries had not submitted first reports for at least two years. First reports that were due following a ratification were very important since they enabled an initial evaluation of the application of the Conventions concerned. In addition, 43 countries had not replied to the observations and direct requests made by the Committee of Experts. Such negligence had an adverse impact on the work of the supervisory bodies. The Worker members invited the governments concerned to send all the requested information. The production of General Surveys was also based on the reports supplied by ILO member States. It was therefore crucial that the latter should send their reports to provide the Committee with an overview

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of the application of ILO instruments in law and in practice, even in countries which had not ratified the Conventions concerned. In that regard, the Worker members expressed regret that 38 countries had not supplied any information for the last five years for the purposes of the General Surveys. These States would otherwise have contributed to the General Survey. The Worker members called for the positive initiatives, already taken by the Office to ensure better monitoring of the countries where there had been serious failure to meet constitutional obligations, to be strengthened in order to reverse the negative trend observed this year.

**151.** Regarding the obligation under the ILO Constitution to indicate the representative organizations of workers and employers to which copies of the reports on ratified Conventions had been sent, the Worker members reminded the two States concerned that it was essential that the social partners should be involved in the supervision of the application of international labour standards in their countries. With regard to cases of serious failure to submit, the Worker members recalled the importance of ensuring tripartite participation at national level in the ILO standards-setting process. They expressed regret that in their conclusions only around 20 member States of the 66 countries invited to take the floor, had come before the Committee to provide information on the serious failures noted. They also took note of the practical difficulties encountered by certain member States to fulfil their obligations. In that regard, the Office should ensure ongoing, attentive action with regard to member States by providing them with all necessary assistance to enable them to discharge their obligations. They also noted the need for training expressed by certain member States and called on the Office to commit to strengthening the provision of training in that area. The Worker members concluded by appealing to all governments concerned to, as quickly as possible, bring an end to the serious failures to fulfil their constitutional obligations.

### **1.1. *Failure to submit Conventions, Protocols and Recommendations to the competent authorities***

**152.** In accordance with its terms of reference, the Committee considered the manner in which effect was given to article 19(5), (6) and (7) of the ILO Constitution. These provisions required member States within 12, or exceptionally 18, months of the closing of each session of the Conference to submit the instruments adopted at that session to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action, and to inform the Director-General of the ILO of the measures taken to that end, with particulars of the authority or authorities regarded as competent.

**153.** The Committee noted that, in order to facilitate its discussions, the report of the Committee of Experts mentioned only the governments which had not provided any information on the submission to the competent authorities of instruments adopted by the Conference for at least seven sessions (from the 95th Session (2006) to the 104th Session (2015), because the Conference did not adopt any Conventions and Recommendations during the 97th (2008), 98th (2009), 102nd (2013) or 105th (2016) Sessions). This time frame was deemed long enough to warrant inviting Government delegations to the dedicated sitting of the Committee so that they may explain the delays in submission.

**154.** The Committee took note of the information and explanations provided by the Government representatives who took the floor during the dedicated sitting. It noted the specific difficulties mentioned by certain delegates in complying with this constitutional obligation, and in particular the intention to submit shortly to competent authorities the instruments adopted by the International Labour Conference. Some governments have requested the assistance of the ILO to clarify how to proceed and to complete the process of submission to national parliaments in consultation with the social partners.

**155.** The Committee expressed deep concern at the failure to respect the obligation to submit Conventions, Protocols and Recommendations to national parliaments. It recalled that

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compliance with the obligation to submit Conventions, Protocols and Recommendations to national competent authorities was a requirement of the highest importance in ensuring the effectiveness of the ILO's standards-related activities. It also recalled that governments could request technical assistance from the Office to overcome their difficulties in this respect.

156. The Committee noted that the following countries were still concerned with the serious failure to submit the instruments adopted by the Conference to the competent authorities: **Azerbaijan, Bahamas, Bahrain, Belize, Comoros, Croatia, Dominica, El Salvador, Equatorial Guinea, Fiji, Gabon, Guinea-Bissau, Haiti, Kiribati, Kuwait, Kyrgyzstan, Liberia, Libya, Pakistan, Papua New Guinea, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Seychelles, Sierra Leone, Solomon Islands, Somalia, Syrian Arab Republic and Vanuatu.** The Committee expressed the firm hope that appropriate measures would be taken by the Governments concerned to comply with their constitutional obligation to submit.

## **1.2. Failure to supply reports and information on the application of ratified Conventions**

157. The Committee took note of the information and explanations provided by the Government representatives who took the floor during the dedicated sitting. Some governments have requested the assistance of the ILO. The Committee recalled that the submission of reports on the application of ratified Conventions was a fundamental constitutional obligation and the basis of the system of supervision. It also recalled the particular importance of the submission of first reports on the application of ratified Conventions. It stressed the importance of respecting the deadlines for such submission. Furthermore, it underlined the fundamental importance of clear and complete information in response to the comments of the Committee of Experts to permit a continued dialogue with the Governments concerned. In this respect, the Committee expressed deep concern at the failure to respect these obligations and recalled that the ILO could provide technical assistance to contribute to compliance in this respect.

158. The Committee noted that, by the end of the 2017 meeting of the Committee of Experts, the percentage of reports received (article 22 of the ILO Constitution) was **66.5** per cent (69.5 per cent for the 2016 meeting). Since then, further reports had been received, bringing the figure to **74.1** per cent (as compared with 77.3 per cent in June 2017).

159. The Committee noted that no reports on ratified Conventions had been supplied for the past two years or more by the following States: **Cook Islands, Dominica, Equatorial Guinea, Gambia, Guinea-Bissau, Haiti, Malaysia – Sabah, Saint Lucia, Solomon Islands, Somalia, Timor-Leste and Vanuatu.**

160. The Committee also noted that first reports due on ratified Conventions had not been supplied by the following countries for at least two years: **Belize, Comoros, Congo, Cook Islands, Equatorial Guinea, Gabon, Guyana, Republic of Maldives, Nicaragua, Saint Vincent and the Grenadines, Serbia and Somalia.**

161. The Committee noted that no information had yet been received regarding any or most of the observations and direct requests of the Committee of Experts to which replies were requested for the period ending 2017 from the following countries: **Barbados, Belize, Botswana, Brunei Darussalam, Chad, Djibouti, Dominica, Equatorial Guinea, Gambia, Grenada, Guinea-Bissau, Haiti, Kiribati, Kyrgyzstan, Liberia, Malawi, Malaysia, Malaysia (Peninsular Malaysia, Sabah and Sarawak), Mozambique, Papua New Guinea, Saint Lucia, Saint Vincent and the Grenadines, Sierra Leone, Singapore, Solomon Islands, Somalia, Timor-Leste, Trinidad and Tobago, Vanuatu and Yemen.**

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### **1.3. Supply of reports on unratified Conventions and Recommendations**

162. The Committee stressed the importance it attached to the constitutional obligation to supply reports on unratified Conventions and Recommendations. In effect, these reports permitted a better evaluation of the situation in the context of the General Surveys of the Committee of Experts. In this respect, the Committee expressed deep concern at the failure to respect this obligation and recalled that the ILO could provide technical assistance to contribute to compliance in this respect.
163. The Committee noted that over the past five years none of the reports on unratified Conventions and Recommendations, requested under article 19 of the Constitution, had been supplied by: **Afghanistan, Angola, Armenia, Belize, Botswana, Chad, Congo, Cook Islands, Dominica, Eswatini,<sup>6</sup> Grenada, Guinea-Bissau, Guyana, Haiti, Ireland, Kiribati, Liberia, Libya, Republic of Maldives, Marshall Islands, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Sierra Leone, Solomon Islands, Somalia, South Sudan, Timor-Leste, Tonga, Tuvalu, United Arab Emirates, Vanuatu and Yemen.**

### **1.4. Communication of copies of reports to employers' and workers' organizations**

164. The Committee noted that no information had yet been received from the **Plurinational State of Bolivia** or **Rwanda** concerning the names of the representative organizations of employers and workers to which, in accordance with article 23(2) of the Constitution, copies of reports and information supplied to the ILO under articles 19 and 22 have been communicated for the last three years. The Committee pointed out that the fulfilment by governments of their obligation to communicate reports and information to the organizations of employers and workers was a vital prerequisite for ensuring the participation of those organizations in the ILO supervisory system.

## **2. Application of ratified Conventions**

165. The Committee noted with interest the information provided by the Committee of Experts in paragraph 54 of its report, which listed new cases in which that Committee had expressed its satisfaction at the measures taken by governments following comments it had made as to the degree of conformity of national legislation or practice with the provisions of a ratified Convention. In addition, the Committee of Experts had listed in paragraph 57 of its report cases in which measures ensuring better application of ratified Conventions had been noted with interest. These results were tangible proof of the effectiveness of the supervisory system.
166. At its present session, the Committee examined 23 individual cases relating to the application of various Conventions.<sup>7</sup>

<sup>6</sup>Formerly known as Swaziland.

<sup>7</sup> A summary of the information submitted by governments, the discussion and conclusions of the examination of the individual cases are contained in section B of Part Two of this report.

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## 2.1. *Specific cases*

167. The Committee recalled that its working methods provided for the possibility of drawing the attention of the Conference to its discussion of the cases, a full record of which appears as Part Two of this report. It had not made use of that possibility this year.

## 2.2. *Continued failure to implement*

168. The Committee recalled that its working methods provide for the listing of cases of continued failure over several years to eliminate serious deficiencies, previously discussed, in the application of ratified Conventions. This year the Committee made no mention in this respect.

## 3. **Participation in the work of the Committee**

169. The Committee wished to express its appreciation to the **45** governments which had collaborated by providing information on the situation in their countries and participating in the discussion of their cases.

170. The Committee regretted that the Governments of the following States failed to take part in the discussions concerning their country and the fulfilment of their reporting and other standards-related obligations: **Afghanistan, Armenia, Azerbaijan, Barbados, Botswana, Brunei Darussalam, Chad, Comoros, Congo, Croatia, Djibouti, Equatorial Guinea, Fiji, Gabon, Kuwait, Libya, Papua New Guinea, Seychelles, Somalia, Syrian Arab Republic and Trinidad and Tobago.**

171. The representative of the Secretary-General informed the Committee that the delegation of Samoa was not accredited to the Conference this year. The Government had sent a communication to the Committee of Experts relating to its compliance with Convention No. 182 in which it also explained that the absence of its delegation at the 107th Session of the International Labour Conference was due to financial difficulties. The Government also communicated its commitment to provide a full report to the Committee of Experts by the end of August 2018. The Chairperson announced that, as specified in part VII of document D.1, on the last day of the discussion of individual cases, the Committee dealt with the cases in which governments had not responded to the invitation. The refusal by a government to participate in the work of the Committee was a significant obstacle to the attainment of the core objectives of the International Labour Organization. In the case of governments that were not present at the Conference, the Committee would not discuss the substance of the case, but would draw attention in its report to the importance of the questions raised. In such a situation, a particular emphasis would be put on steps to be taken to resume dialogue.

172. The Worker members expressed regret at the absence of the Government delegation at the current session of the Conference, which prevented the Committee's examination of the case. Governments' participation at the Conference was essential to the effective functioning of the supervisory system. The Worker members highlighted key aspects of the Committee of Experts' comments that required follow-up action by the Government to redress the situation of child labour in the country. An ILO pilot study had revealed that around 38 per cent of child labour in Samoa was performed by under 15-year-olds, which compromised children's development and called into question the Government's capacity and commitment to address the worst forms of child labour. Child protection laws were inadequate and the absence of any protection for young persons between 16 and 18 years put them at particular risk of exploitation. Institutions for the protection of children did not function properly and legislative reforms had stalled. The legislative process had not advanced, for example, for bills drafted in accordance with the Optional Protocols to the United Nations Convention on

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the Rights of the Child, which the Government had ratified in 2016. More needed to be done to address the concerns regarding the worst forms of child labour. The Worker members urged the Government to provide a detailed report on the application of the Convention to the Committee of Experts at its next session. The Government should avail itself of ILO technical assistance to comply with its reporting obligations and tackle the worst forms of child labour.

173. The Employer members echoed the Worker members' statement and expressed regret that the Government had not attended the Conference. Non-compliance with the Convention was a serious concern and the Committee of Experts had identified three main aspects in that regard: the disparity between the ratifications of the Optional Protocols to the United Nations Convention on the Rights of the Child and the real protection of children in the country; the absence of a list of hazardous work for young persons; and the prevalence of under 15-year-olds exploited as street vendors and subjected to other abusive practices. The Government's failure to submit replies to those issues to the Committee, irrespective of its absence, was a matter of deep concern. The Employer members urged the Government to provide replies and commit to participating fully at the next session of the International Labour Conference.
174. The Committee noted with regret that the Governments of the following States, which were not represented at the Conference, were unable to participate in the discussions concerning their country and the fulfilment of their reporting and other standards-related obligations: **Belize, Cook Islands, Dominica, Gambia, Grenada, Guinea-Bissau, Guyana, Kyrgyzstan, Republic of Maldives, Marshall Islands, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Sierra Leone, Solomon Islands, Timor-Leste, Tonga, Tuvalu and Vanuatu.**

## **E. Adoption of the report and closing remarks**

175. The Committee's report was adopted, as amended.
176. The Employer members stated that the work in the Committee had, once again this year, taken place in a spirit of constructiveness and openness. While divergent opinions continued to exist between the tripartite constituents within the Committee, and between the Conference Committee and the Committee of Experts, they had been voiced from a position of mutual respect and with the continued commitment to a robust and balanced supervisory system. The Committee had once again demonstrated its ability to lead a meaningful and results-oriented tripartite dialogue, and adopt clear, consensual and straightforward conclusions with regard to the discussion of individual cases. It was hoped that those conclusions would contribute to a greater understanding of the recommended measures to achieve compliance with international labour standards.
177. The last meeting of the Committee before the ILO Centenary in 2019 was a unique opportunity to further improve the transparency, efficiency, relevance and strong tripartite governance of the regular supervisory mechanism. They recalled a number of the proposals with a view to achieving that objective, that they had made earlier during the general discussion. The proposals recommended: (i) making the report of the Committee of Experts more reader-friendly and including recommendations for remedial actions that were practical, straightforward, concrete and measurable; (ii) including hyperlinks in the electronic versions of the Committee of Experts' observations to its earlier comments, as well as to the discussions in the Conference Committee and copies of observations by the social partners; (iii) publishing information and/or the concrete results of missions undertaken in the follow-up to the Committee's conclusions (such information should be published on the Conference Committee web page and the NORMLEX website); (iv) further expanding the website of the Conference Committee as necessary; (v) seeking further

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opportunities for cooperation and authentic dialogue between the Conference Committee and the Committee of Experts with a view to raising the Committee of Experts' understanding of the practical issues facing employers and employers' organizations; and (vi) encouraging member States included in the preliminary list of 40 cases to supply information one month before the opening of the International Labour Conference to help the tripartite constituents prepare for the discussions in advance.

- 178.** The Employer members also emphasized that the Committee of Experts should only in exceptional cases break the regular reporting cycle and where such a decision was taken it should be explained and justified. Furthermore, the Committee of Experts should elaborate on the reasons for the decision to double footnote a case and on its decision to designate it as a serious case. They regretted that no cases of progress had been discussed in the Conference Committee since 2013 and suggested that the Centenary of the ILO should be taken as an opportunity to include cases of progress among the 24 individual cases. As the Committee's conclusions represented tripartite consensus on compliance issues within member States, they should determine and outline the scope of corresponding technical assistance of the Office and follow-up missions. ACTRAV and ACT/EMP specialists should be involved in such follow-up in the respective countries with a view to achieving compliance, taking into account the needs of both employers' and workers' organizations. They looked forward to discussing all the abovementioned proposals at the forthcoming informal tripartite consultations on the working methods of the Committee.
- 179.** Following the adoption of the outcome of the discussion of the General Survey, the Employer members recalled that working time was an issue that was subject to constant changes and required regular adaptation to new realities. In view of the diversity among member States, it was difficult to set international standards on working time. The organization of working time was of fundamental importance for the competitiveness, agility, productivity and sustainability of enterprises. Any regulation of working time therefore had to carefully balance both the protection needs of workers and the varying and evolving needs of enterprises. In conclusion, the Employer members highlighted that the ILO Centenary should constitute further impetus towards continuing to improve the effectiveness of the international labour standards system as a whole.
- 180.** The Worker members welcomed the Committee's successful work, particularly the richness of the discussions and the quality of the contributions. The general discussion had provided the opportunity to recall that, in order to ensure the coherence and stability of the regular supervisory mechanisms, special attention should be given to the coordination of its bodies. They thus emphasized the need to ensure that the Committee of Experts and the Conference Committee, the two pillars of the supervisory system, functioned independently, with mutual respect and a guarantee of dialogue. In that regard, they found it regrettable that the work of the Committee of Experts was often called into question during the discussions. They underlined that the Committee of Experts provided sufficiently detailed explanations in its report on the parameters of its mandate and the situations in which it was bound to decide to break the standard reporting cycle for a country. It was unacceptable that, in the course of its work, certain governments would intervene to cast doubt on the actions of the Committee of Experts or to raise the issue of the supposed manipulation of the Organization as a whole. They also recalled that the Committee's discussions should develop with respect, using parliamentary language.
- 181.** The Worker members noted that certain governments continued to request explanations on the process of determining the list of individual cases or indicated that they did not understand the reasons for their inclusion in the list. They recalled that a dedicated information session, attended by the two Vice-Chairpersons of the Committee, was scheduled for the governments concerned immediately following the meeting for the adoption of the final list. Certain governments were not satisfied with those actions and

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demanded fuller participation in the governmental group in the preparation and establishment of the list of cases or in the drafting process for the Committee's conclusions. In that connection, the Worker members highlighted the need to ensure that such participation did not result in a situation where the governments were judge and jury. Moreover, the question of the Committee's independence would continuously be raised if the governments took decisions on the countries to keep on the list or the conclusions. They nevertheless underscored the place governments should hold in the Committee's work and called for their more active participation in the discussions. It was necessary that the governments concerned by the Committee's conclusions demonstrated goodwill and determination to give effect to those conclusions. Recalling the possibility to request technical assistance from the Office, they called for more resources for the Office to enable it to fulfil its mission in that regard.

- 182.** Recalling the fundamental importance of the ILO instruments on working time, they welcomed the adoption of the joint conclusions on that subject and considered that it was vital to arrange a tripartite meeting of experts on working time shortly. While guaranteeing protection of workers' rights set forth in the instruments concerned, such a meeting could provide necessary clarification on legal aspects, and highlight the relevance of those instruments and the appropriate flexibility they could offer.
- 183.** The Worker members expressed regret at noting, once again this year, the mutual support among certain governments not demonstrating exemplary compliance with international standards, which amounted to solidarity with respect to failures, which was contrary to the Organization's objectives. They also regretted certain interventions calling for the denouncement of Conventions being examined and the attitude of governments that had threatened to denounce ratified Conventions in an attempt to evade the supervision of the Organization. Recalling that the denouncement of ratified Conventions would not necessarily protect the governments concerned from the supervisory mechanisms, the Worker members highlighted that the ratification of a Convention entailed a government's commitment to other constituents and implied its acceptance of examination to ensure the fulfilment of such a commitment. With regard to the management of speaking time in discussions, they applauded the discipline that had been demonstrated by all speakers throughout the work. However, the limit to three minutes per speaker as of 17 speakers had been a constraint and applying a time limit per group, as they proposed, might be a solution. They welcomed the fact that the Committee had, once again, been able to adopt by consensus the conclusions on the cases, thus confirming its dynamism. Differences in viewpoints persisted between the Worker and Employer members on certain issues, such as the right to strike and its link with Convention No. 87. The Organization's composition accounted for the differences in opinions expressed. However, it was necessary to reaffirm and defend this particularity of the Organization, which united sometimes opposing interests and viewpoints around a shared objective.
- 184.** The Chairperson thanked the Employer Vice-Chairperson and the Worker Vice-Chairperson, the Reporter and all Government, Employer and Worker members for their participation in the Committee's work and for the rich discussions generated by all. He referred to the importance of defending and valuing the legal instruments that were the foundations of the Organization, and the consensus reached in the discussions, despite the difficulties. Lastly, he thanked the secretariat for its consistent cooperation and support.

Geneva, 7 June 2018

*(Signed)* Mr Rorix Núñez Morales  
Chairperson

Mr Patrick Rochford  
Reporter

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## Annex 1

INTERNATIONAL LABOUR CONFERENCE  
107th Session, Geneva, May–June 2018

C.App./D.1

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### Committee on the Application of Standards

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## Work of the Committee

### I. Introduction

This document (D.1) sets out the manner in which the work of the Committee on the Application of Standards (CAS) is carried out. It is submitted to the Committee for adoption when it begins its work at each session of the Conference.<sup>1</sup> This document reflects the results of the discussions and informal tripartite consultations that have taken place, since 2002, on the working methods of the Committee, including on the following issues: the elaboration of the list of individual cases to be discussed by the Committee; the preparation and adoption of the conclusions relating to these individual cases; time management and respect for parliamentary rules of decorum.

This document takes into account the results of the last informal tripartite consultations on the working methods of the CAS held on 4 November 2017 and on 17 March 2018.

### II. Terms of reference and composition of the Committee, voting procedure and report to the Conference

Under its terms of reference as defined in article 7, paragraph 1, of the Standing Orders of the Conference, the Committee is called upon to consider:

- (a) the measures taken by Members to give effect to the provisions of Conventions to which they are parties and the information furnished by Members concerning the results of inspections;
- (b) the information and reports concerning Conventions and Recommendations communicated by Members in accordance with article 19 of the Constitution;
- (c) the measures taken by Members in accordance with article 35 of the Constitution.

In accordance with article 7, paragraph 2, of the Standing Orders of the Conference, the Committee submits a report to the Conference. Since 2007, in response to the wishes expressed by ILO constituents, the report of the Committee has been published both in the *Record of Proceedings* of the Conference and as a separate publication, to improve the visibility of the Committee's work.

<sup>1</sup> Since 2010, the document is appended to the General Report of the Committee.

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Questions related to the composition of the Committee, the right to participate in its work and the voting procedure are regulated by section H of Part II of the Standing Orders of the Conference.

Each year, the Committee elects its Officers: its Chairperson and Vice-Chairpersons, as well as its Reporter.

### **III. Working documents**

#### **A. Report of the Committee of Experts**

The basic working document of the Committee is the report of the Committee of Experts on the Application of Conventions and Recommendations (Report III (Parts A and B)), printed in two volumes.

Report III (Part A) contains, in Part One, the General Report of the Committee of Experts, and in Part Two, the observations of the Committee of Experts concerning the sending of reports, the application of ratified Conventions and the obligation to submit the Conventions and Recommendations to the competent authorities in member States. At the beginning of the report there is an index of comments by Convention and by country. In addition to the observations contained in its report, the Committee of Experts has, as in previous years, made direct requests which are communicated to governments by the Office on the Committee's behalf.<sup>2</sup>

Report III (Part B) contains the General Survey prepared by the Committee of Experts on a group of Conventions and Recommendations decided upon by the Governing Body.

#### **B. Summaries of reports**

At its 267th Session (November 1996), the Governing Body approved new measures for rationalization and simplification of the arrangements for the presentation by the Director-General to the Conference of summaries of reports submitted by governments under articles 19, 22 and 35 of the Constitution.<sup>3</sup> Requests for consultation or copies of reports may be addressed to the secretariat of the CAS.

#### **C. Other information**

The secretariat prepares documents (which are referred to, and referenced, as "D documents") which are made available<sup>4</sup> during the course of the work of the Committee to provide the following information:

- (i) reports and information which have reached the International Labour Office since the last meeting of the Committee of Experts; based on this information, the list of governments which are invited to supply information to the Conference Committee due

<sup>2</sup> See para. 41 of the General Report of the Committee of Experts. A list of direct requests can be found in Appendix VII of Report III (Part A).

<sup>3</sup> See report of the Committee of Experts, Report III (Part A), Appendices I, II, IV, V and VI; and Report III (Part B), Appendix III.

<sup>4</sup> D documents will be made available online on the [Committee's dedicated web page](#) (hard copies will be made available to delegates upon request).

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to serious failure to respect their reporting and other standards-related obligations is updated;<sup>5</sup>

- (ii) written information supplied by governments to the Conference Committee in reply to the observations made by the Committee of Experts, when these governments are on the list of individual cases adopted by the Conference Committee.<sup>6</sup>

## IV. General discussion

In accordance with its usual practice, the Committee begins its work with the consideration of its working methods on the basis of this document. The Committee then holds a discussion on general aspects of the application of Conventions and Recommendations and the discharge by member States of standards-related obligations under the ILO Constitution, which is primarily based on the General Report of the Committee of Experts.

It also holds a discussion on the General Survey, entitled *Ensuring decent working time for the future*. The General Survey concerns the 16 ILO instruments on working time and covers nine Conventions, one Protocol and six Recommendations. These are: the Hours of Work (Industry) Convention, 1919 (No. 1); the Weekly Rest (Industry) Convention, 1921 (No. 14); the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30); the Forty-Hour Week Convention, 1935 (No. 47); the Night Work (Women) Convention (Revised), 1948 (No. 89); the Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948; the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106); the Holidays with Pay Convention (Revised), 1970 (No. 132); the Night Work Convention, 1990 (No. 171); the Part-Time Work Convention, 1994 (No. 175); the Night Work of Women (Agriculture) Recommendation, 1921 (No. 13); the Holidays with Pay Recommendation, 1954 (No. 98); the Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103); the Reduction of Hours of Work Recommendation, 1962 (No. 116); the Night Work Recommendation, 1990 (No. 178); and the Part-Time Work Recommendation, 1994 (No. 182).<sup>7</sup> The instruments on working time that have been determined to be outdated, have been shelved or withdrawn, are not included in the scope of the General Survey.<sup>8</sup>

<sup>5</sup> See below Part V.

<sup>6</sup> See below Part VI (supply of information).

<sup>7</sup> It should be recalled that the subjects of General Surveys have been aligned with the strategic objectives that are examined in the context of the recurrent discussions under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization (2008). The discussion of General Surveys by the Committee will continue to be held one year in advance of the recurrent discussion under the new five-year cycle of recurrent discussions adopted by the Governing Body in November 2016. The full synchronization of General Surveys and their discussion by the Committee will be re-established under the new cycle in the context of the recurrent discussion on social protection (social security) to be held by the Conference in 2020 (see GB.328/INS/5/2 and GB.328/PV (paras 25 and 102)). It is also anticipated that the General Survey on working time will make a useful contribution to the work of both the ILO Tripartite Meeting of Experts on working time and work–life balance tentatively planned for 2019 and of the Tripartite Working Group of the Standards Review Mechanism of the ILO Governing Body.

<sup>8</sup> In addition, certain sectorial instruments such as the Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153), and the Hours of Work and Rest Periods (Road Transport) Recommendation, 1979 (No. 161), are excluded from the scope of the General Survey.

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## V. Cases of serious failure by member States to respect their reporting and other standards-related obligations <sup>9</sup>

Governments are invited to supply information on cases of serious failure to respect reporting or other standards-related obligations for stated periods. These cases are considered in a dedicated sitting of the Committee. Governments that submit the required information before the sitting will not be called before the Committee. The discussion of the Committee, including any explanations of difficulties that may have been provided by the governments concerned, and the conclusions adopted by the Committee under each criterion are reflected in its report.

The Committee identifies the cases on the basis of criteria which are as follows: <sup>10</sup>

- None of the reports on ratified Conventions have been supplied during the past two years or more.
- First reports on ratified Conventions have not been supplied for at least two years.
- None of the reports on unratified Conventions and Recommendations requested under article 19, paragraphs 5, 6 and 7, of the Constitution have been supplied during the past five years.
- No indication is available on whether steps have been taken to submit the instruments adopted during the last seven sessions of the Conference to the competent authorities, in accordance with article 19 of the Constitution. <sup>11</sup>
- No information has been received as regards all or most of the observations and direct requests of the Committee of Experts to which a reply was requested for the period under consideration.
- The government has failed during the past three years to indicate the representative organizations of employers and workers to which, in accordance with article 23, paragraph 2, of the Constitution, copies of reports and information supplied to the Office have been communicated.

<sup>9</sup> Formerly known as “automatic” cases (see *Provisional Record* No. 22, International Labour Conference, 93rd Session, June 2005, para. 69).

<sup>10</sup> These criteria were last examined by the Committee in 1980 (see *Provisional Record* No. 37, International Labour Conference, 66th Session, 1980, para. 30).

<sup>11</sup> This time frame begins at the 95th Session (2006) and concludes at the 104th Session (2015) of the International Labour Conference, bearing in mind that the Conference did not adopt any Conventions or Recommendations during the 97th (2008), 98th (2009) and 102nd (2013) Sessions.

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At its last session (November–December 2017), the Committee of Experts decided to institute a new practice of launching “urgent appeals” on cases corresponding to certain criteria of serious reporting failure<sup>12</sup> and to draw the attention of the Committee on the Application of Standards to these cases, so that governments can be called before the Conference Committee and thus advised that, in the absence of a report, the Committee of Experts might examine the substance of the matter at its next session. The Committee of Experts expressed the hope that this may further reinforce the synergies between the two supervisory bodies. This new practice is most likely to have an impact on the working methods of the Conference Committee as of the 108th Session of the ILC (2019) (see section VI concerning the adoption of conclusions).

## VI. Individual cases

The Committee considers cases relating to the application of ratified Conventions. These cases are selected on the basis of the observations published in the report of the Committee of Experts.

*Preliminary list.* Since 2006, an early communication to governments of a preliminary list of individual cases for possible discussion by the Committee concerning the application of ratified Conventions has been instituted. Since 2015, the preliminary list of cases has been made available 30 days before the opening of the International Labour Conference. The preliminary list is a response to the requests from governments for early notification, so that they may better prepare themselves for a possible intervention before the Committee. It may not in any way be considered definitive, as the adoption of a final list is a function that only the Committee itself can assume.

*Establishment of the list of cases.* The list of individual cases is submitted to the Committee for adoption, after the Employers’ and Workers’ groups have met to discuss and adopt it. The final list should be adopted at the beginning of the Committee’s work, ideally no later than its second sitting.

<sup>12</sup> Based on the discussion that took place on the subcommittee on working methods, the Committee decided to institute a practice of launching “urgent appeals” to cases corresponding to the following criteria:

- failure to send first reports for the third consecutive year;
- failure to reply to serious and urgent observations from employers’ and workers’ organizations for more than two years;
- failure to reply to repetitions relating to draft legislation when developments have intervened.

In such cases, the Committee might inform the governments concerned that if they have not supplied a first report or answers to the points raised by 1 September of the following year, then it might proceed with the examination of these cases on the basis of the information at its disposal and possibly make a new comment at its next session (see paragraphs 9 and 10 of the General Report of the Committee of Experts (Report III (Part A), ILC, 107th Session, 2018)).

As of the revision in 2015 of the criteria for the selection of cases, the selection should take into consideration, on balance, the following elements:

- the nature of the comments of the Committee of Experts, in particular the existence of a footnote; \*
- the quality and scope of responses provided by the government or the absence of a response on its part;
- the seriousness and persistence of shortcomings in the application of the Convention;
- the urgency of a specific situation;
- comments received by employers' and workers' organizations;
- the nature of a specific situation (if it raises a hitherto undiscussed question, or if the case presents an interesting approach to solving questions of application);
- the discussions and conclusions of the Conference Committee of previous sessions and, in particular, the existence of a special paragraph;
- the likelihood that discussing the case would have a tangible impact;
- balance between fundamental, governance and technical Conventions;
- geographical balance; and
- balance between developed and developing countries.

\* See paras 50–52 of the General Report of the Committee of Experts. The criteria developed by the Committee of Experts for footnotes are also reproduced in Appendix I of this document.

There is also the possibility of examining one case of progress as was done in 2006, 2007, 2008 and 2013.<sup>13</sup>

Since 2007, it has been the practice to follow the adoption of the list of individual cases with an informal information session for governments, hosted by the Employer and Worker Vice-Chairpersons, to explain the criteria used for the selection of individual cases.

*Automatic registration.* Since 2010, cases included in the final list have been automatically registered and scheduled by the Office, on the basis of a rotating alphabetical system, following the French alphabetical order; the “A+5” model has been chosen to ensure a genuine rotation of countries on the list. This year, the registration will begin with countries with the letter “O”. Cases will be divided into two groups: the first group of countries to be registered following the above alphabetical order will consist of those cases in which the Committee of Experts requested governments to submit full particulars to the Conference (“double-footnoted cases”).<sup>14</sup> Since 2012, the Committee begins its discussion of individual cases with these cases. The other cases on the final list are then registered by the Office also following the abovementioned alphabetical order.

<sup>13</sup> See paras 53–59 of the General Report of the Committee of Experts. The criteria developed by the Committee of Experts for identifying cases of progress are also reproduced in Appendix II of this document.

<sup>14</sup> See para. 50 of the General Report of the Committee of Experts.

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Information on the agenda of the Committee and the date on which cases may be heard is available:

- (a) through the *Daily Bulletin* and the Committee's dedicated web page;
- (b) by means of a D document containing the list of individual cases and the working schedule for the examination of these cases, which is made available to the Committee as soon as possible after the adoption of the list of cases.<sup>15</sup>

*Supply of information.* Prior to their oral intervention before the Conference Committee, governments may submit written information that will be summarized by the Office and made available to the Committee.<sup>16</sup> These written replies are to be provided to the Office at least **two days** before the discussion of the case. They serve to complement the oral reply that will be provided by the government. They may not duplicate the oral reply nor any other information already provided by the government. The total number of pages is not to exceed **five pages**.

*Adoption of conclusions.* The conclusions regarding individual cases are proposed by the Vice-Chairpersons and submitted by the Chairperson to the Committee for adoption. The conclusions should take due account of the elements raised in the discussion and information provided in writing by the government. The conclusions should be short, clear and specify the action expected of governments. They may also include reference to the technical assistance to be provided by the Office. The conclusions should reflect consensus recommendations. Divergent views can be reflected in the Committee's record of proceedings.

Conclusions on the cases discussed will be adopted at dedicated sittings. The government representatives concerned will be informed of the sitting for the adoption of the conclusions concerning their country by the secretariat through the *Daily Bulletin* and the web page of the Committee. The conclusions are made visible on a screen in the language being read out by the Chairperson, and at the same time a hard copy of these conclusions is provided to the government representative concerned in one of the three working languages, as requested by the government. The government representatives may take the floor after the Chairperson has announced the adoption of the conclusions.

As per the Committee's decision in 1980,<sup>17</sup> Part One of its report will contain a section entitled "Application of ratified Conventions", in which the Committee draws the attention of the Conference to: (i) cases of progress, where governments have introduced changes in their law and practice in order to eliminate divergences previously discussed by the Committee; (ii) certain special cases, which are mentioned in special paragraphs of the report; and (iii) cases of continued failure over several years to eliminate serious deficiencies in the application of ratified Conventions which it had previously discussed. As of 2019, this section of the report might also reflect "urgent appeals" following the decision of the Committee of Experts to institute a new practice in this regard (see section V).

## VII. Participation in the work of the Committee

As regards failure by a government to take part in the discussion concerning its country, despite repeated invitations by the Committee, the following measures will be applied, in

<sup>15</sup> Since 2010, this document is appended to the General Report of the Committee.

<sup>16</sup> See above Part III(C)(ii).

<sup>17</sup> See footnote 9 above.

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conformity with the decision taken by the Committee at the 73rd Session of the Conference (1987), as amended at the 97th Session of the Conference (2008),<sup>18</sup> and mention will be made in the relevant part of the Committee's report:

- In accordance with the usual practice, after having established the list of cases regarding which Government delegates might be invited to supply information to the Committee, the Committee shall invite the governments of the countries concerned in writing, and the *Daily Bulletin* shall regularly mention these countries.
- Three days before the end of the discussion of individual cases, the Chairperson of the Committee shall request the Clerk of the Conference to announce every day the names of the countries whose representatives have not yet responded to the Committee's invitation, urging them to do so as soon as possible.
- On the last day of the discussion of individual cases, the Committee shall deal with the cases in which governments have not responded to the invitation. Given the importance of the Committee's mandate, assigned to it in 1926, to provide a tripartite forum for dialogue on outstanding issues relating to the application of ratified international labour Conventions, a refusal by a government to participate in the work of the Committee is a significant obstacle to the attainment of the core objectives of the International Labour Organization. For this reason, the Committee may discuss the substance of the cases concerning governments which are registered and present at the Conference, but which have chosen not to be present before the Committee. The debate which ensues in such cases will be reflected in the appropriate part of the report, concerning both individual cases and participation in the work of the Committee. In the case of governments that are not present at the Conference, the Committee will not discuss the substance of the case, but will draw attention in its report to the importance of the questions raised.<sup>19</sup> In both situations, a particular emphasis will be put on steps to be taken to resume the dialogue.

## VIII. Minutes of the sittings

No minutes are published for the general discussion and the discussion of the General Survey. Minutes of sittings at which governments are invited to respond to the comments of the Committee of Experts will be produced by the secretariat. Each intervention will be reflected only in the corresponding working language – English, French or Spanish – and the draft minutes will be made available online on the Committee's dedicated web page (hard copies will be made available to delegates upon request).<sup>20</sup> It is the Committee's practice to accept amendments to the draft minutes of previous sittings prior to their approval by the Committee. The time available to delegates to submit amendments to the draft minutes

<sup>18</sup> See *Provisional Record* No. 24, International Labour Conference, 73rd Session, 1987, para. 33; and *Provisional Record* No. 19, International Labour Conference, 97th Session, 2008, para. 174.

<sup>19</sup> In the case of a government which is not accredited or registered to the Conference, the Committee will not discuss the substance of the case, but will draw attention in its report to the importance of the questions raised. It was considered that no country should use inclusion on the preliminary list of individual cases as a reason for failing to ensure that it was accredited to the Conference. If a country on the preliminary list registered after the final list was approved, it should be asked to provide explanations (see *Provisional Record* No. 18, International Labour Conference, 100th Session, 2011, Part I/54).

<sup>20</sup> These new modalities result from the informal tripartite consultations of March 2016. Delegates who will be intervening in a language other than English, French or Spanish will be able to indicate to the secretariat in which of these three working languages their intervention should be reflected in the draft minutes.

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will be clearly indicated by the Chairperson when they are made available to the Committee. The amendments should be clearly highlighted and submitted either electronically or in hard copy. Please refer to Appendix III or contact the secretariat in relation to the procedure for amendments to draft minutes and their electronic submission. In order to avoid delays in the preparation of the Committee's report, no amendments may be accepted once the draft minutes have been approved. The minutes are a summary of the discussions and are not intended to be a verbatim record. Speakers are therefore requested to restrict amendments to the elimination of errors in the report of their own statements, and not to ask to insert long additional passages.

Following the practice adopted last year, the second part of the report of the Committee which reflects the discussions of cases in which governments are invited to respond to the comments of the Committee of Experts will be submitted for adoption to the plenary session of the Conference in a single document reflecting the working language – English, French or Spanish – in which statements were delivered by the member of the Committee. Only the first – general – part of the report and the conclusions reached after the discussion of individual cases will be translated at that stage in all three languages for adoption.<sup>21</sup> The fully translated versions of the report will be made available online ten days following its adoption.

## **IX. Time management**

- Every effort will be made so that sessions start on time and the schedule is respected.
- Maximum speaking time during the examination of individual cases will be as follows:
  - fifteen minutes for the government whose case is being discussed, as well as the spokespersons of the Workers' and the Employers' groups;
  - ten minutes for the Employer and Worker members, respectively, from the country concerned to be divided between the different speakers of each group;
  - ten minutes for Government groups;
  - five minutes for the other members;
  - concluding remarks are limited to ten minutes for the government whose case is being discussed, as well as spokespersons of the Workers' and the Employers' groups.
- Maximum speaking time will also apply to the discussion of the General Survey, as follows:<sup>22</sup>
  - fifteen minutes for the spokespersons of the Workers' and the Employers' groups;
  - ten minutes for Government groups;
  - five minutes for the other members;

<sup>21</sup> These new modalities result from the informal tripartite consultations of November 2016.

<sup>22</sup> These new modalities result from the informal tripartite consultations of March 2016.

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- concluding remarks are limited to ten minutes for spokespersons of the Workers' and the Employers' groups.
  - However, the Chairperson, in consultation with the other Officers of the Committee, could decide on reduced time limits where the situation of a case would warrant it, for instance, where there was a very long list of speakers.
  - These time limits will be announced by the Chairperson at the beginning of each sitting and will be strictly enforced.
  - During interventions, a screen located behind the Chairperson and visible by all speakers will indicate the remaining time available to speakers. Once the maximum speaking time has been reached, the speaker will be interrupted.
  - The list of speakers will be visible on screens in the room. Early registration on that list of delegates intending to take the floor is encouraged.<sup>23</sup>
  - In view of the above limits on speaking time, governments whose case is to be discussed are invited to complete the information provided, where appropriate, by a written document, not longer than five pages, to be submitted to the Office at least two days before the discussion of the case.<sup>24</sup>

## **X. Respect of rules of decorum and role of the Chairperson**

All delegates have an obligation to the Conference to abide by parliamentary language and by the generally accepted procedure. Interventions should be relevant to the subject under discussion and should avoid references to extraneous matters.

It is the role and task of the Chairperson to maintain order and to ensure that the Committee does not deviate from its fundamental purpose to provide an international tripartite forum for full and frank debate within the boundaries of respect and decorum essential to making effective progress towards the aims and objectives of the International Labour Organization.

<sup>23</sup> These new arrangements result from the informal tripartite consultations of March 2016.

<sup>24</sup> See Part VI above.

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## Appendix I

### Criteria developed by the Committee of Experts for footnotes

#### *Excerpts of the General Report of the Committee of Experts (107 III(A))*

45. As in the past, the Committee has indicated by special notes (traditionally known as “footnotes”) at the end of its comments the cases in which, because of the nature of the problems encountered in the application of the Conventions concerned, it has deemed appropriate to ask the government to supply a report earlier than would otherwise have been the case and, in some instances, to supply full particulars to the Conference at its next session in May–June 2018.

46. In order to identify cases for which it inserts special notes, the Committee uses the basic criteria described below, while taking into account the following general considerations. First, the criteria are indicative. In exercising its discretion in the application of the criteria, the Committee may also have regard to the specific circumstances of the country and the length of the reporting cycle. Second, the criteria are applicable to cases in which an earlier report is requested, often referred to as a “single footnote”, as well as to cases in which the government is requested to provide detailed information to the Conference, often referred to as a “double footnote”. The difference between these two categories is one of degree. Third, a serious case otherwise justifying a special note to provide full particulars to the Conference (double footnote) might only be given a special note to provide an early report (single footnote) when there has been a recent discussion of the case in the Conference Committee. Finally, the Committee wishes to point out that it exercises restraint in its recourse to “double footnotes” in deference to the Conference Committee’s decisions as to the cases it wishes to discuss.

47. The criteria to which the Committee has regard are the following:

- the seriousness of the problem; in this respect, the Committee emphasizes that an important consideration is the necessity to view the problem in the context of a particular Convention and to take into account matters involving fundamental rights, workers’ health, safety and well-being, as well as any adverse impact, including at the international level, on workers and other categories of protected persons;
- the persistence of the problem;
- the urgency of the situation; the evaluation of such urgency is necessarily case specific, according to standard human rights criteria, such as life threatening situations or problems where irreversible harm is foreseeable; and
- the quality and scope of the government’s response in its reports or the absence of response to the issues raised by the Committee, including cases of clear and repeated refusal on the part of a State to comply with its obligations.

48. In addition, the Committee wishes to emphasize that its decision not to double footnote a case which it has previously drawn to the attention of the Conference Committee in no way implies that it has considered progress to have been made therein.

49. At its 76th Session (November–December 2005), the Committee decided that the identification of cases in respect of which a government is requested to provide detailed information to the Conference would be a two-stage process: first, the expert initially responsible for a particular group of Conventions recommends to the Committee the insertion of special notes; second, in light of all the recommendations made, the Committee will, after discussion, take a final, collegial decision once it has reviewed the application of all the Conventions.

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## Appendix II

### Criteria developed by the Committee of Experts for identifying cases of progress

#### *Excerpts of the General Report of the Committee of Experts (107 III(A))*

53. Following its examination of the reports supplied by governments, and in accordance with its standard practice, the Committee refers in its comments to cases in which it expresses its *satisfaction* or *interest* at the progress achieved in the application of the respective Conventions.

54. At its 80th and 82nd Sessions (2009 and 2011), the Committee made the following clarifications on the general approach developed over the years for the identification of cases of progress:

- (1) The expression by the Committee of interest or satisfaction does not mean that it considers that the country in question is in general conformity with the Convention, and in the same comment **the Committee may express its satisfaction or interest at a specific issue while also expressing regret concerning other important matters** which, in its view, have not been addressed in a satisfactory manner.
- (2) The Committee wishes to emphasize that **an indication of progress is limited to a specific issue related to the application of the Convention and the nature of the measures adopted by the government concerned.**
- (3) The Committee exercises its discretion in noting progress, taking into account the particular nature of the Convention and the specific circumstances of the country.
- (4) The expression of progress can refer to different kinds of measures relating to national legislation, policy or practice.
- (5) If the satisfaction relates to the adoption of legislation, the Committee may also consider appropriate follow-up measures for its practical application.
- (6) In identifying cases of progress, the Committee takes into account both the information provided by governments in their reports and the comments of employers' and workers' organizations.

55. Since first identifying cases of satisfaction in its report in 1964,<sup>1</sup> the Committee has continued to follow the same general criteria. The Committee expresses *satisfaction* in cases in which, **following comments it has made on a specific issue, governments have taken measures through either the adoption of new legislation, an amendment to the existing legislation or a significant change in the national policy or practice, thus achieving fuller compliance with their obligations under the respective Conventions.** In expressing its satisfaction, the Committee indicates to governments and the social partners that it considers the specific matter resolved. The reason for identifying cases of satisfaction is twofold:

- to place on record the Committee's appreciation of the positive action taken by governments in response to its comments; and
- to provide an example to other governments and social partners which have to address similar issues.

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<sup>1</sup> See para. 16 of the report of the Committee of Experts submitted to the 48th Session (1964) of the International Labour Conference.

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58. Within cases of progress, the distinction between cases of satisfaction and cases of interest was formalized in 1979.<sup>2</sup> In general, cases of *interest* cover **measures that are sufficiently advanced to justify the expectation that further progress would be achieved in the future and regarding which the Committee would want to continue its dialogue with the government and the social partners.** The Committee's practice has developed to such an extent that cases in which it expresses interest may encompass a variety of measures. The paramount consideration is that the measures contribute to the overall achievement of the objectives of a particular Convention. This may include:

- draft legislation that is before parliament, or other proposed legislative changes forwarded or available to the Committee;
- consultations within the government and with the social partners;
- new policies;
- the development and implementation of activities within the framework of a technical cooperation project or following technical assistance or advice from the Office;
- judicial decisions, according to the level of the court, the subject matter and the force of such decisions in a particular legal system, would normally be considered as cases of interest unless there is a compelling reason to note a particular judicial decision as a case of satisfaction; or
- the Committee may also note as cases of interest the progress made by a state, province or territory in the framework of a federal system.

<sup>2</sup> See para. 122 of the report of the Committee of Experts submitted to the 65th Session (1979) of the International Labour Conference.

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## Appendix III

### Procedure for amendments to draft minutes

With reference to **Part VIII of document C.App./D.1**, this note provides information on the new procedure for amendments to draft minutes (PVs), taking into account the fact that, since 2016, each intervention is reflected in the draft PVs only in the corresponding working language<sup>1</sup> – English, French or Spanish – and the draft PVs will be made available online on the Committee’s dedicated web page.<sup>2</sup>

It is recalled that the Committee’s practice is to accept amendments to the draft PVs of previous sittings **prior to their approval by the Committee**. The time available to delegates to submit amendments to the draft PVs will be clearly indicated by the Chairperson when the draft PVs are made available to the Committee.

Delegates are encouraged to submit their amendments to the secretariat **electronically** in “track changes” via the following email address: [AMEND-PVCAS@ilo.org](mailto:AMEND-PVCAS@ilo.org). In order to make amendments directly in track changes, delegates are invited to request the “Word version” of the minute by sending an email to the address above.

Amendments will be received **only if they are sent from the email address** which will have been provided by the delegate concerned when requesting the floor. The secretariat will acknowledge receipt of the amendment and may contact the delegate concerned when the request does not fulfil the requirements contained in document C.App./D.1, which read as follows: *Minutes are a **summary of the discussions** and are not intended to be a verbatim record. Delegates are requested to **restrict amendments to the elimination of errors in the report of their own statements, and not to ask to insert long additional passages**.* Delegates should specify the draft PV concerned and make clearly visible the changes they wish to make.

Delegates who wish to submit hard copies of their amendments will still be able to do so from 1.30 p.m. to 2.30 p.m. each day, in Office No. 6-140. The secretariat will verify that the request fulfils the requirements reproduced above. Delegates will therefore need to show their identification badge.

<sup>1</sup> When filling in a request for the floor, delegates will be requested to indicate in which working language (English, French or Spanish) their intervention should be reflected in the draft PVs, if this intervention is not in one of these three languages. They will also be requested to provide an email address and a phone number.

<sup>2</sup> Hard copies will be made available to delegates upon request.

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## **Annex 2**

INTERNATIONAL LABOUR CONFERENCE  
107th Session, Geneva, May–June 2018

C.App./D.4

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**Committee on the Application of Standards**

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### **Cases regarding which governments are invited to supply information to the Committee**

The list of the individual cases on the application of ratified Conventions  
appears in the present document.

The text of the corresponding observations concerning these cases  
will be found in document C.App./D.4/Add.1.

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## Index of observations regarding which governments are invited to supply information to the Committee

Report of the Committee of Experts  
(Report III (Part A), ILC, 107th Session, 2018)

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Case No.	Country	Convention No. (The page numbers in parentheses refer to the English version of the Report of the Committee of Experts)
1	Plurinational State of Bolivia **	138 (page 242)
2	Cambodia **	105 (page 188)
3	Eritrea **	29 (page 198)
4	Haiti **	1/14/30/106 (page 521)
5	Honduras **	87 (page 102)
6	Republic of Moldova **	81/129 (page 443)
7	Serbia	144 (page 426)
8	Ukraine	81/129 (page 453)
9	Algeria	87 (page 43)
10	Bahrain	111 (page 344)
11	Belarus	29 (page 182)
12	Plurinational State of Bolivia	131 (page 503)
13	Botswana	87 (page 56)
14	Brazil	98 (page 59)
15	El Salvador	144 (page 421)
16	Georgia	100 (page 369)
17	Greece	98 (page 90)
18	Japan	87 (page 113)
19	Libya	122 (page 475)
20	Malaysia – Peninsular Malaysia/Sarawak	19 (page 536)
21	Mexico	87 (page 140)
22	Myanmar	87 (page 144)
23	Nigeria	98 (page 153)
24	Samoa	182 (page 312)

\*\* Double-footnoted case.

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## Third item on the agenda: Information and reports on the application of Conventions and Recommendations

### Report of the Committee on the Application of Standards

#### PART TWO

#### OBSERVATIONS AND INFORMATION CONCERNING PARTICULAR COUNTRIES

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**A. DISCUSSION OF CASES OF SERIOUS FAILURE BY MEMBER STATES TO RESPECT THEIR REPORTING OR OTHER STANDARDS-RELATED OBLIGATIONS, INCLUDING SUBMISSION TO THE COMPETENT AUTHORITIES OF THE INSTRUMENTS ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE**

The Worker members said that it was essential to maintain the special sitting, which highlighted the large number of countries which did not respect their constitutional obligations. These failures endangered the smooth functioning of the ILO supervisory system. The sitting provided the occasion to invite countries that were not respecting their obligations to do so. Of all the reports requested from governments, only 38.2 per cent had been received on time, compared with 39.9 per cent the previous year. Governments should therefore be encouraged to submit their reports within the time limits to avoid disruption to the smooth functioning of the supervisory procedure. The reduction in the number of reports received by comparison with the previous year was continuing since for the last session of the Committee of Experts they amounted to only 67.8 per cent compared with 71.1 per cent for the previous session, in other words 3.3 per cent less. Moreover, 15 countries had not supplied the reports due for at least two years and 13 countries had not submitted first reports for at least two years. First reports that were due following a ratification were very important since they enabled an initial evaluation of the application of the Conventions concerned. In addition, 43 countries had not replied to the observations and direct requests made by the Committee of Experts. Such failure had an adverse impact on the work of the supervisory bodies. They invited the defaulting governments to send all the requested information. The production of General Surveys was also based on the reports supplied by member States. It was therefore crucial that the latter send their reports to allow an overview of the application of ILO instruments in law and in practice, even in countries which had not ratified the Conventions concerned. The Worker members had noted that 38 countries had not supplied any information during the last five years for the purposes of the General Surveys produced by the Committee of Experts. This was regrettable since these States would otherwise have contributed to the General Survey. The Worker members expressed concern at these figures and called for the positive initiatives already taken by the Office to ensure better monitoring of the countries where there had been serious failure to meet constitutional obligations to be strengthened in order to reverse the negative trend observed this year.

Under the ILO Constitution, member States were obliged to indicate the representative organizations of workers and employers to which copies of the reports on ratified Conventions had been sent. The report of the Committee of Experts indicated that two countries had not met this obligation. The Worker members reminded these two States that tripartism was the cornerstone of the ILO and that it was essential that the social partners be involved in the supervision of the application of international labour standards in their countries. With regard to cases of serious failure to submit, these were the cases in which governments had not submitted the instruments adopted by the Conference to the competent authorities for at least seven sessions of the Committee of Experts. Yet this obligation was essential to ensure tripartite participation at national level in the ILO standards-setting process. This year, 31 countries were in a situation of serious failure to submit. For this reason, the Worker members called on all member countries invited to the present sitting to duly note the serious failures to respect their constitutional obligations and to rectify them as soon as possible. In conclusion, the Worker members appealed to the Office to give fresh impetus to the process by calling for replies and reports from States through dialogue between the ILO supervisory bodies and the member States. This always constituted a vital exercise, just as it

had done in the past, to ensure the effective application of international labour standards.

The Employer members recalled that the functioning of the ILO supervisory system was based primarily on the information provided by governments in their reports. Compliance with reporting obligations was therefore crucial for an appropriate and effective supervision of ILO standards. The number of reports under article 22 of the ILO Constitution which had been received by 1 September 2017 remained low, and the number of instances in which no information had been supplied in reply to comments made by the Committee of Experts continued to be high. They regretted that, despite all efforts, it had not been possible to achieve visible progress on these long-standing issues. Submissions by workers' and employers' organizations could add to the factual basis and provide a reality check, but could not replace government reports. While the Office, within its existing financial and human resources capacities, should continue to provide assistance to governments in meeting these obligations, reporting was ultimately a government responsibility. It was the decision of governments to ratify Conventions, and ratification entailed reporting obligations. The Employer members noted with concern that none of the reports due had been sent for the past two or more years by 15 countries. Furthermore, 61 of the 95 first reports due had been received by the time the Committee of Experts' session had ended, and 13 member States had failed for two or more years to supply a first report, albeit the basis for a timely dialogue between the Committee of Experts and the member State on the application of the ratified Convention. They encouraged the governments concerned to request technical assistance from the Office and submit the first reports without delay. The Employer members welcomed the decision taken by the Committee of Experts, following a proposal made by the Employer members, to institute the practice of launching "urgent appeals" on cases corresponding to certain criteria of serious reporting failure and to draw the attention of the Conference Committee to these cases, so that governments could be called before the Conference Committee and, in the absence of a report, the Committee of Experts might examine the substance of the matter at its next session. With respect to reports under article 19 of the ILO Constitution, 38 countries had not sent reports on unratified Conventions and Recommendations for the past five years, despite their importance for the comprehensiveness of General Surveys. As to the submission of instruments adopted by the Conference to the competent authorities, the Employer members noted with concern that 31 member States had failed to meet this constitutional obligation, while welcoming the efforts made by the Democratic Republic of the Congo, Guinea, Jamaica and Mozambique to overcome the delays in submission.

The obligation of member States to communicate copies of the reports supplied to the ILO to the representative employers' and workers' organizations was key for the implementation of tripartism at the national level. The social partners had submitted 1,325 observations under article 23, 330 of which (compared to 314 last year) had been communicated by employers' organizations. The Employer members trusted that the Office would step up efforts to encourage governments to respect this obligation and continue to provide technical assistance and capacity building to the social partners. Employers' organizations, with the invaluable support of the International Organisation of Employers (IOE), were working to contribute to the supervisory system in a more effective manner by submitting up-to-date and relevant information to the Committee of Experts. The Employer members highlighted that member

States needed to take their reporting obligations seriously. Part of the discussion on cases of serious reporting failure touched upon the question of the high number and relevance of existing ILO standards. The present efforts to streamline reporting, including extending the possibilities for e-reporting, would help facilitate reporting and increase the reporting rate. Nonetheless, more fundamental steps were needed. A significant consolidation, concentration and simplification of ILO standards was a prerequisite for effective reporting. This had already been achieved to a significant extent in the field of maritime labour standards, and the work of the Standards Review Mechanism would hopefully lead to similar progress in other areas.

**A Government representative of Angola** said that the reports had been submitted to the Council of Ministers. However, the Council of Ministers had asked for the reports to be translated into Portuguese. He wished to take the opportunity to request the Office to provide technical assistance in order to resolve the issue.

**A Government representative of the Bahamas** stated that her Government would request ILO technical assistance so that the situation concerning the obligation to submit instruments to the competent authority could be rectified.

**A Government representative of Bahrain** noted that the Government had sent a written response to the ILO concerning the comments of the Committee of Experts on the failure to submit instruments to the competent authorities. He underscored that the Kingdom of Bahrain had complied with its obligations in this regard, in accordance with the constitutional requirements and domestic regulations regarding the submission of instruments to the competent authorities (the Council of Ministers). He requested the Committee to take that into account. With regard to the submission of instruments to the National Assembly (Parliament), he noted that the Government would examine the matter, and take the necessary measures, in accordance with domestic legislation.

**A Government representative of the Democratic Republic of the Congo** indicated that the observations of the Committee of Experts had been taken into account in the drafting of the various government reports. The reports would be sent to the ILO before the end of the Conference. In order to avoid any delay in the provision of information in response to the comments of the Committee of Experts, the Government requested ILO technical assistance to strengthen the capacities of the personnel responsible for preparing reports.

**A Government representative of El Salvador** welcomed the technical cooperation received from the ILO for the preparation of the protocol of institutional procedures for the submission of ILO Conventions and Recommendations. The first part of the protocol had already been completed. For over 40 years, this obligation in respect of international labour standards had been omitted from the processes, customs and standards of the competent institutions. As a result, a review had been commenced to determine the relevant competences for the implementation of the process. Her Government would soon take the first steps for the submission of the relevant Conventions and Recommendations to the competent authorities, which would allow it to fulfil its obligations in the near future.

**A Government representative of the United Arab Emirates** said that her country was committed to complying with its obligations to the ILO and that it regularly submitted the reports requested. Given that the questionnaires concerned were long and complex and required information and data to be collected from several bodies, there had been a delay in submitting reports by the deadlines set. While hoping that the questionnaires would be simplified in future, the Government would do its utmost to submit the reports requested by the deadline.

**A Government representative of Haiti** said that his country was aware of the alleged delay in the submission of its re-

ports on ratified Conventions. Owing to several natural disasters and the electoral crisis, the country had had other priorities in recent years, such as reconstruction and economic recovery. The Government reiterated its commitment to respecting its international obligations. In that regard, measures and provisions had been put in place by the Ministry of Labour with a view to getting the country's reporting cycle back on track. Given the large number of pending reports, the Government renewed its request for ILO technical assistance in that regard.

**A Government representative of Ireland** indicated that her country fully supported the work of the ILO and acknowledged the importance of reports submitted under article 19 of the ILO Constitution. Regretting the Government's failure to supply reports on unratified Conventions and Recommendations, she stated that procedures had been put in place to address the matter and prevent any recurrence. The report concerning social protection floors would be submitted in the course of the present month. To illustrate the value attributed to the ILO's reporting processes, she highlighted the efforts made to prepare the report on the effective and sustained suppression of all forms of forced labour, as part of the follow-up to the Declaration on Fundamental Principles and Rights at Work, which was being used as a basis for the well-advanced work towards the ratification of the Protocol of 2014 to the Forced Labour Convention, 1930. In this regard, following the conclusion of consultations with the social partners and other stakeholders, the stage of seeking government approval for ratification had been attained.

**A Government representative of Kiribati** indicated that her Government had been experiencing staff turnover for the past few years. Technical assistance from the ILO had been received, and one staff member from the Government had been trained at the International Training Center of the ILO in Turin. She hoped that her Government would have the capacity to report as required.

**A Government representative of Liberia** reaffirmed the sustained commitment of her country to the obligations under articles 19 and 22 of the ILO Constitution. The Government was working actively to submit the outstanding reports in due course, in consultation with the relevant stakeholders, and with the technical assistance of the ILO.

**A Government representative of Malaysia** indicated that challenges were faced that caused non-compliance with the obligations referred to, not only at the regional level (Malaysia–Peninsular Malaysia, Malaysia–Sabah, Malaysia–Sarawak), but also at the federal level. Steps had been taken to foster engagement between the agencies and ministries involved in matters relating to labour standards, such as workshops and meetings, and to address the issues regarding reporting obligations. Technical assistance had been requested from the ILO Regional Office for Asia and the Pacific, based in Bangkok, Thailand, and the ILO project office to consult on a Decent Work Country Programme. His Government was committed to complying with obligations related to international labour standards and would expedite the supply of reports on the application of ratified Conventions during the required period between 1 June and 1 September.

**A Government representative of Jamaica** indicated that her Government would make the necessary arrangements to complete outstanding reports with the technical assistance of the ILO. Internal procedures were being conducted to submit eight reports in the very near future.

**A Government representative of Malawi** stated that her Government was working to ensure that all the comments raised by the Committee of Experts were responded to. The necessary action was being taken to that effect. In this respect, some reports had already been submitted to the Office during the current session of the International Labour Conference.

A **Government representative of Mozambique** noted that, during the period 1999 to 2017, her Government had submitted the Conventions and Recommendations adopted by the ILO to the Assembly of the Republic. Concerning the observations in paragraph 34 of the General Report, her Government was preparing the relevant information and would provide it the following day.

A **Government representative of Nicaragua** said that her country was committed to fulfilling its obligations regarding the submission of reports and the implementation of ILO principles in general. With regard to the failure to submit the first report on the application of the Maritime Labour Convention, 2006, as amended (MLC, 2006), the delay was due to the fact that the competent authorities were currently holding discussions and consultations, with the participation of the social partners and other interested parties. Once the process had been completed, the relevant report would be sent.

A **Government representative of the Netherlands (Curaçao)** indicated that the Government of the Netherlands was in contact with the Government of Curaçao to ensure the timely submission of the information requested. He reiterated his Government's commitment to ILO Conventions and to related reporting obligations.

A **Government representative of Pakistan** indicated that, thanks to ILO technical assistance, the exercise of submitting the outstanding 36 instruments to the competent authority had been completed. The relevant report would be communicated to the competent ministry in due course, and subsequently sent to Cabinet.

A **Government representative of Serbia** indicated that her Government apologized for not submitting the first report on the application of the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), ratified in 2014. The report should have been submitted in 2016. The underlying reason had been the serious lack of capacity, including administrative capacity, of the institutions responsible for preparing the report. A general election had been held since the ratification of the Convention, followed by changes in Cabinet, including inter-institutional staff movements. The Ministry of Construction, Transportation and Infrastructure had temporarily not been in a position to prepare the report. Improvements in the situation had occurred since November 2017, and the preparation of the first report on the application of the Convention had been resumed in April 2018. The report would be submitted by 1 September 2018.

A **Government representative of Singapore** stated that seven out of 16 reporting requests had been responded to. The Government would fulfil the remaining reporting requests by the end of the year and was committed to continue meeting its constitutional obligations.

A **Government representative of South Sudan** underlined her Government's commitment to meet its constitutional obligations. She highlighted the need for ILO technical assistance to be able to meet the reporting requests.

A **Government representative of Eswatini (formerly known as Swaziland)** indicated that his Government sincerely apologized to the Committee of Experts for its failure to supply reports as expected. Serious constraints were being faced, such as the shortage of personnel and capacity gaps. On this matter, ILO technical assistance had been requested and was being received, including the training the previous month of one staff member from the Government at the International Training Centre of the ILO in Turin. His Government pledged to comply with its obligations in the future.

A **Government representative of Yemen** indicated that his country had been in a situation of conflict since March 2015, which had widely affected the capacity of its institutions. While being committed to its constitutional obligations, he asked the Committee to take into consideration that the current circumstances and capacities did not allow for reporting.

The **Worker members** expressed regret that not all of the 69 countries invited to appear before the Committee had indicated their presence. With some 20 countries having supplied information to the Committee, they noted the difficulties encountered by certain governments, including with regard to the issue of languages. They also noted the need for specific information and asked the Office to take action in conjunction with the Turin Centre to ensure that courses were provided for those who requested them. Moreover, the Worker members reiterated their request to the Office to ensure ongoing, attentive action with regard to governments by providing them with all necessary assistance to enable them to discharge their constitutional obligations. While thanking governments which had provided additional information on their constitutional obligations, they expected coherent monitoring of the commitments made and appealed to all governments to provide the requested information as quickly as possible.

## **Conclusions**

The Committee took note of the information provided and the explanations given by the Government representatives who had taken the floor. The Committee noted in particular the specific difficulties referred to by certain governments in complying with their constitutional obligations to transmit reports and to submit to the competent authorities the instruments adopted by the International Labour Conference. The Committee has periodically recalled that the ILO is able to provide technical assistance to contribute to compliance in this respect.

*Concerning the failure to supply reports for the past two or more years on the application of ratified Conventions*

The Committee recalls that the submission of reports on the application of ratified Conventions is a fundamental constitutional obligation and the basis of the system of supervision. The Committee also stresses the importance of respecting the deadlines for such submission.

The Committee expresses the firm hope that the Governments of the Cook Islands, Dominica, Equatorial Guinea, Gambia, Guinea-Bissau, Haiti, Malaysia – Sabah, Saint Lucia, Solomon Islands, Somalia, Timor-Leste and Vanuatu will supply the reports due as soon as possible, and decides to note these cases in the corresponding paragraph of its General Report.

*Concerning the failure to supply first reports on the application of ratified Conventions*

The Committee recalls the particular importance of supplying first reports on the application of ratified Conventions.

The Committee expresses the firm hope that the Governments of Belize, Comoros, Congo, Cook Islands, Equatorial Guinea, Gabon, Guyana, Republic of Maldives, Nicaragua, Saint Vincent and the Grenadines, Serbia and Somalia will supply the first reports due as soon as possible, and decides to note these cases in the corresponding paragraph of its General Report.

*Concerning the failure to supply information in reply to comments made by the Committee of Experts*

The Committee underlines the fundamental importance of clear and complete information in response to the comments of the Committee of Experts to permit a continued dialogue with the governments concerned.

The Committee expresses the firm hope that the Governments of Barbados, Belize, Botswana, Brunei Darussalam, Chad, Democratic Republic of the Congo, Djibouti, Dominica, Equatorial Guinea, Gambia, Grenada, Guinea-Bissau, Haiti, Jamaica, Kyrgyzstan, Kiribati, Liberia, Malaysia, Malaysia (Peninsular Malaysia, Sabah and Sarawak), Malawi, Mozambique, Netherlands (Curaçao), Papua New Guinea,

Saint Vincent and the Grenadines, Saint Lucia, Sierra Leone, Singapore, Solomon Islands, Somalia, Timor-Leste, Trinidad and Tobago, Vanuatu and Yemen will supply the requested information in the future, and decides to note these cases in the corresponding paragraph of its General Report.

*Concerning the failure to supply reports for the past five years on unratified Conventions and Recommendations*

The Committee stresses the importance it attaches to the constitutional obligation to supply reports on unratified Conventions and Recommendations.

The Committee expresses the firm hope that the Governments of Afghanistan, Angola, Armenia, Belize, Botswana, Chad, Congo, Cook Islands, Dominica, Eswatini, Grenada, Guinea-Bissau, Guyana, Haiti, Ireland, Kiribati, Liberia, Libya, Republic of Maldives, Marshall Islands, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Sierra Leone, Solomon Islands, Somalia, South Sudan, Timor-Leste, Tonga, Tuvalu, United Arab Emirates, Vanuatu and Yemen will comply with their obligation to supply reports on non-ratified Conventions and Recommendations in the future. The Committee decides to note these cases in the corresponding paragraph of its General Report.

*Concerning the failure to submit instruments adopted by the Conference to the competent authorities*

The Committee recalls that compliance with the obligation to submit Conventions, Recommendations and Protocols to national competent authorities is a requirement of the highest importance in ensuring the effectiveness of the Organization's standards-related activities.

The Committee expresses the firm hope that the Governments of Azerbaijan, Bahamas, Bahrain, Belize, Comoros, Croatia, Dominica, El Salvador, Equatorial Guinea, Fiji, Ga-

bon, Guinea-Bissau, Haiti, Kyrgyzstan, Kiribati, Kuwait, Liberia, Libya, Pakistan, Papua New Guinea, Saint Kitts and Nevis, Samoa, Saint Lucia, Saint Vincent and the Grenadines, Seychelles, Sierra Leone, Solomon Islands, Syrian Arab Republic, Somalia and Vanuatu will comply with their obligation to submit Conventions, Recommendations and Protocols to the competent authorities in the future. The Committee decides to note these cases in the corresponding paragraph of its General Report.

*Concerning the failure for the past three years to indicate the representative organizations of employers and workers to which, in accordance with article 23, paragraph 2, of the Constitution, copies have been communicated of the reports and information supplied to the Office*

The Committee recalls that compliance with the obligation of Governments to communicate reports and information, as provided in article 23, paragraph 2, of the Constitution, is a fundamental requirement in order to ensure the participation of employers' and workers' organizations in the ILO supervisory machinery.

The Committee recalls that the contribution of employers' and workers' organizations is essential for the assessment of the application of Conventions in national law and practice.

The Committee expresses the firm hope that the Governments of the Plurinational State of Bolivia and Rwanda will comply with this obligation in future. The Committee decides to note these cases in the corresponding paragraph of the General Report.

Overall, the Committee expresses *deep concern* at the large number of cases of failure by member States to respect their reporting and other standards-related obligations. The Committee recalls that Governments may request technical assistance from the Office to overcome their difficulties in this respect.

## B. INFORMATION AND DISCUSSION ON THE APPLICATION OF RATIFIED CONVENTIONS (INDIVIDUAL CASES)

The Committee on the Application of Standards (CAS) has adopted short, clear and straightforward conclusions. Conclusions identify what is expected from governments to apply ratified Conventions in a clear and unambiguous way. Conclusions reflect concrete steps to address compliance issues. Conclusions should be read with the full minutes of the discussion of an individual case. Conclusions do not repeat elements of the discussion or reiterate government declarations which can be found in the opening and closing of the discussion set out in the Record of Proceedings. The CAS has adopted conclusions on the basis of consensus. The CAS has only reached conclusions that fall within the scope of the Convention being examined. If the Workers, Employers and/or Governments had divergent views, this has been reflected in the CAS Record of Proceedings, not in the conclusions.

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**Hours of Work (Industry) Convention, 1919 (No. 1)**  
**Weekly Rest (Industry) Convention, 1921 (No. 14)**  
**Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)**  
**Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)**

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**HAITI** (ratifications: 1952, 1952, 1952 and 1958)

A Government representative assured the Committee of the full and complete cooperation of the Haitian delegation, emphasizing his appreciation of the work of the ILO supervisory bodies, which were a source of inspiration and a reference for States in relation to labour standards. The Government had noted the comments of the Committee of Experts on the application by Haiti of the working time Conventions that had been ratified. With reference to the national context, he recalled that in recent years the country had suffered many natural disasters and political crises, which had had an impact on the regular operation of the institutions responsible for the formulation and implementation of the State's social policy, and especially the Ministry of Social Affairs and Labour (MAST). At the economic level, the situation was precarious, with an official unemployment rate of nearly 35 per cent of the active population and falling economic growth. The Government that had been in office since May 2017 had set as its specific objectives mass job creation to combat unemployment, national economic recovery, the reinforcement of social dialogue, the achievement of the objectives of sustainable development and the promotion of social justice, as set out in the ILO Constitution. For that purpose, emphasis had been placed on the subcontracting sector, which was vital for the national economy. It was with a view to the rapid promotion of mass job creation that Parliament had adopted in 2017 an Act to organize and regulate work over a period of 24 hours divided into three eight-hour segments. Through the Act, the Government intended to adapt the labour situation to contemporary realities. While establishing the principle of the eight-hour working day and the 48-hour week, the Act permitted, where necessary, through agreement between the employer and the employee, and in accordance with national and international labour standards, the normal eight-hour day to be exceeded, without the total number of hours worked exceeding 48 in a week. The eight-hour day remained the centrepiece of Haitian working time legislation. The system of three time segments introduced in all sectors had only been designed with a view to increasing the dynamism of the national economy and strengthening production through the availability of machines, which could create a greater number of jobs and employment for the benefit of the population as a whole. In principle, the Act took into account the protection, health and safety of workers within the spirit of the Conventions ratified by Haiti. By placing the responsibility upon employers of ensuring the good health and recuperation of workers, and by requiring enterprises to make available to them health and catering services in accordance with the law, the Haitian legislator had established safeguards which would be supplemented by regulations with

a view to improving the protection and safeguarding workers against any form of abusive exploitation. Having taken due note of the observations of the Committee of Experts and the social partners, the Government was prepared to continue the discussions in a tripartite framework with ILO assistance with a view to identifying an agreed working-time regime adapted to the reality in Haiti. With reference to labour inspection, the Government recognized the importance of a competent body of labour inspectors in ensuring effective compliance with the provisions of the Labour Code. For that purpose, efforts had been made and cooperation with the ILO had made it possible to reinforce the capacities of the labour inspection services, which currently had seven stable inspectors and around 40 resource persons who occasionally fulfilled the functions of inspectors and conciliators. A project for a "call centre" to facilitate the reception of individual complaints from anyone who might have been a victim in their workplace had been delayed by a series of practical requirements related to confidentiality and the reliability of the services provided by local telephone operators. Several programmes coordinated by the ILO were making a useful contribution in the country, such as the Better Work Programme and the Employment Intensive Investment Programme (EIIP). However, despite the Government's efforts, the country was still fragile and cooperation projects needed to be designed and executed with a view to having a lasting impact on the population. They should be aimed at the strengthening of social dialogue and the rapid creation of decent sustainable jobs to generate income for the most underprivileged population categories. For these reasons, the Government called for the strengthening of ILO cooperation on such fundamental issues as social protection, action to combat child labour, vocational training and other relevant subjects which lay within the competence of the Organization. The Government considered that social dialogue was a fundamental element in pursuing the objectives of peace and economic growth. The encouragement of the social partners to resolve disputes through peaceful means remained a priority of the Government, which welcomed the conclusion of an agreement in March 2018 between the six principal workers' organizations in the country and the employers. The Government also noted the significant number of reports on the application of Conventions and Recommendations which were due from Haiti. Measures were being taken at the level of the relevant body with a view to fulfilling these international obligations as rapidly as possible. ILO technical assistance would be requested on that specific issue. Finally, he emphasized that there was no intention by the Government to be in violation of the ILO Conventions to which Haiti was a party, including the working-time instruments. The difficulties that arose in relation to the 2017 Act would be addressed by the Government through tripartite discussions. The agreement reached between unions and employers in March 2018 offered a solid basis for such initiatives.

The Employer members first noted that it would be helpful if the Committee of Experts provided a clear indication on why cases were double-footnoted. They considered that this case, which concerned the adoption of the Act organizing and regulating work over a 24-hour period divided into three segments of eight hours (Act on working time), was timely as it took place two days after the discussion of

**Hours of Work (Industry) Convention, 1919 (No. 1)**  
**Weekly Rest (Industry) Convention, 1921 (No. 14)**  
**Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)**  
**Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)**  
*Haiti (ratifications: 1952, 1952, 1952 and 1958)*

the 2018 General Survey on working time instruments. Working time was an issue subject to constant changes and requiring regular adaptation to new realities. Enhancements in technology and communications were changing the traditional time and space dimensions at work, and the organization of working time was of fundamental importance for productivity, performance, competitiveness, sustainability and the ability to create jobs by enterprises. With regard to Conventions Nos 1 and 30 on hours of work, they referred to the 2005 General Survey on hours of work, according to which: *“Conventions Nos 1 and 30 do not fully reflect modern realities in the regulation of working time. In fact, there are elements of the Conventions that are clearly outdated. ... In general, these two instruments are viewed by an increasing number of countries as prescribing overly rigid standards. The ‘fixed’ working hours system adopted by both Conventions as a cornerstone for the regulation of working time conflicts with today’s demands for more flexibility.”* With regard to Conventions Nos 14 and 106 on weekly rest, these had been considered by the ILO Governing Body as up to date and were more widely ratified. This was particularly the case for Convention No. 14 which was a relatively flexible instrument in that it allowed almost unconditioned total or partial exceptions to the normal weekly rest day, as well as exceptions to compensation where it was not possible to grant the weekly rest days. On the other hand, Convention No. 106 allowed exceptions to weekly rest under much stricter conditions and did not foresee exceptions regarding the provision of compensation. They noted that, as the decree of application of the Act on working time had not yet been published, the articles of the Labour Code regarding working time continued to apply in the country. They encouraged the Government to ensure that working time regulation was discussed in the framework of the comprehensive reform of the Labour Code with a view to ensuring conformity with ratified Conventions. They considered that, in the event that the new and emerging realities of the labour market in Haiti required a change in legislation that went against the provisions of the Conventions in question, the Government should consider denouncing these Conventions to avoid a lack of conformity with its international obligations. Finally, they noted with deep concern that, for the fifth consecutive year, the reports due on all ratified Conventions had not been received. They urged the Government to avail itself of ILO technical assistance before 1 September 2018, with a view to submitting without delay the reports due to the Committee of Experts, including on Conventions Nos 1, 14, 30 and 106.

The Worker members recalled that the issue of working time lay at the heart of the employment relationship and was addressed in the founding treaty of the ILO and the Declaration of Philadelphia, which proclaimed that work was not a commodity. The establishment of decent limits to working time preserved the dignity of workers and allowed them to find meaning in their occupational activity. The question of working time gave rise to several major challenges for workers, such as their purchasing power, the reconciliation of work and private life, security, health and well-being. It was fundamental for clear and strict regulations on working time to be adopted and strictly enforced in order to be able to guarantee decent work. The tripartite partners in the ILO had always been convinced of the need for the regulation of working time. It was for that reason that the Organization had adopted many instruments setting certain limits on working time. The Committee needed to ensure that member States made every effort to give effect to those standards. In the case under examination, the Government had gone beyond certain limits set out in the

international labour standards on working time. The various measures taken had had the effect of increasing working time in practice and departed from the Reduction of Hours of Work Recommendation, 1962 (No. 116). In Haiti, a large proportion of the population was seeking employment and the introduction of reforms intended to lengthen the working time of workers who were already active would not promote the effective distribution of the work that was available. The recent legislative reform had repealed provisions regulating exceptions from the principles of the eight-hour day, normal working hours and the provision of weekly rest of 24 consecutive hours, to be given in preference on Sunday and at the same time for all workers in the same establishment. As a result of these various measures, Haitian legislation was no longer in conformity with the Conventions that had been ratified. The new legislation also provided that an employer and a worker could agree to exceptions at the individual level from the principle of the eight-hour working day, without specifying the maximum daily working time, and that workers negotiated their hours of work on an individual basis. As the employment relationship was fundamentally asymmetric, it was essential for provisions on working time to be negotiated collectively, not individually. Moreover, the absence of a framework to limit possible exceptions to normal working hours led to the belief that overtime could be carried out without due reason or limits, contrary to the provisions of Conventions Nos 1 and 30. That would compromise the objective of Recommendation No. 116 to achieve a social standard of the 40-hour week. The new legislation also had the effect that unions no longer needed to be consulted and that the Labour Department of the Ministry of Social Affairs and Labour no longer had to give authorization on a number of issues relating to possible exceptions to working time provisions. That was in violation of the provisions of Conventions Nos 1 and 30. With reference to the lack of resources of the labour inspection services, the Worker members recalled that Conventions Nos 30 and 106 provided that States shall adopt appropriate measures to ensure the effective enforcement of the rules on working time through adequate inspection. They added that Haiti had also ratified the Labour Inspection Convention, 1947 (No. 81). The Government therefore needed to ensure that the inspection services had adequate personnel and that inspectors received appropriate training on working-time issues and were allocated sufficient financial and material resources. The development of statistics was also essential so as to be able to target sectors where abuses were likely in relation to working time. Noting that the great majority of economic activity in Haiti was in the informal economy, where workers were particularly exposed to abuses, the Worker members emphasized that it was necessary to ensure that the inspection services had the competence to enforce the legislation on working time in the informal economy. In the case of workers in export processing zones (EPZs), although they generally benefited from more formal employment relationships, they were also subject to many abuses. EPZs were an important source of employment in the country and it was necessary to ensure compliance with working-time regulations in such zones. It was to be regretted that the reform of the working-time provisions had been undertaken without any consultation of representative unions and outside the process of the global reform of the Labour Code that was currently being undertaken with ILO assistance, and which the Government had undertaken to finalize by July 2015 within the framework of the Decent Work Country Programme covering the period 2015–20. The new working-time legislation had been adopted to general surprise by Parliament in a night sitting.

Nor did the reform take into account in any way the agreement that had been obtained in the context of the overall reform of the Labour Code, which had now ground to a standstill. It was therefore necessary to reaffirm that social dialogue and collective bargaining had a fundamental role to play in the development of working-time rules that were supported by the social partners and, through them, a large part of society. The reform, which had been forced through by the Government and approved unilaterally by a fringe of employers' organizations, was not supported by the workers. Attempts to pass over opposition in silence endangered the democratic order in Haiti and the Government was therefore called upon to make a firm commitment to ratify the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). The Worker members also shared the deep concern of the Committee of Experts at the reporting failures of the Government, which needed to ensure compliance with its constitutional obligations. It was also to be regretted that, due to the delay in the designation of the Haitian delegation, the titular Haitian Workers' delegate had not been able to take part in the examination of the case. That amounted to negligence by the Government with respect to its obligations towards the ILO and a complaint had been lodged with the Credentials Committee. The Worker members condemned the threats and pressure to which trade unionists were subjected in Haiti. The Government needed to take every measure to ensure an environment that was conducive to the free expression of trade union views and the safety of all trade union activists so that they could exercise their activities in full freedom and without fear of reprisals so that the democratic order in Haiti could be safeguarded. The Worker members regretted that the Employer members had encouraged the Government to denounce ratified working-time Conventions and had challenged the relevance of the international labour standards on working time. The examination of an individual case by the Committee could not be used to assess the pertinence of the standards under examination and must be confined to assessing their correct application in the law and practice of the country concerned. The Worker members recalled the conclusions of the ILO Tripartite Meeting of Experts on Working-Time Arrangements, held in October 2011, which clearly indicated that the ILO's current standards on working time remained relevant and should be promoted in order to facilitate decent work.

**The Employer member of Malawi**, speaking on behalf of the Employer member of Haiti in her absence, noted that, while the provisions of the new Act on working time were not as precise as the repealed provisions of the Labour Code, enterprises were obliged to respect the provisions of Conventions Nos 1, 14, 30 and 106 ratified by Haiti since those provisions were legally binding and took precedence over domestic laws by virtue of article 276-2 of the Haitian Constitution. Moreover, the application decree of the Act on working time having not yet been published, the articles of the Labour Code still applied in Haiti. The speaker considered that Conventions Nos 1 and 30 on hours of work did not fully reflect the modern realities of working time. The low rates of ratification of these two Conventions were due to the increased need for flexibility in today's work environment. Countries reverted more frequently to collective or individual labour agreements to address their specific needs on working time. The speaker indicated that, while awaiting the promulgation of the new Labour Code, the Employers in Haiti were determined to continue to engage in tripartite dialogue with a view to adopting the operational framework necessary to ensure conformity with the international instruments ratified by Haiti. He seized

the opportunity to thank the ILO for the continuous technical support provided to Haiti and for its role as facilitator in the tripartite dialogue conducted to resume the work on the reform of the Labour Code.

**The Worker member of Haiti** said that the current situation in the world of work in Haiti was a matter of great concern. Referring in particular to domestic work and the informal economy, he denounced the existence of unfair working conditions in relation to working time, the right to annual leave and prior notice in the event of dismissal. With regard to the situation of security officers and workers in subcontracting enterprises in the textile sector, he deplored the absence of fixed working hours and the refusal of employers to pay overtime, with the complicity of the Government. He drew the Committee's attention to the blatant violation of Conventions Nos 1, 14, 30 and 106 on working hours, as well as Convention No. 81. The labour inspectorate in Haiti lacked resources and capacity. Although the ILO had contributed to building the capacity of a group of inspectors, they were often prevented from acting in a neutral manner and were subject to significant pressures. The new Act, adopted at the initiative of the employers, demonstrated the Government's disregard for its ILO commitments. It allowed employers to force men and women workers to work overtime, which resulted in cases of serious abuse, such as the exertion of psychological pressure and the emergence of forced labour. The Government had decided unilaterally to amend the Labour Code by repealing certain provisions, even though it had requested and obtained ILO technical assistance in the context of the overall reform of the Code, and the finalization of the reform had been identified as a priority in terms of the results to be achieved under the Decent Work Country Programme. The Haitian trade unions called for the resumption of the process of reforming the Labour Code, which must respect the spirit and terms of Conventions Nos 1, 14, 30 and 106 with regard to working time. He hoped that the commitments made in the recent agreement signed under the auspices of the ILO would be respected, and requested the ILO to ensure the close and strict follow-up of the application by Haiti of the ratified Conventions on working time.

**The Government member of Bulgaria** speaking on behalf of the European Union (EU) and its Member States, as well as Albania, Bosnia and Herzegovina, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Norway, noted the timeliness of the discussion of this case following the debate on the General Survey on working time instruments. Working hours and rest periods were central to the employment relationship and had important consequences for both workers and employers. Haiti was the largest recipient of bilateral EU development assistance in Latin America and the Caribbean. The speaker recalled the commitment made by Haiti under the Cotonou Agreement (the framework for cooperation with the EU) to respect democracy, the rule of law and human rights principles. She noted with great concern that the new Act repealed most of the provisions of the Labour Code giving effect to the ratified Conventions on working time and that it did not give effect to important matters covered by these Conventions, including on central issues such as the maximum number of working hours per day and the principle of weekly rest. She also expressed concern over the observations of the Confederation of Public and Private Sector Workers (CTSP) regarding non-observance in practice of the provisions of the Labour Code respecting hours of work and weekly rest as well as the absence of resources of the labour inspection services to take effective action to combat violations. The

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Government was urged to complete the reform of the Labour Code in consultation with the social partners and to ensure that it was in full conformity with ILO Conventions. The Government was also requested to ensure in practice that workers benefit from the protection afforded by Conventions on working time and to take the necessary measures to carry out labour inspections to make this protection effective. The Government was strongly encouraged to continue to avail itself of ILO technical assistance and to comply with its reporting obligations. The EU and its Member States would continue to support Haiti in its efforts to comply with ILO Conventions.

**An observer representing the International Trade Union Confederation (ITUC)** drew attention to the Decent Work Country Programme, signed by the Haitian Government, employers, workers and the ILO in 2015, the first intended outcome of which was to resume the process of revising the Labour Code, which should have been completed by 31 July 2015. Instead, the Act organizing and regulating work over a 24-hour period divided into three segments of eight hours had been adopted in August 2017. The Act violated the fundamental principles of work and jeopardized the conformity of domestic legislation with international standards on the subject. The strict regulation of working time guaranteed a decent life and a good work–life balance, protected health, prevented forced labour and ensured remuneration that was in keeping with the effort made. The adoption of the new Act on working time therefore represented a major backward step and disregarded the work undertaken within the framework of the ILO and the commitments made in terms of social dialogue and tripartism. The Act was having a serious impact, particularly on the most vulnerable workers. The negotiation of working time on an individual and non-collective basis opened the door, in practice, to the strengthening of the unlimited power of employers, greater employer pressure to increase working time and penalties for workers who did not agree to submit to the needs of enterprises. The situation was a matter of even more concern as the labour inspectorate was not functional, lacked capacity and resources, and was sometimes corrupt. Furthermore, the Act removed the requirement for the consultation of trade unions on issues relating to possible exemptions from working-time rules. The Act also violated the principle of weekly rest and drastically reduced wage levels. He regretted the complacent attitude of the Government, which had decided to team up with the employers in violating international Conventions, and called on the Government to respect the fundamental rights of workers, and particularly to resume the process of reforming the Labour Code, in accordance with the agreements concluded.

**The Worker member of the Dominican Republic** drew attention to the fact that industrial relations in Haiti were not in compliance with important ILO Conventions. When a country had high levels of unemployment and poverty, job creation tended to be prioritized over decent work. However, decent work was a means of overcoming poverty. When workers in the *maquila* sector or export processing zones called for genuine labour reform, such as the reform that was currently blocked in Haiti, many believed that they were deterring foreign investment. However, any investment based on the poverty of workers did not make sense and should be rejected. He called on the Government to respect the Conventions and proceed with the labour reforms, without submitting to the rules respecting labour conditions imposed by enterprises, which were in breach of ILO Conventions.

**The Worker member of Italy** recalled that, after obtaining ILO technical assistance for the reform of the Labour Code,

Haiti had concluded its Decent Work Country Programme (DWCP) 2015–20, within the framework of tripartite negotiations under the auspices of the ILO. Although the DWCP envisaged that the reform of the Labour Code would be completed by July 2015, the Government had preferred to adopt an Act establishing a 24-hour working day divided into three eight-hour segments. The Act repealed several sections of the Labour Code, strengthened the power of employers and did not regulate overtime. The Act, which was in breach of all the ILO Conventions on working time, removed the requirement to consult representative trade unions when making decisions on working time and abandoned the principle of weekly rest. Furthermore, the loss of the 50 per cent pay supplement for night work and, in general, the increase in working time had resulted in dramatic reductions in wages, plunging workers and their families into even greater poverty. Although, in the context of ILO technical assistance, the labour inspection services had received technical training and capacity building, the inefficiencies of the Ministry of Social Affairs and Labour and the lack of resources had rendered the labour inspectorate powerless in relation to employers. She denounced the failures of the Government in relation to fundamental labour rights and its disregard for its obligations under ILO Conventions. She called on the Government to resume the process of reforming the Labour Code, in full compliance with the principles of tripartism.

**An observer representing IndustriALL Global Union** stated that for workers in the Haitian garment industry, ILO standards on working hours and the 48-hour working week were unfortunately meaningless concepts. They were working long hours in order to survive on starvation wages. When overtime was paid, it was almost always below the legal rate. The failure of the Government to uphold international standards and national laws was giving factories and their multinational customers free reign to steal wages and the lives from some of the world's poorest workers. The introduction of the new Act on working time, which repealed existing standards on overtime, weekly rest, Sunday pay and night time rates, only made matters worse. In May of 2017, the workers of 22 garment factories went on strike to demand higher wages. Dozens of union leaders and members had yet to be reinstated, and were even blacklisted, in spite of very clear recommendations following an investigation by the ILO's Better Work Programme. Finally, the speaker stated that without better wages and respect for workers and union rights, the ILO Conventions on hours of work would remain on the wish list and there would be no lasting social peace in Haiti's garment industry.

**The Worker member of Uruguay** considered that addressing the case of the compliance by Haiti with the working-time Conventions from a technical point of view and asking Haitian workers to adapt to new working hours was to deny the existence of a humanitarian tragedy. He believed that the solution to the problems lay in social dialogue. He indicated that it was necessary to help Haiti to resume social dialogue with the objective of achieving decent work. He called for the case to be addressed from that perspective.

**The Government representative** noted the constructive spirit in which the remarks and recommendations had been made during the discussion. He reiterated the Government's determination to respect its international commitments and to pursue tripartite dialogue. As the decree to implement the new Act had not yet been published, an agreed solution was still possible. The agreement signed between the social partners in March 2018 was an ideal

framework for continuing discussions. He requested ILO technical assistance to support that process.

The Worker members welcomed the Government's determination to take action to bring its legislation on working time into line with international Conventions and expressed the hope that this determination would lead to concrete action in practice. Working-time issues were fundamental. The following action could usefully be taken by the Government to bring its law and practice into conformity with the international Conventions on working time. Firstly, guaranteeing consultation with all representative social partners for any revision of the regulation of working time with a view to bringing it into conformity with Conventions Nos 1, 14, 30 and 106. Following the agreement reached in March 2018 with the social partners with a view to resuming social dialogue, consultation with all the social partners could usefully be undertaken within the framework of the comprehensive reform of the Labour Code that had been interrupted. That would allow the Government to fulfil its commitment made in the Decent Work Country Programme 2015–20 to complete the global reform. The Worker members called on the Government to resume that process in close collaboration with the ILO. The Government should work in conjunction with the social partners on several issues. Accordingly, and without exceptions in the legislation, it was necessary to apply and enforce the principle of an eight-hour working day and to declare illegal the exceptions applied in practice. Furthermore, a limitative list of cases in which overtime was justified should be reintroduced, along with limits on overtime. The disappearance from the Labour Code of any explicit mention of the principle of the minimum period of weekly rest of at least 24 consecutive hours, which should wherever possible be on Sunday and granted simultaneously to all workers in the same establishment, constituted a failure to comply with the obligations set out in the Convention. That principle should therefore be reintroduced into the Labour Code. The Government must provide, in law and practice, for consultation with the social partners on any proposed reform of those issues. The possibility for individual negotiations between a worker and an employer on exceptions to the maximum working day should be removed from the legislation. Individual bargaining on such important matters as working time was extremely sensitive in view of the fundamentally asymmetric nature of the contract of employment, with the employer having authority over the worker. Inspection services were essential to ensure that working-time legislation was respected in practice. The inspection services should therefore be provided with sufficient staff and material and financial resources. Adequate training for inspectors on working time and international standards was also essential. The Government should respect and ensure respect for the independence of the inspection services. Particular attention should also be given to regulating working time in the informal economy and export processing zones, where a large majority of Haitians worked, by ensuring that inspection services were competent to enforce the legislation in such zones. The case showed that the absence of a report from a Government did not mean that it could escape the ILO supervisory bodies. The Worker members called on the Government to submit its reports in accordance with its constitutional obligations. The violence and intimidations reported against trade union activists were unacceptable. The Worker members urged the Government to bring an end to any acts of intimidation towards trade union representatives in Haiti, carry out thorough investigations and impose effective and dissuasive penalties on those responsible. It was important for trade union activists to be able to carry out their activities

freely and without fear of reprisal. In order to implement all those recommendations, the Government was strongly urged to request technical assistance from the Office. In response to the comment that the low number of ratifications of the Conventions under consideration could be due to the fact that they lacked flexibility, the Worker members emphasized that it was more indicative of the need for a large-scale ratification campaign for those Conventions, which had been adopted on a tripartite basis, to make member States aware of the principles that they contained and the flexibility of the instruments.

The Employer members stated that it was clear that Haiti was not immune to the realities of a changing world of work, which required more modern, flexible and responsive regulating measures. They wished to make clear that, far from encouraging the Government not to comply with ratified Conventions, Haiti needed to comply with all international obligations voluntarily assumed. They pointed out that the only way for a Government to escape compliance with a ratified Convention was to denounce the Convention when the window for denunciation opened. They urged the Government to continue with the reform process, in collaboration with social partners and under the guidance of the ILO, in order to comply with its obligations under ratified Conventions. Finally, they urged the Government to seek technical assistance from the ILO to rectify the situation of serious failure to comply with its reporting obligations.

### **Conclusions**

The Committee took note of the information provided by the Government representative and the discussion that followed. The Committee expressed concern over a number of legislative provisions stipulated in the 2017 Act on working time, which are not in conformity with the ratified Conventions on working time. The Committee noted that the application decree of the new law has not been published and that the Labour Code continues to apply. The Committee noted with regret that the comprehensive reform of the Labour Code has not been finalized.

Taking into account the Government's submissions and the discussion of the case that followed, the Committee urged the Government to:

- review in consultation with the most representative employers and workers organizations the conformity of the Labour Code and the Act on working time, with respect to the ratified ILO Conventions on working time;
- strengthen the labour inspectorate and other relevant enforcement mechanisms to ensure that workers benefit from the protection afforded by the Conventions; and
- report to the Committee of Experts on these measures.

The Committee calls on the Government to avail itself of technical assistance to address these matters. The Committee calls on the Government to submit without delay all the reports due to the Committee of Experts and include a detailed report on the measures taken to implement these conclusions to the next meeting of the Committee of Experts in November 2018.

The Government representative said that the Haitian delegation had taken due note of the discussions and conclusions adopted by the Conference Committee and shared the view of the Committee of Experts in its report that working hours and the organization of work can have a profound influence, not only on the quality of work, but also on the private life of workers, their "physical and mental health and well-being ... their safety at work and during the transit to and from their homes, and their earnings". The Conventions that Haiti had ratified were part of its body of domestic law under article 276-2 of the Constitution, and took

## Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)

Malaysia – Peninsular Malaysia (ratification: 1957)

Sarawak (ratification: 1964)

precedence over national laws in the hierarchy of standards and could be invoked without reserve before the courts. Taking note of the observations of the Committee of Experts concerning the application of the Act of 7 August 2017 on working time, the Government was planning to hold tripartite consultations to identify and overcome the main difficulties encountered in the application of the Act, and to issue orders or regulations to specify its scope. The Government was also aware of the delay in finalizing the process of reforming the Labour Code. Discussions had begun at the level of the Prime Minister's Office and would be continued within a tripartite framework, in the spirit of the San José Agreement of 21 March 2018, taking into account the Office's recommendations.

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### Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)

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**MALAYSIA – PENINSULAR MALAYSIA** (ratification: 1957)  
**SARAWAK** (ratification: 1964)

A Government representative indicated that the Government had noted the concerns raised by the Committee in 2017 as well as its conclusions calling for the re-establishment of equality of treatment through the extension of the coverage of the Employees' Social Security Scheme (ESS) to foreign workers. The Government had in fact agreed to extend the protection of the ESS, which would come under the Social Security Organization (SOCSO), to foreign workers and had taken serious measures over the past year to that effect. However, that process needed to be done in a just and fair manner and at a pace that was comfortable to both employers and workers, as well as the insurance panels, the system provider and the SOCSO. A period to ensure the smooth transition of foreign workers to the ESS was needed to allow for the establishment of implementation mechanisms, databases and roadmaps, and the organization of engagement sessions with stakeholders and the social partners to accommodate the change. Over the past year, the Government had taken several steps to strengthen and enhance the existing Workmen's Compensation Scheme (WCS) with the objective of phasing it out during a transition period of a maximum of three years. This transition period was needed in view of three main factors. First, the SOCSO had only recently been made responsible for the implementation of the Employment Insurance System and needed a certain time for the funds to be sustainable and the administrative matters related to the Employment Insurance System to operate smoothly. In addition, the existing Social Security Act would need to be amended. Secondly, there existed contractual obligations with the insurance panels and the system provider of the e-compensation scheme. Lastly, employers needed to be provided with ample time to adjust to the changes that would occur when the WCS shifted to the ESS. In light of the recent changes that had occurred in the Government, the transition plan would be submitted to the new administration for consideration and approval. The Government was ready to take immediate action, which included further deliberations and engagement with the social partners. No foreign worker should be left without coverage for both employment and non-employment injuries. It was the responsibility of states to protect the rights of foreign workers and prevent all forms of discrimination. But it should be noted that access to medical care had always been made available to all workers, regardless of their status. The Government fully supported the principles of equality of treatment and was committed to complying with the request of the Committee to ensure that foreign workers had access to accident compensation. The Government had already sought ILO technical expertise and was ready to forge closer collaboration

with the guidance and approval of the new administration. Discussions would be held and technical assistance be sought from the Office on the matter under discussion with a view to developing appropriate mechanisms to overcome any issues that might arise.

The Worker members stated that, for over two decades, the ILO supervisory mechanisms had been addressing the persistent issue of equal treatment of migrant workers, in particular with respect to employment injury. Since 1993, the Committee of Experts had addressed the transfer of foreign workers, employed in Malaysia for up to five years from the ESS, which provided for periodical payments to victims of industrial accidents, to the WCS, which guaranteed only a lump sum payment of a significantly lower amount. Lowering the protection afforded to migrant workers was a clear breach of Article 1 of the Convention, which required ratifying States to grant to migrant workers who suffered injury due to industrial accidents which occurred in its territory, or to their dependents, the same treatment in respect of workmen's compensation as it granted to its own nationals. The Committee had discussed the case on multiple occasions, requesting the extension of the coverage of the ESS to migrant workers and the development, in consultation with the social partners, of laws and regulations that would ensure the removal of discriminatory practices between migrant and national workers. It had also noted with deep regret that the Government had taken no measures to implement the conclusions of the Committee, nor had it responded to the Committee of Expert's express request to provide a detailed report on the application of the Convention. For many years, millions of migrant workers had been affected by this discriminatory treatment, despite filling substantial shortages in the supply of low-skilled labour for key economic sectors. It was estimated that around 20–30 per cent of the country's workforce was constituted of migrant workers coming from a number of different countries, such as Cambodia, Indonesia, Lao People's Democratic Republic, Myanmar, Philippines, Thailand and Viet Nam. In addition to the 2 million legally registered migrant workers, there were also several million undocumented migrant workers. It was estimated that between 1 and 4 million undocumented migrant workers who were engaged in the most hazardous jobs were not eligible for any compensation. Approximately one third of the workers in the agricultural, manufacturing and construction sectors were migrant workers, with migrant workers making up to 70 per cent of workers in the agricultural sector. Although those industries had contributed 297 billion ringgits (€63 billion) or 35.7 per cent of Malaysia's gross domestic product in 2014, the rate of occupational accidents was extremely high. According to official data, between January and October 2017, the Department of Occupational Safety and Health had recorded 1,645 workplace accidents causing permanent or temporary disability and 46 fatal accidents in the manufacturing sector alone. In the same period, the construction industry and the agricultural sector had claimed the lives of 63 and 18 workers, respectively. Given that official statistics only took into account investigated accidents, it was estimated that the real number of workplace accidents was even higher. Despite those appalling numbers and the enormous contribution of migrant labour to the economic growth and development of Malaysia over the years, the Government continued to deny equal and fair treatment to migrant workers. While under the ESS, a permanently injured worker was entitled to a periodical cash benefit of 90 per cent of his/her "assumed average daily wage" (section 22b and the fourth Schedule of the Social Security Act), permanently injured migrant workers in the same situation would only be entitled to a lump sum payment of 62 months' salary or 23,000 ringgits (around €4,900) under section 8 of the

Workmen's Compensation Act (WCA). The payment of a lump sum instead of periodic payments in itself amounted to a differentiation in the quality of the protection provided, as existing global evidence demonstrated. Furthermore, the level of the lump sum payment provided to migrant workers was a mere fraction of the amount to which Malaysian workers were entitled in the exact same situation. An actuarial simulation undertaken by the ILO, estimated that a national worker was entitled to a total of 425,000 ringgits, with periodic payments calculated as a lump sum. According to that simulation, migrant workers were entitled to about 23,000 ringgits which meant that they were only entitled to 5.4 per cent of the benefits received by Malaysian workers. Such a level of discrimination between workers in the twenty-first century was shocking and appalling to say the very least.

With regard to medical care, Malaysian workers were entitled to the free treatment of injuries at any public hospital or clinic, with the medical bill being settled by the ESS fund. Under the WCS, medical expenses for work injuries were borne by the employer, which exposed migrant workers to possible abuses, as employers might refuse to pay for the necessary treatment. In addition, migrant workers could only claim refunds for medical costs after they had fully recovered, and even then it usually took several months for them to be refunded, leaving them with no means of survival in the meantime. Undocumented migrant workers ran the risk of being arrested while attempting to access medical treatment. Furthermore, a national worker who sustained a workplace injury causing a temporary inability to work for at least four days was entitled to temporary disability benefits equivalent to 80 per cent of his or her wage. Migrant workers temporarily incapacitated due to workplace injury were only entitled to half-monthly payments equivalent to one third of their monthly wage. It should be noted that migrant workers were subject to other forms of unequal treatment. As the Committee had noted in its 2016 examination of the application in the country of the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), migrant workers still faced a number of practical obstacles to collective bargaining, in particular due to insecure employment contracts and vulnerability due to anti-union discrimination. In addition, the estimated 300,000 to 400,000 migrant domestic workers employed in Malaysia were still denied basic labour protection under national laws, and suffered from abusive working conditions, including cases of forced labour. The Government had taken severe measures with regard to undocumented migrant workers. In July 2017, the Malaysian authorities had arrested over 3,300 undocumented migrant workers who had failed to register for an E-card. Due to their fear of detention and deportation, many migrant workers had gone into hiding, which severely limited their access to social protection. The Worker members expressed their deep concern at the situation of migrant workers, who constituted a significant part of the working population of the country. Despite numerous discussions in the Committee, the technical advice provided by the ILO and the Government's statements that it would take the measures, they had not materialized so far. They urged the Government, with the greatest insistence, to bring its legislation and social security institutions into conformity with the Convention and to ensure equal treatment between migrant and national workers with respect to occupational injuries in an effective and expeditious manner. As a party to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), Malaysia was required to undertake legislative reforms to eliminate all discriminatory provisions. The new Government had renewed Malaysia's commitment to undertaking such necessary reforms. They expected that the Government would fully honour its commitments by

taking swift and concrete action to eliminate all forms of discrimination against migrant workers.

**The Employer members** recalled the numerous observations that had been made by the Committee of Experts over a number of years. In addition to the technical issues raised by the Worker members, it was important to consider the context of the situation. The examination of the case concerned Malaysia and Malaysia – Peninsular, that is, Peninsular Malaysia and East Malaysia. Malaysia was a federal state. It was made up of 13 federal states and three federal territories, divided between two regions. Governance of the state was divided between the federal and state governments, while the federal government exercised direct administration over the federal territories. Of particular note was the fact that the states of East Malaysia (Sabah and Sarawak) had separate immigration policies and controls, and a unique residency status. Visas were required for travel between those two states or between either state and Peninsular Malaysia, which created a number of issues, including in terms of the administration of the schemes at the national level. The situation giving rise to the discussion of the case had begun in 1993, when foreign workers had been transferred from the ESS, which provided for periodical payments to victims of industrial accidents, to the WSC, which guaranteed only a lump sum payment of compensation for industrial accidents. Over the years, the supervisory bodies had expressed concern at the differences in those schemes, indicated by the Worker members. The Government's intention to carry out reforms and to align or realign the provisions applicable to foreign workers with the scheme for national workers should be welcomed. However, they also noted that as far back as 2011, the Government had indicated that a technical committee the Ministry of Human Resources, including all stakeholders, had considered the three following options: (1) the extension of the ESS to cover foreign workers; (2) the creation of a special scheme for foreign workers under the ESS; and (3) raising the level of benefits provided by the WSC to an equivalent level to those provided by the ESS. That was not the first time that the Government had provided similar information, and concrete action was not expected. It should be noted that the Government had expressed its willingness and commitment to address the situation before the present Committee.

They were aware that making those changes was easier said than done, considering a number of existing challenges. Under the ESS, workers were required to contribute for a minimum of 24 months before they or their family could receive any benefits, in the event of industrial accidents or occupational diseases. Foreign workers had often not been in the country long enough to have access to those benefits, while under the WSC, they were covered immediately in case of injury. While there were differences in the monetary compensation, as indicated by the Worker members, other elements also needed to be taken into account. Since foreign workers were generally contracted for fewer than 24 months, it had become evident that the ESS scheme was not suitable for them, at least not in its current form. Taking into account the large number of migrant workers concerned and their statistically high accident rate, achieving the objective of equity required the reconciliation of three main factors: first, the administrative and practical difficulties that impeded equal treatment of migrant workers, including that migrant workers were typically in Malaysia for project-type work, usually fewer than 24 months. Also, if they were incapacitated in industrial accidents, they were often repatriated making compensation an administrative challenge. Second, there was the question of whether or not the Convention required absolute equality of treatment. The actual requirement of the

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Convention was that workers had to receive the same treatment, which was often not possible for practical reasons. That raised the question of a broader interpretation, for example whether treatment of equal value was as acceptable as exactly the same treatment. Third, irrespective of the interpretation chosen, and given that the ESS scheme was difficult to apply to workers who were not in the country for the minimum qualifying period, it was essential to determine the actuarial equivalence of the lump sum paid under the WCS to migrant workers to the value of the periodic payments. The comparison between the value of the periodical benefits and that of a lump sum benefit was a particularly delicate and technical question. Depending on the answer, it was possible for the WCS to be viewed as a valid way of managing employment injury and invalidity benefits for foreign workers in Malaysia. This could require the adjustment of the payment. But the quantum of compensation was not the only consideration as coverage was also important. The ESS scheme applied only to workplace accidents (including commuting) that resulted in at least four days of sick leave, whereas no such restrictions applied to the WCS. With respect to coverage, the WCS was arguably more favourable to foreign workers than the ESS was to nationals. A number of other member States with federal or state jurisdictions faced similar challenges. That was the reason why a number of such States did not ratify Conventions unless their federal laws required compliance by States. However, since it was arguably outside the mandate of the Committee to request that member States to change their constitutions, it should be recognized that a solution to the issue was unlikely to involve the application of the domestic scheme directly to migrant workers. Instead, a hybrid solution should be sought to achieve a sustainable outcome, taking into account the practical challenges. In conclusion, the Committee should acknowledge the Government's commitment to making progress on the issue, as well as its commitment to the value of equivalence. The Government should, as soon as possible, provide plans and processes on how it intended to achieve progress.

**The Worker member of Malaysia** said that Malaysia was a major destination country for migrant workers in Asia. There were about 2 million migrant workers with regular immigration status, while it was estimated that there were about 4 million migrant workers in an irregular situation, with an accurate number for the latter still being unavailable. The Committee had examined the case for the first time in 1996 after the downgrading of migrant workers from the ESS to the WCS in 1993. The compensation for workplace accidents involving migrant workers had continued to remain blatantly unequal. For example, national workers under the ESS were entitled to two forms of payment: temporary disablement and invalidity payment. They were also entitled to other additional benefits such as medical benefits, constant attendance allowance, vocational rehabilitation, dependants' funeral and education benefits. On the other hand, migrant workers were entitled to a one-off payment under an insurance scheme that had to be purchased by employers, on the condition that the employers had purchased it. The insurance benefit entitlements provided constituted about US\$2,500 to \$6,281 for accidental death or permanent disability sustained during working hours. Migrant workers could also claim meagre sums for medical treatment and approximately US\$1,206 could be claimed for repatriation and funeral expenses. If migrant workers were injured outside working hours, they had to sustain a permanent disability to benefit from an insurance which was supposed to cover loss of pay, compensation, treatment costs and reparation. Migrant workers in Malaysia were largely employed in dangerous jobs without sufficient protective equipment or training, and they also lived

in very poor conditions. A high incidence of workplace accidents and commuting accidents had been documented, with the largest number of occupational injuries and deaths occurring in the manufacturing, construction and agricultural sectors, all of which were major sectors of employment for migrant workers. In 2018, the death of three migrant workers had caught the attention of the media. The 28-year-old Adelina had died in February 2018 at Taman Kota Permai Bukit Mertajam as a result of abuse. A post-mortem report found that she had died of organ failures, and the police had not ruled out the possibility that, in addition to being beaten and slapped, the maid's health had also been neglected, including by not giving her proper food and shelter for several months. The family had been paid an amount equivalent to three years' wages that had not been paid and compensation for the family, which had included the costs of repatriation and the funeral. In another case, an Indian migrant worker, Mr Lathif, a 22-year-old documented worker in Malaysia since January 2018, had been pinned under an overturned tractor while working in an oil palm plantation. He had died in May 2018 as a result of his serious injuries. The meagre compensation sum had yet to be paid to the family. Moreover, Haironnissa, an Indonesian migrant worker, had died of a high fever while in service. The panel clinic doctor had refused to refer her to hospital for further treatment. Her supervisor and production officer had failed to assist her, and she had died after her parents had taken her back to Indonesia. Action was still pending to investigate the company. Since January 2018, the Malaysian Trades Union Congress (MTUC) had been informed of 42 cases concerning occupational accidents of migrant workers. A total of 60 per cent of those workers had suffered salary deductions, inadequate access to medical treatment and were unable to work. No steps had been taken to implement the objectives of the Eleventh Malaysia Plan (2016–20), namely: (1) developing and implementing a comprehensive immigration and employment policy for migrant workers; (2) engaging with the tripartite constituents; and (3) providing the Committee with the detailed reports requested in 2011 and 2017. This was the fifth time since 1996 that the Committee had examined the Government's failure to comply with the Convention. While the issue remained unresolved, the life, safety and security of migrant workers continued to be at stake. After 60 years, the Government had been replaced. The new Government should undo the wrong that had been done and reinstate equality of treatment of migrant workers in conformity with the Convention in accordance with the recommendation of the Committee of Experts without any further delay.

**The Employer member of Malaysia** noted that foreign workers in Malaysia were currently insured under the WCS, established by the WCA. The scheme had been working well, as foreign workers were provided many benefits, including: a lump sum payment for injuries or death; payments for injuries sustained during work; and payment for repatriating the deceased body to the country of origin in the event of death. The Labour Department was empowered to assess speedily claims for workmen's compensation, receive payments from the respective insurance company and disburse workmen's compensations to the dependants of deceased workers. Finally, the insurance premium under the WCS, ranging from 68 to 72 ringgits per employee per year, was fully paid by employers. More concretely, the types of benefits and compensation under the WCS were the following: (1) in the case of temporary disablement: half-monthly payments of up to 165 ringgits for up to five years; (2) in the event of permanent total disablement: payments in the amount of wages for 60 months or 23,000 ringgits (whichever amount was inferior); if in need of constant personal assistance, an additional 25 per

cent would be added to the compensation; (3) in the event of permanent partial disablement: a percentage of 23,000 ringgits depending on the degree of physical impairment or loss of earning capacity; (4) in the case of death during work or commuting: payments of the amount of wages for 60 months or 18,000 ringgits (whichever was inferior); (5) in the case of death or permanent total disablement: 23,000 ringgits; and (6) repatriation expenses for death or permanent total disablement: 4,800 ringgits. Taking into account those benefits and the accident coverage, it was ironic that the Committee had insisted on multiple occasions that foreign workers should be placed under SOCSO coverage, without examining whether that was really beneficial for foreign workers. For example, under the Employment Injury Scheme, coverage was limited to workplace employment injury, which included commuting injury, which had to fulfill the criteria that the sick leave arising out of employment injury was at least four days of unavailability for work, as compared to the WCS which provided for 24-hour coverage. In view of the above, while the examination by the Committee was based on the technical issues of equality of treatment, there was no realization that placing foreign workers under the SOCSO would be to their detriment. The insistence of the Committee to examine the present case would eventually result in foreign workers being covered by the Employment Injury Scheme which was only applicable for workplace employment injury, instead of the WCS, which provided 24-hour coverage with a list of benefits as indicated above which were superior and more beneficial than the benefits under the SOCSO Employment Injury Scheme.

**The Government member of Bulgaria**, speaking on behalf of the European Union (EU) and its Member States as well as Montenegro, Bosnia and Herzegovina, and the European Free Trade Association (EFTA) countries, Norway and the Member of the European Economic Area) said that the EU–Malaysia Partnership and Cooperation Agreement concluded two years ago had further strengthened its bilateral cooperation with the EU and had encompassed a wide range of areas, including human rights and sectoral cooperation on labour and employment. Nevertheless, it was deeply regrettable that the case had already been discussed the previous year by the Committee and that the discriminatory treatment of foreign workers was a long-standing issue that had persisted since 1993, despite recurrent calls by the Committee to putting an end to the practice. Since the detailed report, as requested by the Committee, had not been provided by the Government, she was bound to reiterate the same comments as the previous year. Migrant workers provided much needed skills and made an invaluable contribution to the social and economic development of Malaysia and often filled jobs that were considered undesirable by nationals. Yet their contribution was often not fully recognized, and they remained vulnerable to precarious conditions, abusive practices and unequal treatment, which contributed, among other issues, to an increased risk of accidents and health problems. She therefore urged the Government to take prompt measures to extend the social security scheme for national workers to foreign workers in order to bring an end to that discriminatory practice and ensure equal treatment of foreign workers, particularly with regard to accident compensation. In conclusion, she reiterated the commitment of the EU to a constructive engagement and partnership with Malaysia.

**The Government member of Thailand**, speaking on behalf of the member States of the Association of Southeast Asian Nations (ASEAN), welcomed the progress made by the Government and its willingness to extend the social security scheme to foreign workers, as well as the measures adopted. The Government should be encouraged to continue its efforts to realize its commitment with respect to

the Convention, in particular to ensure equal treatment of foreign workers with regard to accident compensation. The Committee should consider the efforts made by the Government.

**The Worker member of the United States** recalled that there were two distinct workers' compensation systems in Malaysia: one for Malaysians, the other for registered migrant workers. Unregistered migrant workers were not covered by any kind of accident compensation, even though they outnumbered registered migrant workers by an estimated two to one. To be cynical, there were actually three schemes in Malaysia: the ESS, WCS and nothing at all. There was no accountability for employers in relation to purchasing the workers' compensation insurance. If an employer purchased no insurance, inadequate insurance or insurance with exclusions (for example, for injuries that occurred without the proper safety equipment), it was only the injured worker that suffered. Moreover, the registration of migrant workers was tied to specific employers. If a worker was injured performing work for another employer, not only was the worker no longer covered by the WCS, but he faced the risk of being arrested when seeking medical attention and of being deported. The WCS set a maximum limit for lump sum payments, which were abused by employers. For example, a Nepali construction worker had a workplace accident that had resulted in the loss of four fingers. The medical costs had been more than the 25,000 ringgits provided by the insurance policy. His employer had not only used the entire lump sum payment to pay for the medical expenses but was now charging the worker for the expenses, in excess of the policy. The worker was, in fact, paying for the injury, rather than being compensated for it. Sadly, under the WCS, that was a "best case" scenario, as that worker's employer had purchased an insurance policy for the maximum amount. In the absence of labour inspections, there was no way of holding employers accountable for compliance with the minimum guarantees under the WCA, which was already in violation of the Convention, and did not cover two-thirds of the migrant workforce in the country. There was also no way for workers to lodge complaints for inadequate insurance, and particularly no way for them to do so without fear of retaliation. Not only was the existence of two accident compensation schemes for national and migrant workers plainly discriminatory and in violation of the Convention, but it was also exploitative of migrant workers. The WCA was a legal means of refusing to take care of workers injured at work, and offered a convenient means of avoiding obligations once the lump sum was paid. It was that kind of exploitation that the Convention sought to eliminate.

**The Worker member of Singapore** noted that, although the laws did not explicitly discriminate against migrant workers, in practice the rights of migrant workers were not fully protected due to the inaction of the Government. There were several examples. First, according to the Employee Provident Fund Act, 1991 (Act No. 452), contributions to the Employee Provident Fund were mandatory, but were voluntary for migrant workers. Moreover, migrant workers could withdraw savings only in the event of death, mental or physical incapacitation, or their return to their country of origin. Secondly, pursuant to the Trade Union Act, 1959 (No. 262), Malaysian workers could organize and form trade unions, while migrant workers only had this right if their employers had no objection. However, the Ministry of Home Affairs had set an absolute prohibition on migrant workers from joining any sort of association. Thirdly, under the Employment Act, 1955, every worker had to have a contract of employment clearly naming the employer. However, migrant workers were faced with the absence of employment contracts or contracts with less favourable conditions than those agreed before departure from their

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country of origin. Some employers did not renew the permit of workers, resulting in migrants losing their legal status. Migrant workers were also faced with issues regarding the right to collective bargaining, the non-payment of wages, unfair dismissal and the lack of protective workplace equipment. He referred to a pending complaint to a regional Labour Department concerning a Nepali worker who had been injured, who had not received any wages during his period of medical leave, and who had had to pay his medical expenses. Without paying 3,000 ringgits to the placement agency, he would not be able to return to his country of origin. As a result of an investigation by the Regional Labour Department, various labour law violations had been determined. Discriminatory practices such as those described above were occurring to migrant workers on a daily basis. Considering that the issue relating to the Convention had persisted for over 20 years, he called on the Government to restore migrant workers under the SOCSO and to ensure equal treatment and protection of migrant workers.

**The Worker member of Australia** said that the significantly inferior compensation rights of migrant workers were a direct breach of the Convention and remained of serious concern. According to estimates, between 4 and 6 million migrant workers were working in Malaysia. A large percentage of them were engaged by outsourcing or recruitment agencies, with more than 2,000 agencies in Malaysia alone. Legislative changes had made migrant workers employees of those agencies rather than of the employers for whom they provided labour, with those agencies organizing the legal documents. Although illegal, many migrant workers faced debt bondage situations. The withholding of passports was common and human trafficking occurred on an increasing scale. An Amnesty International report in 2010 had found that migrant workers were highly dependent on the agents because, if they left or were dismissed by the agency their status changed to being illegal. Referring to the example of a Nepalese migrant worker employed by a recruitment agency, who did not know the name of his employer, which made it difficult to claim accident compensation, she emphasized that the current system meant that it was difficult to obtain a clear picture of the incidence of injury among migrant workers. Outsourcing also further limited the capacity of the labour inspectorate, which already made very few labour inspections. Despite past offers of ILO technical assistance, the breaches of the Convention had persisted.

**The Worker member of Indonesia**, speaking on behalf of the Indonesian Workers Welfare Union (IWWU), the Cambodian Labour Confederation (CLC), the Federation of Trade Unions of Myanmar (CTUM), the Federation of Korean Trade Unions (FKTU), the Korean Confederation of Trade Unions (KCTU), the Federation of Free Workers (FFW) and the Center of United and Progressive Workers (SENTRO) if the Philippines emphasized that, despite the vital role played by migrant workers in the development of the South-East Asian region, they were often subject to abuse. Malaysia had benefited greatly from the employment of migrant workers in several economically important sectors, such as manufacturing, construction and plantations. However, the situation regarding migrant workers, particularly with respect to employment injury compensation, was not in accordance with the Convention and it was necessary to take bold action. The high incidence of workplace accidents and deaths among foreign workers in Malaysia was of serious concern. At a current side event during the present session of the International Labour Conference, the interregional trade union organizations (Asia and the Pacific, Africa, America, Arab States, South-East Asia and South Asian) had signed a memorandum of understanding (MOU) to join and coordinate efforts

with a view to better promoting the protection of migrant workers across the region. During the signing ceremony of that MOU, the Director-General had expressed ILO commitment to support the initiative. The Government should demonstrate a similar commitment to ensure that the issues of migrant workers were addressed effectively.

**The Government representative** said that all the comments made during the discussion would be taken seriously as they would help the Government to improve the situation in the country. Support was being sought from the Employer and Worker members of the country and particularly the latter, to act as a catalyst in realizing the transfer of the protection of foreign workers by the ESS. Managing the welfare of foreign workers had always been a priority for the Government, as set out in the Eleventh Malaysia Plan (2016–20). The Government was committed to this priority, despite the recent change of administration, and would ensure that the quality of protection for all workers in the country was in accordance with international labour standards, and particularly those Conventions that had been ratified by the country. The Government had agreed to expand the coverage of the ESS to foreign workers, which would be done in a progressive and cautious manner. He concluded by assuring the full and undivided commitment of the Government to make efforts to ensure that Malaysia abided by the principles of the Convention.

**The Employer members** said that the main issues raised in the discussion related to the different benefits to which foreign and national workers were entitled, and the practical challenges relating to the reintroduction of equal treatment for foreign and national workers. The discussion had shown the many instances and scenarios that could occur with regard to documented and undocumented foreign workers. The Government needed to address those challenges, in cooperation with the social partners. It also needed to give genuine consideration to how to deal with the individual situations of foreign workers who had been injured, who were in a desperate situation, and who were denied access to social security benefits. Such situations also occurred in many other countries, and not only Malaysia, but the individuals concerned needed consideration. The issues surrounding the case had been raised many times by the ILO supervisory bodies, and the Committee would have to be realistic in recognizing that changes would not be immediate. While the commitment of the Government had been heard before, the new Government had given a firm undertaking to achieve progress. Between the obligations out of the commitments under the CPTPP and the Convention, the only way for the Government was to go forward.

**The Worker members** emphasized that the Committee had abundantly discussed the long-standing and persistent issue at previous sessions, including last year, and had consistently urged the Government to bring its legislation into conformity with the provisions of the Convention. They welcomed the answers provided by the Government, which had been conveyed in a positive and constructive manner. However, despite benefiting from ILO technical assistance on the subject in 2016, the Government had taken no concrete steps to address the situation and ensure equal treatment for migrant workers and national workers with respect to workplace injury compensation. The required measures to remedy the situation were quite simple and involved the re-introduction of all migrant workers in the ESS, so as to guarantee equal treatment between migrant workers and national workers in relation to accident compensation. Their reintegration under the ESS would be in accordance with the principles of the Convention, and it had been recommended by the ILO technical team in 2016 as the most effective solution. Recalling that urgent action was required on the issue, they called on the Government

to show its commitment to giving full effect to the Convention by taking immediate and effective measures to meet the requirement of the Convention for equal treatment of migrant workers and national workers with respect to workplace accident compensation. In view of the persistence of the situation, while welcoming the positive approach, the Worker members urged the Government to accept a direct contacts mission to assess progress before the next International Labour Conference. They thanked the Government for the response and hoped that the situation would evolve positively in the coming years.

### **Conclusions**

The Committee took note of the oral statements made by the Government representative and the discussion that followed.

The Committee welcomed the Government's stated commitment to ensuring the Convention's requirement for equal treatment of migrant workers and national workers.

Taking into account the Government's submissions, the discussion of the case that followed, and the 2017 conclusions of the Committee, the Committee urged the Government to:

- take steps to develop and communicate its policy for governing the recruitment and treatment of migrant workers;
- take immediate steps to conclude its work on the means for reinstating the equality of treatment of migrant workers, in particular by extending the coverage of the Employees' Social Security Scheme to migrant workers in a form that is effective;
- engage in genuine consultations with employers' and workers' organizations to develop laws and regulations that ensure the removal of discriminatory practices between migrant and national workers, in particular in relation to workplace injury;
- adopt special arrangements with other ratifying member States to overcome the administrative difficulties of monitoring the payment of compensation abroad; and
- take necessary legal and practical measures to ensure that migrant workers have access to medical care in the case of workplace injury.

The Committee called upon the Government to accept an ILO direct contacts mission with a view to implementing these recommendations and to develop mechanisms for overcoming the practical issues affecting the implementation of the domestic social security scheme to migrant workers.

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### **Forced Labour Convention, 1930 (No. 29)**

#### **BELARUS (ratification: 1956)**

The Government has provided the following written information.

Belarus has staunchly and consistently supported the prohibition and eradication of forced labour. The prohibition of the use of forced labour is enshrined in the country's most important legislative instruments. Article 41 of the Constitution prohibits forced labour, with the exception of work or services required under a court ruling or in accordance with the Law on Emergencies and Military Status. The prohibition of forced labour is also covered in article 13 of the Labour Code, which defines forced labour as work which a worker is required to perform subject to the threat of violence, which includes: means of political leverage or indoctrination or punishment for the exhibition or expression of political views or ideological beliefs contrary to the established political, social or economic system; methods for mobilizing and exploiting the workforce for the needs of economic development; means of promoting workplace discipline; and means of punishing people for their participation in strikes. However, the following are

not deemed to be instances of forced labour: work performed as a result of a legally valid court ruling under the supervision of the authorities responsible for upholding the Law governing the execution of court rulings; work to be carried out as a consequence of legislation on military service or emergency situations. The Government has paid great attention to the comments made by the Committee of Experts. It has analysed all of the regulatory instruments referred to by the Committee of Experts, including the aims and purposes of adopting the instruments and the practice of applying them, with the aim of harmonizing the provisions of those instruments with the requirements of Convention No. 29. As a result of this work, taking into account the position of the Committee of Experts with regard to Presidential Decree No. 9 of 7 December 2012 on supplementary measures for the development of the wood processing industry, the decision was taken to start to repeal Decree No. 9. That decision has now been implemented. Presidential Decree No. 182 of 27 May 2016 has been adopted, which makes Decree No. 9 invalid. This information was received positively by the Committee of Experts which expressed satisfaction with the measures taken by the Government with regard to Decree No. 9, as reflected in paragraph 56 of the Report of the Committee of Experts. As regards the other regulatory instruments mentioned during the discussion at the Committee on the Application of Standards in June 2016, additional study of the situation was required. This task was entrusted to the Technical Advisory Mission of the International Labour Office, which visited the Republic of Belarus from 19 to 23 June 2017. The Government of the Republic of Belarus provided the Mission with all the necessary assistance in organizing their work. The Mission's report on the results of its work was submitted to the Committee of Experts. In the Government's opinion, the normative documents mentioned in the conclusions of the Committee of Experts are not at variance with the provisions of Convention No. 29. Presidential Decree No. 3 of 2 April on the prevention of dependency on social aid has undergone conceptual changes. On 25 January 2018, the Decree of the President of the Republic of Belarus No. 1 was adopted, in accordance with which Decree No. 3 was redrafted in a new version and given a new title – "On the Promotion of Employment of the Population". Now Decree No. 3 does not include any provisions on the payment, by unemployed citizens who are able to work, of a fee for financing public expenditures, as well as the rules on bringing to administrative responsibility for failure to pay the fee. The main task of the updated Decree No. 3 is to create more favourable conditions for citizens' employment in the regions of the republic. In this regard, significant increase in the activity of local authorities in assisting citizens in finding a job is envisaged. At the level of each region, all the available opportunities will be used to ensure that all citizens who, for some reason, do not work anywhere but want to work will be assisted in finding a job. Measures of active policy in the labour market will be used: training and re-training for professions that are in demand in the labour market; advisory and legal assistance in organizing private business with the provision of financial support from the State; and temporary employment of citizens, including through participation in paid public works.

The second important issue, which the new version of Decree No. 3 is designed to solve, is to create conditions that will stimulate citizens involved in the shadow economy to work legally with the payment of taxes. The Decree contains a direct material incentive for citizens to start working legally. Today, many public services in Belarus are provided to citizens at low tariffs, since the State subsidizes them from the budget. Therefore, it was decided that citizens who are able to work and who are classified as

not involved in the economy in accordance with the procedure determined by the Government, will be provided with certain services at a higher, not subsidized tariff. At the moment, the procedure according to which citizens will be treated as not involved in the economy is determined by the Government. The Government has also determined the types of services that will be provided at prices ensuring full reimbursement of economically justified costs for the provision of these services, which include utilities such as: hot water, gas supply in the presence of individual gas heating appliances, as well as heat supply. This approach will be implemented starting from 1 January 2019, and as concerns gas and heat supply – starting from 1 October 2019. Presidential Decree No. 18 on supplementary measures for state protection of children from dysfunctional families was adopted on 24 November 2006. One of the most sensitive issues in any society is the situation of children from dysfunctional families and families in which parents lead an anti-social way of life, are alcoholics or drug addicts. Unfortunately, the critical issue regarding children whose parents are alcohol abusers, drug addicts or substance abusers is their very survival and the maintenance of their life and health. According to Decree No. 18, children are in a socially vulnerable situation if parents – or one parent – lead an immoral way of life that is harmful to the children, or if they are chronic alcoholics or drug addicts, or in some other way are unable to perform properly their obligations to raise and maintain children. These children are subject to state protection and are placed in state childcare facilities. The Decree defines a system by which state bodies may identify dysfunctional families and take decisions to place children in childcare facilities. Decree No. 18 focuses on working with parents. It is important to enable parents from dysfunctional families to turn away from their anti-social and, often immoral, way of life. This is the only way in which children can return to their biological families. However, many of these parents do not have work. Many of them lost their occupational skills long ago. It is extremely complicated for them to find work independently, because employers are not interested in workers of this kind. Decree No. 18 therefore provides for a work placement mechanism for parents from dysfunctional families whose children have been placed in state childcare facilities following a court order. Job placements are arranged at workplaces defined in coordination with the local authorities. Since, in accordance with Decree No. 18, a portion of the citizen's wage is deducted to compensate for the expenses associated with maintaining their children, one of the conditions in the selection of a workplace is that the wage level is sufficiently high. At the same time, if parents whose children have been placed in state childcare facilities have a job or find themselves work independently and can cover the costs of maintaining the child, no court decision is required. The main purpose of Decree No. 18 is to improve family situations so that children can safely return to their parents. During the time that Decree No. 18 has been in force (between 2007 and 2017), a total of 40,068 children have been recognized as needing state support, of which 23,255 children (more than 58 per cent) have been returned to their families and their parents.

The Law of 4 January 2010 "On the Procedure and Modalities for the Transfer of Citizens to Medical Labour Centres and the Conditions of Their Stay" regulates issues related to the transfer of citizens suffering from chronic alcoholism, drug addiction or substance abuse to medical labour centres. Not all individuals experiencing these problems may be transferred to medical labour centres, but only those who have repeatedly, three times or more in the course of a year, disturbed public order and been found in a state of intoxication from alcohol or caused by the use of drugs or other intoxicating substances. One further condition is that the individuals have already been warned about

the possibility of returning to the centre if they commit further violations, but have nevertheless committed administrative offences for similar violations within a year of that warning. In addition, citizens may be sent to medical labour centres if they are obliged to compensate the child-rearing expenses incurred by the State and have twice violated work regulations during the year through alcohol or other substance abuse, and have furthermore been warned of the possibility of being sent to the centre, and yet have reoffended within a year of that warning. Citizens are sent to medical labour centres for a period of 12 months following a court ruling. The court may decide to extend the period of time spent in the centres or to curtail it by up to six months. Citizens placed in medical labour centres are required to undergo a medical examination to establish whether they suffer from chronic alcoholism, drug addiction and substance abuse. Social and medical rehabilitation measures may be used in relation to them, including the provision of medicines and of medical and psychological assistance. For citizens who lead an anti-social way of life, one of the most important means that ensure their social reintegration is through work. According to the Law, medico-social readaptation activities also include vocational guidance, vocational training, retraining, advanced training and labour. Over the years of the implementation of the Law, since 2010, 2,945 citizens have undergone vocational training in medical labour centres, and 876 citizens have taken part in continuing professional training programmes on the job. Employment of citizens who are placed in medical labour centres is carried out, taking into account their age, working capacity, state of health, specialization and qualifications. They are paid and granted leave from work and welfare-related forms of leave in accordance with labour laws. The Government considers that Decrees Nos 3 and 18 do not conflict with Convention No. 29. These regulatory instruments are aimed at addressing such socially important tasks as promoting employment of the population, protecting children and combating drunkenness and drug addiction. The approaches laid down in these instruments meet the requirements of justice and are socially justified.

In addition, before the Committee, a **Government representative** welcomed the opportunity to provide information on the application of the Convention by Belarus. In her opinion, the comments of the Committee of Experts were balanced, which could be explained by the fact that during consultations with ILO experts during the Technical Advisory Mission, the Government had been able to explain in detail its position on each legislative text and the Government's voice had been heard. The Committee of Experts had not pointed to violations of the Convention, but rather had requested the Government to continue to provide information on the implementation of the legislation in practice. Three legislative texts were mentioned by the Committee of Experts. In that respect, she indicated that Presidential Decree No. 3 on the prevention of dependency on social aid had been fundamentally altered. On 25 January 2018, Presidential Decree No. 1 had been adopted, pursuant to which a revised version of Decree No. 3 had been issued under a new title – "On the Promotion of Employment of the Population". As part of the implementation of the new Decree, ambitious and complex measures would be taken that went beyond the remit of the regional employment services. Other interested parties would need to be involved and their work coordinated. To that end, a permanent committee would be set up in each region, bringing together representatives of the executive authorities, local councils and public associations. The main way in which people would be encouraged to take up lawful labour activities was through a large-scale public information campaign to explain the guarantees offered by labour and social legislation. She further recalled that in 2016, when the

Conference Committee had first discussed Presidential Decree No. 18 of 24 November 2006 on supplementary measures for state protection of children from “dysfunctional families”, the Government had provided detailed information on the objective pursued by the legislation and its application in practice. Decree No. 18 had also been discussed in detail with the experts of the ILO Technical Advisory Mission. Thus, the Office had already been given all the necessary information. She recalled that Decree No. 18 provided for a mechanism to employ parents whose children had been taken into State care. Job placements were arranged at workplaces identified in coordination with the local authorities. The list of organizations where such parents could be employed was drawn up and periodically reviewed in accordance with the decisions of the regional executive committees and the Minsk municipal executive committee. Finally, the Committee of Experts had examined Law No. 104-3 of 4 January 2010 on the procedures and modalities for the transfer of citizens to medical labour centres and the conditions of their stay, and the information submitted by the Government in this regard. In 2016, the Committee had suggested that the Government engage in a detailed discussion with ILO experts regarding the legislative texts mentioned in the Committee’s conclusions. This discussion had taken place. No violations had been identified.

**The Worker members** indicated that the case had been double footnoted and discussed at the 2016 session of the Committee and an ILO Technical Advisory Mission requested by the Committee had taken place in June 2017. Belarus was again on the agenda of the Committee, not because of an overall improvement, but for shortcomings with regard to its application of the Convention. Firstly, the repeal of Decree No. 9, which had prevented workers in the wood processing industry from exercising their right to freely leave their jobs, was noted as a positive point. In that regard, more information needed to be provided on the practical consequences of the withdrawal of the Decree, and on whether it had indeed led to improvements in the sector. However, many important points still posed serious problems of compliance with the Convention. Urgent action was still needed in order to bring the legislation into line with the Convention. Decree No. 3 provided that Belarusian citizens who had not worked for at least 183 days in the past year should pay a special tax to finance public expenditure. The Government had justified this measure on the grounds that these citizens, as they did not work, did not pay taxes on their labour income during the period in question. Those who were not able to pay this special tax were liable to sanctions, either in the form of a fine or administrative detention involving compulsory community service, following a decision by the civil court, not the criminal court. Moreover, the functioning of the labour centres where the persons concerned performed work was very opaque. No form of external control seemed to be applicable to what took place within them. It was thus important for health and safety inspectors to be able to carry out checks on the working conditions in these centres. In reality, this policy represented an additional punishment, which simply criminalized poverty. Not only were workers affected by poverty, but they also had to suffer the sanctions of the public authorities who made workers pay for their own policy failures. As previously noted, this was, in effect, a poverty tax. The Government was thus called upon to review this policy and to make real efforts to combat financial insecurity and poverty rather than penalizing the vulnerable and the poor. The difference was fundamental. The Government had announced that Decree No. 3 had been withdrawn and replaced by Decree No. 1 of 2018. According to the Belarusian Congress of Democratic Trade Unions (BKDP), Decree No. 1 still contained numerous discriminatory provisions against persons who were out of

work, in particular by depriving them of free or reduced prices for certain services. The policy also aggravated gender inequality. When Decree No. 3 had still been in force, peaceful protests had taken place. It was of particular concern that citizens, including members of independent trade unions, who had participated in these peaceful protests, faced reprisals in the form of administrative sanctions and legal prosecutions. The restrictions on the right to peaceful protest and the repressive measures taken, were the direct consequence of the absence of the freedom of organization of trade unions, as had been already pointed out in the conclusions of the Commission of Inquiry in 2004. It was to be hoped that a new regulation respecting the fundamental rights of unemployed citizens would be adopted following the repeal of Decree No. 3, and that the regulation would focus on combating unemployment and not the unemployed. The Government was urged to restore trade union rights in full and to consult all social partners in a meaningful dialogue when drafting new regulations. Another regulation that conflicted with the Convention was Law No. 104-3 of 2010, which provided for procedures and modalities for transferring citizens suffering from addiction to medical labour centres. In these centres, people were sent to work for a period of 12 to 18 months. The Government had responded that not all addicts were sent to these centres. Such individuals needed to have been arrested several times for disturbing the peace and served with a prior warning before they were sent to such a centre. According to the information provided by the Government, over 8,000 people had been sent to medical labour centres since 2016. The Government had painted a very flattering picture of these medical labour centres as examples of rehabilitation programmes for people suffering from addiction. However, the reality was quite different. These centres appeared to be places where vulnerable people were forced to work, when they should really be receiving genuine medical and social support.

There was also Decree No. 18 of 2006, which was designed to enable the withdrawal of children from the custody of parents with an immoral lifestyle, who suffered from addiction or who were unable to raise and care for their children. Such parents were expected to contribute to the costs incurred by public institutions for the care of their children. Parents who found themselves in such a situation and were unable to reimburse the costs might be sentenced to work. Even parents who were already working faced the risk of work being imposed on them. This decision might even lead to the persons in question being dismissed from their jobs, thus leaving them entirely subject to the arbitrariness of the public authorities. Such a sentence was senseless, counterproductive and disproportionate. Moreover, parents who did not comply with the sentence were liable to criminal sanctions that could include a period of up to two years of community service or corrective labour. Apparently, there was a list of 6,770 companies willing to offer employment to people who were the subject of such decisions. It would be useful to have more information about the conditions under which these companies could make use of such a vulnerable labour force. The BKDP had also reported one case in which Presidential Decree No. 18 was used for political purposes: parents whose political views opposed the authorities had been deprived of the custody of their children, despite living in a normal and healthy situation. It was hoped that the Government could provide more information in that regard. It was notable that most issues regarding compliance with the Convention found their source in Presidential Decrees. It appeared that decrees occupied a higher place in the hierarchy of the Belarusian legal system than laws. This concentration of powers seemed to lead to too many authoritarian excesses that were putting Belarus at odds with many international standards, including Convention No. 29. The Government

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was thus invited to involve the social partners in matters relating to social legislation. Decree No. 29, which had been pointed out by the Commission of Inquiry in 2004 as being especially problematic, was still of great concern to the Worker members. The Decree ordered employers to transfer all workers to fixed-term labour contracts, and in fact nullified the provisions of the Labour Code, which prohibited temporary contracts for any person whose job was of a permanent nature. According to Decree No. 29, a worker was not free to leave fixed-term employment and could request early termination of the agreement only on the basis of a limited number of specific reasons, such as illness or the violation of labour laws by the employer. In practice, the legitimacy of the reason was determined by the employer. That suggested that a person working under temporary employment conditions could not leave his or her job during the term of the contract without the agreement of the employer. This Decree was also used as a tool for anti-union discrimination. Transfer to less desirable forms of employment had been used to punish activists and members of independent trade unions, and a disproportionate number of trade union activists and members had not had their contracts renewed when they expired. There was a clear link between the flagrant lack of freedom of association in Belarus and the use of forced labour.

**The Employer members** noted that this case was about the relationship between social measures and the general prohibition of forced labour. The Convention required member States to suppress the use of forced or compulsory labour in the shortest possible period, although recourse to forced labour could be had during a transitional period for public purposes, as an exceptional measure. On the basis of the Committee of Experts' observation, this case had been reviewed by the Committee in 2016 as a double-foot-noted case, designating very serious violations. It was to be noted with satisfaction that, as observed by the Committee of Experts, Decree No. 9 had been repealed. Another text reviewed in 2016 had been Decree No. 3, which had put in place the payment of labour taxes, and if those were not paid, compulsory work. The information provided to the Committee of Experts, and now to this Committee, indicated that a new conceptual framework had been adopted to amend Decree No. 3. The new framework shifted the focus from fiscal measures to the promotion of employment and the reduction of illegal employment. It should be recalled that the Technical Advisory Mission had strongly recommended that the text to amend Decree No. 3 should be prepared in consultation with the social partners. The Employer members requested further information on the new conceptual framework with a view to understanding its potential relationship to forced labour and urged the Government to provide a full report on the amendment process as well as its practical and legal implications. With regard to Law No. 104-3, the Employer members had previously acknowledged the Government's indication that work in medical labour centres was intended to reintegrate individuals into society and to provide them with career guidance and skills training. At that time, the Government had been asked to provide further information regarding the obligation to work during confinement. While taking note of the complex links between social measures and the obligations under the Convention, the Employer members asked the Government to provide practical information on the placing of individuals in such centres. Decree No. 18 authorized the removal of children from their families and instituted a corresponding requirement for those parents to pay for the care of those children. Such parents who were unemployed or unable to pay were subject to an obligation to work, pursuant to a court ruling. They noted that further information would advance understanding of the practical functioning of this Decree, as it was important to ensure

that its application did not exceed the purpose of rehabilitation and that it was not used as a method to exact forced labour. The Employer members asked the Government to review whether the provisions created conditions of forced labour in practice, and requested its continued cooperation with the ILO.

**The Worker member of Belarus** noted with satisfaction that the Committee of Experts had noted significant progress made towards compliance with the Convention. He questioned the inclusion of his country, once again, among the cases examined by the Committee. In keeping with the relevant international standards, the national legislation prohibited forced labour. In practice, there were no cases of compulsory labour in the country. Regarding several legislative texts examined by the Committee of Experts, it was important to highlight that Decree No. 3 had been amended by new Decree No. 1 in January 2018, following broad public consultations, and on the basis of the observations of ILO experts and the opinion of the Federation of Trade Unions of Belarus (FPB) and its member organizations. The amended Decree focused on two tasks: the promotion of employment and the encouragement of a transition from the informal to the formal economy. That would further allow the Government to better understand in which regions labour markets faced difficulties and to establish targeted national plans of action to create jobs. At the local level, interdepartmental commissions were being created to assist individuals to find suitable work. These commissions included representatives of trade unions and other public organizations. The legalization of the shadow economy was a significant concern, as every citizen needed to pay taxes. Tax evasion and the concealment of income were crimes in any country. All countries had developed tools and strategies to confront this phenomenon through creation of conditions in which citizens would be employed legally. Decree No. 1 required able-bodied citizens, who had no objective reason to avoid work, to pay for communal services at full rates, without state subsidies. It did not provide for administrative or criminal penalties that had been criticized previously. The new text established simplified processes for creating businesses, which provided additional opportunities for self-employment, and for the registration of activities of the self-employed and of small and medium-sized enterprises. Thus, no further discussion was required by the Committee on this subject. Regarding Decree No. 18, the objective of which was to protect the children removed from "dysfunctional" families, he recalled that any obligation to work in order to reimburse the State for the fees covering the care and education of children was decided by the courts. Finally, regarding Law No. 104-3, citizens suffering from chronic alcoholism, drug addiction or substance abuse and who had been involved repeatedly in administrative and other offences were sent to special institutions for medical and social rehabilitation. This measure was also applied exclusively on the basis of a court ruling and was under the control and supervision of relevant public bodies; it therefore did not create conditions of forced labour.

**The Employer member of Belarus** referred to the practical steps taken by the Government, which included the repeal of Decree No. 9, the acceptance of the ILO technical assistance provided by the Technical Advisory Mission and the revision of Decree No. 3 by a new Decree adopted on 25 January 2018. The new Decree defined a set of measures to improve assistance for finding employment for those who wanted to work. The main role in implementing such measures was assigned to local authorities. The new Decree did not provide for the use of forced or compulsory labour, nor for the payment of a special fee to finance public expenditure. Rather, it created a situation in which it became unprofitable to work illegally. That was not in contradiction with the Convention. The employers in Belarus

realized their social responsibility in the processes of the labour and social rehabilitation of certain categories of citizens referred to in Law No. 104-3 and Decree No. 18. The Law established a way to resolve problems of alcoholism and drug addiction. Along with measures of a medical nature, labour was one of the means of rehabilitation. Decree No. 18 provided for the State protection of children of “dysfunctional” families, ensuring their rights and legitimate interests. Parents who did not work and could not reimburse the State for the costs of the care of their children were subject to employment by a court decision. Both within the framework of the Law, and within the framework of the Decree, labour was not used as a punishment, but as an aid for rehabilitation. Employers provided such citizens with work, taking into account their state of health and, if possible, profession. They organized their vocational education or retraining, and participated in creating the necessary housing and living conditions. Despite the fact that this imposed an additional burden, employers in Belarus considered that both legislative texts were necessary. The existing legislation did not contain elements of forced labour and was supported and understood by the majority of the population as it aimed at addressing such socially important tasks as the protection of children, combating alcohol and drug addiction, and promoting employment. Employers in Belarus were committed to collaborating with the ILO and the Committee on a basis of mutual understanding and respect.

**The Government member of Bulgaria**, speaking on behalf of the European Union (EU) and its Member States, as well as the former Yugoslav Republic of Macedonia, Montenegro, Albania, Bosnia and Herzegovina, and Norway, reiterated that cases of forced labour remained a persistent phenomenon in Belarus. This case was being discussed for the second time since 2016, when the Committee had urged the Government to constructively engage with the ILO at the highest levels to resolve this issue before its next sitting and to avail itself of ILO technical assistance. She welcomed the fact that the ILO mission had taken place in 2017. With regard to compulsory labour imposed by the national legislation, she welcomed the fact that Decree No. 9 had been revoked and that Decree No. 3 had been suspended. She noted with concern, however, that a new Decree, replacing Decree No. 3 had been adopted in January 2018. She requested the Government to provide information on the purpose of the new Decree and to ensure that its provisions did not lead to situations amounting to compulsory labour. Decree No. 18 was also a matter of concern. In that respect, she called on the Government to take the necessary measures to ensure that the implementation of the Decree did not go beyond the purpose of rehabilitating “dysfunctional” families, and in particular, that it was not used for political purposes. In line with the Committee of Experts’ recommendations, she encouraged the Government to consider revising the provisions respecting the direct deduction of wages from persons in order to compensate for the expenses of maintaining their children in State child-care facilities. Finally, she noted that, pursuant to Law No. 104-3, persons interned in medical labour centres had an obligation to work or were otherwise subject to punishment, such as solitary confinement. She thanked the Government representative for the information provided on the implementation of this Law and on the number of persons who had been placed in these facilities and encouraged the Government to continue providing such information and to indicate whether the decision regarding the internment was of a judicial or an administrative nature.

**An observer representing the International Trade Union Confederation (ITUC)** said that the Government had failed to comply with the Committee’s previous request to abandon forced labour practices and to bring the legislation into conformity with the Convention. The edicts, decrees and

laws which had introduced forced labour had not been repealed. Those that had been amended had not changed in essence. Decree No. 29, which imposed fixed-term labour contracts on all workers, continued to operate. Excessive use of such contracts amounted to an escalation of forced labour as the employees could not resign before the expiry of their contracts. Decree No. 5 was still in force. It introduced a stringent criteria for hiring and a disproportionate system of punishment and fines, which in practice meant that workers’ employment relations became coercive. There was now a threat that the provisions of Decrees Nos 5 and 29 would be included in the Labour Code, as the Government had introduced a draft law to that effect. The system of forced labour in medical labour centres, where alcoholics were sent, continued to function. Parents whose children had been removed were still being forced to work. The practice of compulsory “subbotnik” was flourishing. Decree No. 3, which had obliged the unemployed to pay a fee to the State, which had caused mass protests in the spring of 2017, had not been repealed. This Decree had become Decree No. 1, which had replaced the fee with an obligation imposed upon citizens to pay for state-provided services. Forcing the unemployed to work was a violation of the Constitution of the country, which provided for the right, and not the duty, to work. He concluded by emphasizing that compulsory labour did not solve problems, but rather created them.

**The Government member of the Bolivarian Republic of Venezuela** said that forced labour should be eliminated in every part of the world. He welcomed the fact that, in its 2018 report, the Committee of Experts had noted with satisfaction the information provided by the Government, as a 2012 presidential decree contested by the Committee of Experts had been rendered null and void in 2016. He acknowledged the wide range of legislation that had been referred to, as well as the fact that Decree No. 3 and Decree No. 18 provided for strategies based on the criteria of justice and were geared towards society. Taking into account the Government’s willingness and commitment, the Committee should bear in mind the positive aspects to be taken from the explanations and arguments given in the present case. He trusted that the Committee’s conclusions would be objective and well-balanced. If that were the case, the Government would be able to consider and assess them within the framework of the implementation of the Convention, and there would be no need for the case to be reconsidered by the Committee.

**The Worker member of Turkey** stated that forced labour practices had been diversified under the influence of global competition and neo-liberalism and that practices of overworking and low wages had increased. Evaluation of the forced labour situation in a country and the final decision, should be based first and foremost on the views of the representatives of the labour force in a country. In the context of globalization, it was the joint and unavoidable responsibility of all the social partners to tackle the problem of forced labour. The information provided by the FPB, the main organization representing the workers in Belarus, should be the main elements taken into account by the Committee. It appeared that no information or document had clearly indicated that forced labour existed in the country.

**The Government member of Turkmenistan** welcomed the provisions that had been introduced into national legislation in order to eliminate forced labour. The legislative activities, aimed at clarifying and further amending Decree No. 3, was a positive response to the previous recommendations of the Committee. The Government’s collaboration with the ILO and the social partners with a view to implementing international Conventions and protecting labour rights was welcome. The 2017 ILO technical mission to

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Belarus had demonstrated the commitment of the Government to comply with its obligations. Therefore the issue of the implementation of the Convention in Belarus should be removed from the agenda of the Committee.

**The Worker member of Germany** indicated that the right to work protected the freedom not to work, as well as the right to choose a profession freely. The prohibition of forced labour, as provided for in the Convention safeguarded that freedom. The Government was violating that prohibition to a considerable extent, especially with respect to persons living in precarious conditions, such as young people, people addicted to narcotic substances, and so-called “dysfunctional” families. University graduates funded from State sources would be assigned to work for one to two years after their studies. Those who did not complete this work might be required to compensate the State. The European Commission had already criticized this practice. People addicted to alcohol or other substances were admitted to so-called medical labour centres for a period of up to a year and a half, if they committed offences under the influence of the substances. They were de facto imprisoned there, and were obliged to work under often inhumane conditions. It was completely disproportionate to deprive them of their freedom merely on the basis of administrative violations. Inhumane conditions at these centres, in some cases, amounted to attempted suicide in protest. Children whose parents were alcoholics, drug addicts, or were considered to have “an immoral lifestyle” might be enrolled in care facilities operated by the State. If their parents were unemployed or unable to pay the full cost for the care, they would be compelled to work by a civil court. Such a court decision might be grounds for termination of an existing employment relationship. If they refused to comply with the decision, they faced criminal consequences, which could in turn result in forced labour. Children were also victims in such cases, as they were also traumatized by the separation from their parents. Although the Government had now withdrawn Decree No. 3, there was still a constant threat of forced labour. This situation was in stark contradiction with the basic principles of the Convention. She called on the Government to bring its law and practice into line with the Convention.

**The Government member of the Russian Federation** considered that the Government of Belarus had taken into account the comments and recommendations of the ILO supervisory bodies and interacted constructively with the ILO and the social partners. Decree No. 9 had been repealed. The Government had also carried out a comprehensive analysis of the national legislation. In 2017, Belarus had hosted an ILO technical advisory mission. The Government’s efforts to introduce elements of active labour market policies and to create conditions that would encourage people to take businesses out of informality could not be ignored. Those measures were aimed at the future and were in conformity with modern trends in the world of work. The steps taken by the Government deserved the most positive assessment. The speaker called on the Committee to take note of the information provided by the Government with satisfaction.

**An observer representing IndustriALL Global Union** expressed his deep concern at the developments taking place in Belarus. The problematic issue remained Decree No. 3, as revised by Decree No. 1 of 2018. The Government claimed that the new Decree would be beneficial to the people. However, it was difficult to understand how the revision could be considered as a positive improvement, as the new Decree returned to the same logic of punishing unemployed workers who would have to pay full cost of public services subsidized by the State. In addition, the new Decree established a mechanism to collect the private information of workers, which could be further shared at all

levels of the State structure. The absence of proper protection of privacy would likely lead to a higher number of violations of workers’ rights. In fact, the newly adopted Decree would force employees to stay in jobs even if the conditions were precarious and the pay was low. Moreover, since August 2018, there had been an obvious effort to eliminate independent trade union organizations, including member organizations of IndustriALL. The Chairperson of the Radio and Electronic Industry Workers’ Union, Mr Gennady Fedynich, was subject to prosecution, and faced up to seven years of imprisonment. Although the case had been officially announced as only related to economic reasons, about 800 members of the union had been summoned and questioned as part of the investigation. In addition, Mr Fedynich was part of IndustriALL’s delegation to the 107th Session of the International Labour Conference, but was not able to participate in the present sitting, as he had been banned from travelling abroad. In light of that case and the union’s active participation in the protests against Decree No. 3, the criminal prosecutions were a clear case of retaliation for the previous union engagement in the protests. They were an attempt to eliminate those who opposed the new Decree. He thus expected and demanded that the Government respect, and guarantee fundamental trade union rights in the country.

**The Government member of India** appreciated the comprehensive update provided by the Government, and welcomed its willingness and commitment to constructively engage and cooperate with the ILO and to fulfil its obligations. He requested the Government to continue pursuing its efforts to amend the relevant laws in consultation with the relevant stakeholders, especially the social partners, and to continue providing information on any progress made in this regard. He also called on the ILO and its member States to fully support the Government and to provide any technical assistance that it might seek in this regard. The Committee should be a forum for constructive discussion aimed at improving compliance with international labour standards. He reiterated the need for ensuring greater transparency, inclusiveness, objectivity, fairness and credibility in the ILO supervisory mechanism as part of the Centenary Standards Initiative.

**An observer representing the General Confederation of Trade Unions** acknowledged that steps towards implementation of international labour standards had been taken by the Government in coordination with the social partners, including trade unions. Legislative processes took time. The constructive dialogue that had been established between the Government and the ILO had led to positive outcomes beyond the application of the Convention and extended to the application of other Conventions. They included the expansion of the mandate of the national tripartite council, the development of a mechanism for collective bargaining in enterprises with several trade unions, and the repeal of the 10 per cent membership requirement for establishing a trade union. These advances did not, however, mean that all the problems had been resolved. Inconsistencies in the application of the Convention and the lack of conformity between certain national provisions and those of the Convention that had been identified by the Committee of Experts, illustrated the need to pursue dialogue between the ILO and the Government. He therefore welcomed the willingness of the ILO to provide technical assistance and trusted that a positive resolution would be forthcoming.

**The Government member of the Islamic Republic of Iran** noted that the prohibition of forced labour in Belarus was enshrined in both its Constitution and its Labour Code. The ILO Technical Advisory Mission had visited the country in 2017. Decree No. 1 had been adopted. The Government had demonstrated its willingness to improve the situation. He supported the measures taken by the Government and

encouraged it to continue taking further measures. He requested the ILO to provide any further assistance to the Government in this respect.

**The Worker member of Sudan** pointed out that analysis of local labour laws showed that there were no provisions which would lead to forced labour. Therefore, the legislation was fully in line with international labour standards. Belarus was also fully in compliance with all the international Conventions that it had ratified. The ILO Technical Advisory Mission had visited the country in 2017 and provided the necessary technical assistance, which had led to the improvement of the relevant legislation. He thanked the Government for all its efforts in that regard and for the information provided to the Committee.

**The Government member of Switzerland** expressed concern at the provisions in the national legislation requiring certain groups of workers to perform compulsory labour. He took note of the work of the Technical Advisory Mission in June 2017. The changes noted or made in practice showed that things were moving in the right direction. The Government had assured the mission that public consultations, including with the social partners, would be held in line with the amended version of Decree No. 3. The Government was also invited to continue its efforts to bring its laws and practice into line with international labour standards, with the involvement of all stakeholders, to continue working with the ILO and to provide all the information requested on medical labour centres.

**The Government member of China** welcomed the information provided by the Government. Since the examination of the case by the Committee in 2016, progress had been made in implementing the Convention, including the improvement of legislation related to forced labour and of the capacity for law enforcement. For example, Decree No. 9 had been repealed. Decree No. 3 had been suspended and revised. To amend other relevant laws and regulations, the Government had undertaken to seek the views of the social partners and the public. It was the obligation of member States to apply ratified international labour Conventions. To strengthen their capacity in this regard, enhanced dialogue and technical assistance was the most effective approach. He hoped that the ILO would further its cooperation with the Government and provide the necessary technical assistance to solve the problem regarding the application of the Convention.

**The Worker member of the Russian Federation** indicated that special attention was paid in the Russian Federation to labour rights in Belarus because changes in Belarusian legislation that worsened the situation of workers could have an impact on the Russian legal system. He recalled the concerns raised in 2016 regarding the regulation of labour relations in Belarus and the Government's intention to institute a fee for non-working citizens which, if unpaid, could entail more serious measures, including administrative arrest. Fixed-term employment contracts that offered workers no guarantee of permanent employment were the norm, and employers commonly refused to conclude a contract in writing with employees. Yet rather than giving the State Labour Inspectorate the authority to identify and suppress such cases, Decree No. 1 would, as of 1 January 2019, unjustly inflate utility payments for housing for formally unemployed citizens. Given the shortage of jobs offering decent working conditions in Belarus, such measures would place an additional burden on workers. Fears regarding Decree No. 3 had proved justified. As a result of the civil protests in February 2018, the Decree had been suspended, but trade union activists who had participated in the protests were still being persecuted on what were considered unreasonable legal grounds, setting the stage for violations of workers' rights of freedom of association. He called on the Government to take into account the conclusions of the Conference Committee and the Committee of Experts, and

to make the necessary amendments to bring the legislation into line with the provisions of the Convention.

**The Government member of Kazakhstan** considered that Belarus was on the path of rapid development of social dialogue at all levels of social partnership. ILO membership allowed the Government to study and apply international practices in resolving social and labour disputes, developing social partnerships, and improving and regulating the labour market. The Government cooperated with the ILO on various issues, including employment. The information provided by the delegation of Belarus was complete. The ILO mission in 2017, as well as the latest legislative changes, inspired confidence that the Government would continue its interaction with the social partners and the ILO to resolve all the issues raised by the Committee. Decent working conditions could only be created through negotiations and legislation that was in conformity with international labour standards.

**The Government member of Cuba** thanked the Government for the information provided. She emphasized that the advisory mission of June 2017 was proof that the Government was willing to collaborate with the ILO. She trusted that the Government would continue its efforts to improve working conditions and ensure better protection for children and families, while also considering the legislative amendments that were necessary.

**The Government representative** thanked the members of the Committee for the discussion and indicated that all constructive suggestions and comments would be taken and examined. Belarus was a consistent supporter of the prohibition and eradication of forced labour. The prohibition of forced labour was enshrined in the Constitution as well as in section 13 of the Labour Code. Any exception to this principle could be permitted only by the courts pursuant to the Law on emergency and martial law. She reiterated that Decree No. 9 had been repealed, as the Committee of Experts had noted with satisfaction, and thus, this case should be considered resolved. She recalled that Decree No. 29 had been the subject of criticism by the Committee in 2016. The contents of the Decree had been studied by the experts during the Technical Advisory Mission, who had informed the Committee of Experts of their conclusions. Having analyzed all the necessary information, the Committee of Experts had chosen not to comment on Decree No. 29. The contents of an employment contract, its terms and working conditions, were determined by agreement between the parties, namely the employer and the employee. Neither party had the right to coerce the other party or impose unacceptable conditions. The terms of an employment contract should take into account the mandatory minimum guarantees established by labour law. Such an approach corresponded to internationally recognized practices. The comments of the Committee of Experts had become the basis for additional and thorough analysis by the Government of the application of the national legislation. The Government had also studied three regulatory acts – Decrees Nos 3 and 18; and Law No. 104-3 – and had provided detailed information on their application, which covered very limited categories of citizens who, without the active involvement of the State and society, could not return to normal life. Providing those individuals with an opportunity to work was one of the most important and effective means of their social rehabilitation and reintegration. That approach was consistent with the position of the Committee of Experts, which had been indicated in the 1979 and 2007 General Surveys on the Convention, in particular regarding the long-term unemployed who did not want to work and, for that reason, had no livelihood. In conclusion, she assured the members of the Committee that the Government would continue to be a staunch and consistent supporter of the

principles of the ILO. The Government valued its interaction with the ILO, and was ready for further cooperation to improve social and labour relations in Belarus.

The Employer members acknowledged the submissions commending the constructive interaction between the Government and the ILO and the development of social partnership and of the labour market. They took note of the amendments to certain legislative texts, the Government's explanation of the conceptual changes to Decree No. 3, as amended by Decree No. 1, and the repeal of Decree No. 9 by Edict No. 182 of 27 May 2016. Taking into account the submissions regarding the social and rehabilitative value of work, they urged the Government to continue to take all the necessary measures to suppress the use of forced labour, and to refrain from enacting legislation that could amount to the use of forced labour. They asked the Government to provide the Committee of Experts with information confirming the amendment of Decree No. 3 by Decree No. 1, as well as details on the operation of the new legal framework and its effect in practice. They further requested the Government to submit information on the implementation of Law No. 104-3 in practice, including on the number of persons placed in medical centres and the compulsory work that formed part of this rehabilitation.

The Worker members thanked the Government representative for the information provided to the Committee. However, they expressed regret that the Government did not appear to realize the serious shortcomings in its regulation in relation to the Convention. In view of the limited progress on the points addressed, a number of recommendations that had been made in 2016 needed to be reiterated. The Government was urged to take all the necessary measures to end forced labour and to refrain from adopting legislation that could give rise to forced labour. Many groups of the population were likely to be subject to sanctions imposing compulsory work. Particularly vulnerable groups were those who had not worked more than 183 days over a given period, those who suffered from addiction and parents who were unable to take care of their children. In this regard, the Government was called upon to ensure that its decrees and legislation fully complied with the Convention, in particular Decree No. 1 amending Decree No. 3, Law No. 104-3, Decree No. 18 and Decree No. 29. This task should be carried out in close cooperation with all the social partners in Belarus. The Government was thus invited to consult all the social partners when developing regulatory measures to ensure their compliance with the Convention. More attention needed to be paid to the situation in medical labour centres. The Government was therefore asked to provide the Committee of Experts with information on the supervisions carried out by the labour inspectorates in these centres. In order to eliminate all forms of forced labour, those who had imposed forced labour should be prosecuted and, if found guilty, punished with dissuasive civil and criminal sanctions. While the repeal of Decree No. 9 had been confirmed, the effects of the repeal were not yet clear. It would be useful to obtain information in this regard in order to assess whether there had been any improvement in light of the Convention. Moreover, the situation regarding freedom of association in Belarus was extremely worrying. The exercise of this freedom was severely restricted, which did not allow workers to make their voice heard effectively. In order to implement all the above recommendations, the Government was urged to seek ILO technical assistance. In order to speed up the process of bringing Belarusian legislation and practice into line with the Convention, it was also urged to accept a direct contacts mission by the ILO.

## Conclusions

The Committee took note of the oral statements made by the Government representative and the discussion that followed.

Further to the Committee's 2016 conclusions and the Government's actions as a result, the Committee noted the Government's explanation of the conceptual changes to the framework of Presidential Decree No. 3 of 2 April 2015 as amended by Decree No. 1 of 25 January 2018 and the repeal of Decree No. 9 of 7 December 2012 by Presidential Decree No. 182 of 27 May 2016. However, the Committee noted with concern the possible exaction of forced labour as a result of the operation of the other Presidential Decrees, which have not been amended.

Taking into account the Government's submissions and the discussion that followed, the Committee recommended the Government to:

- continue to take all measures to suppress the use of forced labour and refrain from enacting legislation that may amount to the use of forced labour in full compliance with Convention No. 29;
- provide to the Committee of Experts information related to the operation of the provisions of Presidential Decree No. 182 in law and its effect in practice;
- provide to the Committee of Experts information confirming the amendment of Presidential Decree No. 3 by Presidential Decree No. 1, including information related to the operation of this new framework in law and practice;
- continue to provide information on the implementation of Law No. 104-3 in practice including the number of persons who are placed in medical centres and the compulsory work that forms part of this rehabilitation; and
- continue to accept technical assistance to ensure continued measures to achieve compliance with Convention No. 29 in law and practice.

The Committee encouraged the Government to continue to constructively engage with the ILO to work to suppress the use of forced labour and to report on these measures at the next meeting of the Committee of Experts.

The Government representative indicated that her Government was committed to compliance with international labour standards and would send additional information to the Committee of Experts to facilitate a better understanding of measures taken to implement the Convention. She underlined that the purpose of the measures taken by her Government was to combat certain undesirable phenomena such as alcoholism and drug addiction through assistance, rehabilitation and support services to protect children.

## ERITREA (ratification: 2000)

A Government representative stated that the observations made on 30 August 2017 by the International Organisation of Employers (IOE) and the comments made by the Committee of Experts and the Conference Committee in this regard had been noted by the Government. In 2000, Eritrea had ratified both forced labour Conventions and always remained engaged in matters related to the Conventions. The Eritrean struggle was not only for independence, but also for social justice and ensuring its rights from the colonial rulers. Regarding the issue of compulsory national service, the Government's position needed to be reiterated as it had been stated in the Conference Committee in 2015. He hoped that the discussion would lead to a clear understanding of the issue and a fruitful conclusion. The national service programme was at the centre of nation building and the upbringing and preparedness of the new generation towards that end. Eritrea had introduced the national service programme in 1995 through Proclamation No. 82/1995 against the backdrop of massive demobilization of the Eritrean Liberation Army after independence. In certain ways,

it was also seen as a contingent security architecture which would allow the young nation to maintain a very small regular army with the latitude to mobilize the necessary force if and when it faced existential threats. The need for a dynamic effort for a robust framework of regional security and development was also considered essential. In normal times, national service by law was limited to 18 months, 12 months of which were generally spent on public works in community or development assignments and the remaining six months on military training in the Sawa Education and Training Centre. They were also part of the reserve army eligible for recall if and when war broke out or any demand arose due to any national security challenge. This was compatible with the definition of “normal civic obligation” provided for by Article 2(2)(b) of the Convention. The work exacted was aimed at the best interests of the nation and the community, not for the benefit of private companies or individuals. It focused on reforestation, soil and water conservation, reconstruction projects and food security programmes. Overall, the purpose for which it was used was limited to what was strictly required in the prevailing situation as a pre-requisite for the existence of the nation. The national service programme had been affected by existential external threats over the past 20 years. Ethiopia’s continued occupation of sovereign Eritrean territories constituted a flagrant violation of international law, fundamental provisions of the United Nations Charter and the 2000 Algiers Agreement signed by the two countries. It also constituted a violation of the Eritrean people’s right to sovereignty, development and the right to live in peace without any threats. However, the international community, in particular the United Nations Security Council (UNSC), had not taken any appropriate measures to address the problem. Consequently, Eritrea had no option but to take the necessary measures of self-defence that were proportionate to the threat it faced.

Despite the prevailing challenges, the Government had taken various measures to transform the national service system and address the unintended consequences. For example: (1) the Commission for Demobilization had been established in 2001 and had demobilized over 105,000 soldiers from national service from 2001 to 2005. The project envisaged the full demobilization of the army, but had been discontinued when Ethiopia rejected the decision of the Eritrea Ethiopia Boundary Commission; (2) large scale demobilization practices had continued on various grounds through local resources, especially for women and other segments of society; (3) in the past five or six years, all graduates of the national service programme had been directly enrolled in different education institutions and deployed in various areas of work after finishing their studies. The one year of community or development service in most cases was thus deferred to take place at any convenient time. Most of the recent graduates were covered by the new remuneration system established in 2016, which had introduced a substantial increase in the salary of the civil service; and (4) the communal services were intended to promote social service and the dignified life of the population. Members of the community were frequently consulted through the popular local governance system and were involved both as beneficiaries and active participants on the need for such services. Due to the prevailing situation described repeatedly, national service members were called upon to perform non-military activities in the specific circumstances described, which was confined to genuine cases of force majeure. In times of peace, national service members did not have any other obligations once they had fulfilled their obligation of service for 18 months. The duration of national service had been prolonged due to unrelenting threats and a protracted state of belligerency by Ethiopia. Therefore, the extended obligations imposed on the population in general and national service members in

particular were compatible with the provisions of Conventions Nos 29 and 105. Neither forced nor compulsory labour had been exacted in the country in violation of the Conventions. In terms of the legal and institutional context of the State, national service constituted an exception to forced labour under article 3(17) of Labour Proclamation No. 118/2001, which provided that normal civic obligations, labour performed as stipulated in the Penal Code and communal or development services rendered in the situation of existential external threats were not considered as forced labour. The legitimacy of the ongoing practice of qualifying military and non-military service as force majeure under Convention No. 29 was thus unambiguous. He emphasized that peace, security, human rights and development were interlinked and constituted a fundamental principle of the international system. The existential external threats faced by Eritrea and the failure of the international community, in particular the UNSC, to address the pertinent threats faced by Eritrea could not be underestimated. The Government of Eritrea categorically rejected the allegations made and reiterated its stated position that the Committee had to consider these objective realities, drop the allegations and continue to expand and strengthen engagement with Eritrea in a meaningful way. Regarding the IOE’s claim that “the illegal occupation of Eritrean territory by Ethiopia does not amount to a genuine situation of emergency and, as such, recourse to compulsory labour couldn’t be justified”, he stated that it negated the concrete reality in the country, the fundamental principle of the international system on the interdependence of peace, security and development, as well as the provisions of Article 1(b) of the Convention. Contrary to the IOE’s assertion, Eritrea did not exploit forced or compulsory labour for economic development as a systemic approach aimed to replace the labour system. All forms of compulsory labour exacted in Eritrea met the criteria of minor communal services. This work, accomplished under the duress of existential threats, was consistent with the parameters provided for in Convention No. 29. Moreover, it also warranted the mobilization of labour for the purpose of economic development in the context of Convention No. 105. In line with the ratified Conventions on forced labour and its abolition, and following the border war with Ethiopia, the Committee had requested Eritrea to provide reports and information, indicating that work exacted from the population as part of compulsory national service in Eritrea was equated to forced labour. The Government of Eritrea had provided several written reports and information to the Conference Committee and the Committee of Experts indicating that no forced labour had been practiced in the Bisha Mine. In conclusion, he hoped that all the efforts made so far, including the information included in this statement, would instil an objective understanding of the prevailing reality leading to the termination of unwarranted allegations of forced labour and related observations. He also reiterated the Government’s commitment to continue its engagement with the relevant bodies in the future.

**The Worker members** recalled the gravity of the issue and the inability of the Government to resolve it satisfactorily, even though the use of forced labour in Eritrea had already been discussed during the 104th Session of the International Labour Conference in 2015, since when the Government had not requested technical assistance from the Office. The alarming events reported in 2015 (murders, torture, kidnappings, inhuman detention conditions) remained the same in 2018 and had been confirmed by many international bodies, such as the United Nations Commission of Inquiry on Human Rights in Eritrea in June 2016, and the Special Rapporteur on the situation of human rights in Eritrea in June 2017. Poor diplomatic relations with Ethiopia could not be used to justify the serious violations that were occurring. It was to be hoped that the Committee’s 2018

discussion would convince the Eritrean Government to make every effort to bring its legislation and practice into line with the Convention. Compulsory national service, pursuant to the Proclamation on National Service No. 82 of 1995 and the 2002 statement concerning the Warsai Yakaalo Development Campaign (WYDC), remained the source of the problem. Although national service was time-limited in theory, the WYDC had allowed conscripts to be mobilized for an unspecified period. Moreover, national service involved various activities, such as construction and agriculture, that were not purely military and therefore fell outside the scope of the exception provided for in Article 2(2) of the Convention. As the Committee of Experts had recalled, that condition was explicitly intended to prevent the requisitioning of conscripts for the performance of public works or development work. However, it had been reported that some conscripts had been made available to private enterprises, particularly in the mining sector. The Abolition of Forced Labour Convention, 1957 (No. 105), also prohibited the exaction of forced labour as a method of mobilizing and using labour for the purpose of economic development. That was how Convention No. 29 should be interpreted. One of the stated objectives of the WYDC was precisely “investing in development work of our people as a potential wealth”, that is, promoting economic development. A further exception to the prohibition of forced or compulsory labour provided for in the Convention was force majeure, defined in a restrictive manner as a sudden, unforeseen happening calling for instant counter-measure. However, in view of the extremely long periods for which the workforce was required, it could not be considered that the Eritrean Government was mobilizing a large proportion of its population to deal with a sudden and unforeseeable event. It could not, therefore, invoke the force majeure exception. The Government took the view that such measures were intended to prevent future instances of force majeure. Such an interpretation, quite apart from being incompatible with the unpredictable nature inherent in force majeure, was unacceptable, as it would allow States to take measures that seriously restricted fundamental rights against the possibility of a hypothetical force majeure, which would set a dangerous precedent.

The institutionalization of forced labour was evidenced by the serious penalties incurred by Eritreans who sought to avoid the obligation, including prison sentences, suspension of rights, reprisals against family members, and non-renewal of trading licences. Forced or compulsory labour was defined in Article 2(1) of the Convention as all work or service which was exacted from any person under the menace of any penalty and for which the said person had not offered himself voluntarily. The Worker members reiterated their concern with regard to the impact of the WYDC on women and children. Although the law stated that national service was to be performed from the age of 18, various reports indicated that almost one third of new conscripts in military training centres were below that age. Students who completed their studies were obliged to submit to intensive military training in SAWA and then to continue their studies under military authority. They were then transferred directly to the national service programme. Very often students had to work in agriculture, sometimes for up to one or two months, in addition to their military training and their studies. Women were particularly vulnerable to harassment and sexual violence. They were also forced to perform domestic work for officers, in addition to their work in the framework of their compulsory military service. It was regrettable that the measures taken to demobilize conscripts and reintegrate them into the public service, including through the determination of a wage scale for those who had fulfilled their obligations and the establishment of a specific status for them, had been abandoned. It was to be hoped that the Government would relaunch that

process. The Government’s statement that the objectives of the WYDC were confined to what was strictly necessary to respond to the requirements of the national situation were tantamount to adding a criterion to the text of the Convention by making use of the concept of proportionality to justify violations of the fundamental rights of the population. However, the issue of proportionality only arose in the context of force majeure, which could not be invoked in the present case. The observations of the Committee of Experts and of the Conference Committee were reinforced by those of other organizations. The Human Rights Council had called on Eritrea to engage in far-reaching legal and institutional reform. In June 2017, the Special Rapporteur had been obliged to note that the Government had not made any effort to give effect to the recommendations of the Commission of Inquiry. The same applied to the recommendations that the Conference Committee had made to the Government in 2015. Compulsory national service, as currently implemented, was a violation of the fundamental rights of the citizens of Eritrea. It was necessary to give effect to the recommendations made by the Committee in 2015, and to those of the Commission of Inquiry of the United Nations Human Rights Council to repeal the 1995 Proclamation on National Service and to bring an end to the WYDC. The Government was invited to consider ratifying the Protocol of 2014 to the Forced Labour Convention, 1930, which would usefully supplement the policy of dismantling forced labour that needed to be adopted.

**The Employer members** recalled that the case essentially involved two national instruments that violated the Convention, namely the Proclamation on National Service No. 82 of 1995 and the 2002 Declaration on the Warsai Yakaalo Development Campaign (WYDC). While conscription into military service was initially limited to 18 months, the war between Eritrea and Ethiopia had led to a lifting of the cap. According to the Government, national service was intended for both military and development purposes. In other words, conscripts could be used in a variety of activities, some of which were purely of a developmental and/or economic nature. However, under the Convention, the use of involuntary labour for non-military work was only permitted in very limited circumstances. When discussing the case in 2015, the Conference Committee had been highly concerned at the continued state of forced labour in Eritrea and urged the Government to seek ILO technical assistance to ensure compliance with the Convention. Following the Committee’s 2015 conclusions, both the IOE and the International Trade Union Confederation (ITUC) had made observations in which they expressed concern at the situation. Noting with regret the Government’s failure to provide a report, the Committee of Experts had strongly urged the Government to take the necessary measures to bring an end to the generalized and systematic practice of the exaction of compulsory labour from the population in the context of the obligation of national service. In 2017, the Committee of Experts had adopted an observation, based on the observations by the IOE and responses thereto provided by the Government. The IOE emphasized the urgency of bringing an end to forced labour in Eritrea, and observed that, despite the commitment to work towards that goal, the Government had not sought ILO technical assistance nor demonstrated any will to cooperate with the ILO. The Government reiterated that demobilization had been interrupted and national service prolonged because of the need to take action vis-à-vis Ethiopia’s state of belligerency. Moreover, the Government was adamant that the work exacted from the population under the WYDC was limited to the benefit of the community, and was not for the profit of private companies or individuals. Consequently, according to the Government, there was no systematic practice of compulsory labour. In its observation, the Committee of Experts noted that, according to the

latest reports of the bodies appointed by the United Nations Human Rights Council, the Government had still not taken steps to reform the national service programmes. The Committee of Experts also noted with deep concern that there was no progress by the Government to harmonize its law and practice with the Convention. While it was understandable that the Government wanted to be prepared to defend its borders, it had ratified Convention No. 29, which placed limits on the permissibility of some actions. National legal instruments needed to be harmonized with the provisions of ratified international labour standards. The Government's statement in reply to the observation confirmed that conscription went beyond the limit of 18 months, and military conscripts were used to perform non-military work or activities, including economic activities supposedly for the benefit of the community. However, the interpretation of the facts was controversial. Both the Conference Committee and the Committee of Experts had repeatedly found that the situation in Eritrea amounted to forced labour and was in conflict with the Convention, whereas the Government believed that the conscription programme and the non-military activities performed under the WYDC were justifiable as exceptions under Article 2 of the Convention. The Government had also highlighted that it had taken steps to reduce national service by enrolling many conscripts into the civil service, with improved remuneration. While the Government's efforts could demonstrate its intention to follow through on its commitments on demobilization, there were still concerns about those who remained in extended national service, and those who were used in compulsory non-military work. If the Government was committed to complying with its obligations under international law, it needed to take the necessary steps to amend or repeal the national instruments that were in conflict with the Convention. Regardless of their justification, the Proclamation on National Service and the WYDC violated the Convention. In conclusion, the delay in harmonizing national law and practice with the Convention, the number of observations and recommendations by the Conference Committee, the Committee of Experts and other international bodies, and the Government's continued failure to seek assistance from the ILO in that regard justified viewing this case as a serious case of non-compliance.

**The Worker member of Eritrea** thanked the Committee for giving him the opportunity to intervene and correct certain misconceptions about his country. He expressed concern at the prescriptive approach taken by the Committee of Experts and the IOE concerning the application of the Convention by Eritrea, without having any discernible evidence of the allegations and without considering the reality in Eritrea. Eritrea's genuine approach on grass-roots indigenous development had not been understood. Without visiting the country, it was virtually impossible to understand the Eritrean reality, the spirit of community belongingness and the people's passion for peace, stability, growth and prosperity. Eritrea had its unique vision for the future. The country was indeed still facing socio-economic development challenges and was ravaged by war and geopolitical agendas. However, despite all the hardship, it had managed to retain the most cherished values – honesty, integrity, hard work, community and civic duties, for sustainable nation building. It was hoped that the success achieved in implementing the Millennium Development Goals would be further extended during the realization of the Sustainable Development Goals. Regarding the allegations of forced labour, it was inconceivable that a country that was born from the painful struggle for its self-determination and human rights could allow the violation of the human rights of its people, including the systematic use of forced labour in contravention of the country's values and the principles of the Convention. Eritrea had ratified all the fundamental ILO Conventions, except the Worst Forms of

Child Labour Convention, 1999 (No. 182), which was under consideration, and was fully committed to their implementation. The principles of the Conventions were enshrined in the Labour Law, No. 118 of 2001. Eritrean trade unions were active, also in cooperation with international confederations and with the ILO, to protect workers' rights. In order to discuss the Decent Work Agenda and in particular forced labour and labour migration in Africa, an International Solidarity Conference had been organized, in collaboration with the ILO, in Asmara in March 2016, which had been attended by more than 25 national trade unions, the ITUC and the Organization of African Trade Union Unity (OATUU). Participants at the conference had visited, inter alia, the Bisha Mine. Following the visit, many of the employees of the Bisha Mining Company had been unionized. He added that a formal response had been provided in response to the report of the Commission of Inquiry on human rights in Eritrea, specifying that, in compliance with Article 25 of the Convention, the illegal exaction of forced labour or compulsory labour was punished as a penal offence in Eritrea under the Penal Code, and that section 3(7) of the Labour Proclamation No. 118/2001 provided that the obligation of national service did not constitute forced labour. Eritrea made use of the exceptions under Article 2(2) of the Convention, which included compulsory military service, as well as work which formed part of the normal civic obligations of Eritrean citizens. Eritrean trade unions also regularly ensured compliance with Article 9 of the Convention. While disagreeing with the observations of the Committee of Experts, which equated national service to forced labour, he reiterated his commitment to preventing any such practice should it occur in future. It was to be hoped that the Committee would engage in genuine dialogue with all partners to obtain real information about the situation in Eritrea.

**The Employer member of Eritrea** stated that it was a procedural violation for the IOE to submit observations on Eritrea to the Committee of Experts without having consulted the Employers Federation of Eritrea (EFE), as a member of the IOE. The allegation therefore had neither legitimacy nor credibility. It was factually baseless. He therefore called on all IOE members to join the EFE in rejecting the unrealistic allegation. The issue of forced labour in the national service programme had been raised in 2015 by the ITUC and then by the IOE in 2017 without substantive information from their respective affiliates. As a matter of fact, the Government was continuously taking measures to mitigate the economic burden of national service members and other employees. At the end of 2015, a new salary scale had been introduced for members of national service, and demobilization was underway. The report of the United Nations Special Rapporteur, on which the Committee of Experts had based its comment, was highly debatable and lacked credibility on many grounds. In general, the allegation was outdated and lacked information on the recent developments regarding the issue under discussion.

**The Government member of Bulgaria**, speaking on behalf of the European Union (EU) and its Member States, as well as Albania, Bosnia and Herzegovina, Norway, the former Yugoslav Republic of Macedonia and Montenegro, emphasized that the promotion and universal ratification and implementation of the core labour standards was part of the European Action Plan on Human Rights, adopted in July 2015. Eritrea was a Party to the Cotonou agreement, the framework for cooperation with the European Union which required Parties to respect democracy, the rule of law and human rights principles, including the abolition of forced labour. The Proclamation on National Service and the WYDC of 2002 did not comply with the Convention as they established a generalized and systematic practice of the exaction of compulsory labour from the population.

She noted with deep concern that a large part of the population could be forced into conscription, that work could be required for an indefinite and arbitrary period of time, and that much of this work went far beyond the exceptions authorized by the Convention. She deeply regretted that, despite previous recommendations of the Conference Committee and the Committee of Experts, the Government had not taken any measures to amend or repeal the legislation. The threat of war should not be taken as a justification to compel a population to undertake compulsory labour for purposes outside the scope of military service or beyond genuine cases of emergency or force majeure. She urged the Government of Eritrea to tackle this situation and respond positively to the ILO's offer of cooperation and technical assistance and recalled that the EU remained ready to assist Eritrea in meeting its obligations in terms of democratization, human rights and the rule of law, and to support its economic and sustainable development.

**The Worker member of Nigeria**, also speaking on behalf of the Organisation of Trade Unions of West Africa (OTUWA), recalled that Nigeria had operated a one year national service programme which had been instituted after Nigeria's civil war, while that of Eritrea was linked to its conflict with Ethiopia. However, Nigeria's national service programme did not exact forced labour. Its objective was for youth to appreciate the essence of patriotism as well as to consolidate national unity and to provide them with first-hand work experience. The Government of Eritrea was urged to avail itself of ILO assistance to effectively reform and transform its national service legislation and practices to promote youth social and economic empowerment in accordance with the Committee of Experts' recommendations. Nigeria had a similar experience of a disagreement with a neighbouring State, and the conflict had been resolved amicably with the assistance of the international community. In response to the appeals made by Eritrea, he called for robust technical assistance through the ILO to coordinate an inter-UN agency process for effective follow-up to the peace accord to end the situation of "no war no peace".

**The Government member of Sudan** thanked the Government of Eritrea for its great interest in workers and labour matters, as well as in the comments of the Committee of Experts. She affirmed that: (a) the Convention provided that national service was not considered as forced labour when a State was confronted with an emergency; (b) the tripartite constituents in Eritrea had taken action through a number of initiatives taken by the Eritrean Workers' Confederation and sought the resolution of the issue with the Government following the observations made by the ITUC; and (c) it was important to welcome and praise the positive developments undertaken by the Government of Eritrea. She suggested that it would be better to stop raising the issues mentioned in the observation of the Committee of Experts altogether and to work jointly with Eritrea to support it in implementing international labour standards.

**The Worker member of South Africa** echoed the concerns of the Worker members over the indefinite military service for conscripts and the lack of viable socio-economic opportunities for youth. Prolonged national military service was the primary reason for fleeing Eritrea: in 2016 and 2017, Eritrean refugees had constituted the fifth largest group of arrivals in Europe via the Mediterranean Sea. According to the International Organization for Migration, 1,184 Eritreans had arrived by sea in Europe since the beginning of 2018. The United Nations estimated that one tenth of the Eritrean population had fled in recent years. The situation was alarming and the lack of individual and collective economic activities could not be sustained. However, by exploiting conscripts for civil and economic purposes, the Government was contravening international law. Working for up to 15 years, without income, in the context of so-

called civic obligations and national duty and under a façade of perpetual military duties could no longer be tolerated. The 2017 report of the Special Rapporteur on the situation of human rights in Eritrea indicated that Eritrea's national service programmes "continued to be arbitrary, extended, and involuntary in nature, amounting to enslavement, as per the findings of the Commission of Inquiry". The new measures to demobilize conscripts and to rehabilitate them in the national civil service, including the introduction of a salary scale was encouraging, but not sufficient. Such efforts needed to be further strengthened and extended and include the adoption of a broader employment and poverty eradication policy in both the public and private sectors. The Government should therefore be urged to accept the ILO's technical assistance to develop a time-bound plan of action.

**The Government member of Algeria** noted with satisfaction the new measures adopted to organize national service and vocational training within the framework of the country's development programme, in spite of a very difficult situation. He encouraged the Eritrean Government to continue its efforts to meet its obligations under the Convention, in collaboration with the ILO.

**The Worker member of Zambia** stated that allegations of violations of workers' and human rights as serious as forced labour needed to be based on solid facts and information. A team of 25 international trade unionists had travelled to Eritrea in 2016 and visited the Bisha Mine, in relation to which allegations of forced labour had been made. No incidents of forced labour had been observed. However, in view of the serious allegations, the Conference Committee, the Committee of Experts and other interested parties should undertake a fact-finding mission to Eritrea to: (a) gather first-hand information on the current situation; (b) objectively assess the progress made by the country in the area of human and trade union rights; and (c) identify challenges and propose the way forward for further improvement in these areas. All trade unions and international organizations were urged to continue supporting the National Confederation of Eritrean Workers in capacity building and international trade union solidarity.

**The Government representative** called for a complete understanding of the issue which could lead to a real solution. It was sad to hear comments that the force majeure in the country was false, when the issue of the national service programme was directly related to the extensive occupation of Eritrean territory by Ethiopia. Peace was a precondition for implementing international labour standards and occupation did not allow for that to happen. In this context, solidarity was essential for development. The fact that national service members had participated in non-military activities was not denied by the Government. However, it had been performed due to the force majeure, not for the purpose of economic development. Eritrea would not have imposed forced labour on its own population; on the contrary, it wanted to abolish forced labour altogether. However, even if legislation was amended, the root cause of the problem would still remain, namely, the occupation of Ethiopia, which needed to be addressed. The discussion based on the unwarranted allegations did not help Eritrea to apply international labour standards. The Government did not reject any technical assistance, provided that it addressed the root causes of forced labour and led to peace and re-stabilization. Considering the seriousness of the circumstances which were not fully understood by others, Eritrea had had to take unilateral action. Furthermore, Eritrea had started and would continue to improve the situation. In this regard, the measures undertaken included the introduction of an adequate salary scale for members of the national service and the rehabilitation of former national service members within the civil service. The WYDC had only been implemented between 2006 and 2015 and had been terminated

since then. It was also necessary to clarify that the allegation of the involvement of children under 18 years was not true.

**Another Government representative** highlighted the procedural issue regarding the submission of the IOE's observations. The fact that the EFE, as a member of the IOE, had not been consulted before the submission of the observations to the Committee of Experts needed to be taken into consideration. He added that, considering the reconstruction and development process of European countries in history, Eritrea should not be treated differently. Due to the continuation of force majeure, there was no alternative to the national service programme. For the same reason, no specific time frame could be established in this regard. In conclusion, he again underlined that Eritrea was willing to engage with the international community and was open to the technical assistance proposed. However, mutual trust was vital and any cooperation should come with a better understanding of the real situation in Eritrea.

**The Worker members** thanked all speakers and the Government representatives from Eritrea for the information they had provided to the Committee. Although peace, stability and rights were closely linked, it was regrettable that the Eritrean Government had cited in its defence the difficult diplomatic situation with neighbouring Ethiopia to justify its institutional abuses against the Eritrean population and the denial of basic human rights. It was also regrettable that the Government continued to understate and deny the very serious violations in question. It was necessary to put an end to open-ended national service by suspending the WYDC and repealing the Proclamation on National Service. It was also important to end the use of conscripts for work that was not of a strictly military nature. Many reports suggested that conscripts were working for the private sector, which found in them a labour force that was submissive, because they were oppressed and cheap. That must stop. The Government of Eritrea should finally recognize that the situation in the country did not allow it to invoke force majeure to justify the completion of non-military tasks as part of compulsory national service. It should bring an end to the military conscription of children, a practice which was not tenable in the country or acceptable at the international level. The Government should also take urgent measures to protect female conscripts from harassment and sexual violence. The Worker members asked the Government to explain the many allegations of killings, torture, kidnappings and other abuses within the framework of national service. It was critical for Eritrea to change its image as a penitentiary colony. To that end, the Government must shut all secret detention centres, guarantee the safety of detainees, ensure they had access to medical treatment and provide adequate detention conditions, in accordance with international law. It should also put a stop to reprisals against the families of people who had fled the country. An independent mechanism should be established allowing conscripts to file complaints of mistreatment and obtain redress when they had been harmed within the framework of their work obligations. As recommended in 2015, the Government of Eritrea should request the ILO to provide technical assistance with a view to developing an action plan, in consultation with the social partners, to revise military service legislation. It should also put in place a national employment policy and a policy on eradicating poverty.

**The Employer members** concluded that the key to the issue was that the Government recognized that national service was taking place, but justified it as the force majeure exception under the Convention. In view of its continuing non-compliance with the Convention, including with respect to the use of the force majeure exception, the Government was encouraged to avail itself of the technical assistance of the ILO and was urged to cooperate with the

ILO, including by submitting reports based on the recommendations of the Committee.

**The Government representative** raised a point of order and stated that the discussion should be limited to issues raised under Convention No. 29, while some political issues such as those mentioned by the Worker members, did not fall within this scope. He again raised the question of whether the IOE had the right to submit observations without having consulted the EFE. He asked for explanations from the IOE.

**The Employer members** clarified that the IOE had not made a complaint to this Committee in relation to the case under discussion.

### Conclusions

**The Committee took note of the oral information provided by the Government representatives and the discussion that followed relating to the large-scale and systematic practice of imposing compulsory labour on the population for an indefinite period of time within the framework of programmes related to the obligation of national service. These members of the national service also perform other duties, including a whole range of economic activities. The obligation to perform compulsory national service was stipulated in the Proclamation on National Service of 1995 and the Warsai Yakaalo Development Campaign of 2002.**

**The Committee noted that the Government has declared that the Warsai Yakaalo Development Campaign is no longer in force, that a number of conscripts have been demobilized and are now under the civil service with an adequate salary. In view of these specific circumstances, the Government has declared that the exceptions to Article 2(2) of Convention No. 29 relating to cases of emergency justify the prolongation of the duration of conscription beyond the statutory 18 months established in the Proclamation on National Service of 1995.**

**Finally, the Committee noted the Government's statement that it wished to avail itself of technical assistance.**

**Taking into account the Government's submissions and the discussion that followed, the Committee urged the Government to:**

- **amend or revoke the Proclamation on National Service to bring to an end forced labour;**
- **ensure the cessation of the use of conscripts for the execution of forced labour in line with Convention No. 29;**
- **avail itself without delay of technical assistance in order to fully comply with its obligations under Convention No. 29; and**
- **report to the Committee of Experts before 1 September 2018 on its progress in implementing the conclusions of this Committee.**

**The Government representative** indicated that procedurally, his country had been treated in a different way than other countries. As it was not known who had sent observations to the Committee of Experts on the application of the Convention in his country, the allegations should have been discarded from the outset. The Conference Committee had not taken into account the real situation on the ground so as to formulate an accurate opinion on the seriousness of the root causes standing in the way of full implementation of the Convention. Consequently, this genuine case of force majeure which was compatible with the Convention was not being acknowledged as such. The Committee was highly dependent on unrelated and unreliable external sources of information and mistrusted the Government's statements concerning, for example, the obsolescence of the WYDC. There was no appreciation of the mitigating measures taken by the Government, such as for example, the progress made in improving the salary scale of the National Service members and integrating them in the civil service. The Government would consider ILO technical assistance provided the assistance led to addressing the root causes of the problem.

**Labour Inspection Convention, 1947 (No. 81)**  
**Labour Inspection (Agriculture) Convention, 1969 (No. 129)**  
*Republic of Moldova (ratifications: 1996 and 1997)*

His Government believed that human rights were indivisible, interdependent and universal and remained fully committed to them including in the area of labour. Even though his Government was engaged to work jointly with the ILO on all outstanding issues with technical support to mitigate the root causes, he hardly agreed with the conclusions as they were mainly the result of unrealistic information that did not reflect reality.

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**Labour Inspection Convention, 1947 (No. 81)**  
**Labour Inspection (Agriculture) Convention, 1969 (No. 129)**

**REPUBLIC OF MOLDOVA (ratifications: 1996 and 1997)**

A Government representative said that a complex process of reforms was being implemented to bring national legislation, including in the field of labour, into compliance with the instruments referred to in the Association Agreement of 2014 between the European Union (EU) and the Republic of Moldova. During 2016 and 2017, there had been a fundamental reform in the field of state control of entrepreneurial activity, including a reduction from 58 control bodies to 13 authorities and five authorities with regulatory functions. The main purpose of the reform had been to simplify the control procedures, to move to risk-based inspections and to eliminate overlapping competencies among control bodies. As a result of the reform, labour relations had been retained under the competence of the State Labour Inspectorate, while occupational safety and health had been transferred from the State Labour Inspectorate to ten sectoral agencies. The Ministry of Health, Labour and Social Protection was the central body of the public administration responsible for promoting occupational safety and health policy. The State Labour Inspectorate monitored and coordinated compliance, reporting to the central authority the action related to monitoring occupational safety and health carried out by the ten sectoral agencies. Under the reformed institutional framework, employers in all areas of economic activity were monitored in the field of occupational safety and health. In agriculture, this was done by labour inspectors from the National Food Safety Agency. With respect to the allocation of resources, each of the authorities with functions in the field of occupational safety and health were responsible for budgetary planning to ensure the proper implementation of their labour inspectors' activities. The State Labour Inspectorate held training activities for labour inspection, including those with control functions in the field of occupational safety and health, and four inspectors from three agencies had received such training. No interference was permitted in the work of labour inspectors. The Government was in the process of drafting legal acts in order to establish the status of labour inspectors in accordance with ILO Conventions, to be independent of changes of government and of improper external influences. Inspectors in the ten authorities had the right to require and get the support of experts and specialists from other relevant institutions in order to perform occupational safety and health inspections. The State Labour Inspectorate, as a national coordinating body, had the duty to elaborate the labour inspection report, with the participation of the ten competent agencies.

She indicated that labour inspectors with control responsibilities in the field of occupational safety and health had the status of civil servants, except for those who were employees of the National Energy Regulation Agency and the National Regulatory Agency for Electronic Communications and Information Technology. The Government intended to modify the national legislation to include those two agencies. With regard to ensuring a sufficient number of inspectors, 36 personnel out of 43 labour inspectors of the State Labour Inspectorate had been transferred to six

newly established authorities with control functions in the field of occupational safety and health, including the budgets for their salaries. There were a sufficient number of inspectors, and inspectors also had competences in the field of activity of the respective agencies. The majority of agencies with occupational safety and health responsibilities had territorial offices. While the Law No. 131 on state control of entrepreneurial activity stated that a planned control could only be carried out in an enterprise no more than once a year, that did not prevent unannounced controls whenever necessary in order to ensure the application of labour legislation and occupational safety and health standards. Law No. 131 had been amended by Law No. 185 of 21 September 2017, to remove the requirement for prior notification of inspections. The number of infringement reports for violations of labour legislation had decreased following the implementation of Law No. 131 in 2013. A six month moratorium on labour inspection had been declared in 2016. Law No. 185 of 2017 amended the Contravention Code to introduce new fines for employers who were not meeting their occupational safety and health obligations under national legislation. Pursuant to Law No. 140 on state labour inspection of 2001 and the Law on safety and health at work, labour inspectors were required to keep confidential the source of any complaint. The modification of the provisions of Law No. 131 removing the requirement for prior notification would ensure that the fact that a control was carried out following a complaint would not be disclosed. The ILO mission undertaken in December 2017 had assisted in focusing on the main issues requiring improvement in the occupational safety and health system. The Ministry of Health, Labour and Social Protection had already undertaken certain administrative and organizational measures in order to implement the mission's recommendations and accelerate the control process in the area of occupational safety and health.

The Employer members recalled that, following a representation made in 2013 by the National Confederation of Trade Unions of Moldova (CNSM), the Governing Body had set up a tripartite committee, the report of which had been published in March 2015, and that the decision to close the representation at that time had been related to the adoption of national measures to give effect, in particular, to Articles 12 and 16 of Convention No. 81. ILO technical assistance, proposed in 2015, had finally been requested by the Government and had been able to begin in February 2017. The national authorities had wished to verify whether their draft reforms of the labour inspection services were in conformity with ILO standards. Despite the efforts made within the framework of the technical assistance, the Committee of Experts, by proposing to include this national situation on the list of cases of serious failure on the occasion of the present session of the Conference, had given a clear indication of non-conformity. The Employer members expressed concern at the issues raised by the Committee of Experts, namely: the existence of a central authority that was still effective and functional to coordinate the various inspection services in the field of occupational safety and health; the reasons for the significant decline in the number of infringement reports referred to the courts between 2012 and 2016; the restrictions on the power of inspectors to carry out inspections without previous notice; guarantees of confidentiality; the need to take measures to ensure that inspections were possible as often as necessary; the real discretion of inspectors to decide whether or not to initiate immediate legal proceedings; and, finally, the issue of the adequate training for labour inspectors in agriculture. Only inspection services which fulfilled the criteria of independence, quality and equality of treatment for all economic actors made it possible to ensure

good governance in the world of work and were indispensable for effective administration. In a State which respected the rule of law, through labour inspection and an appropriate regulatory framework, the business climate would stabilize, legal and economic security would increase and the social risks for investors would be more limited. A sound labour inspection service, which acted principally on a preventive and advisory basis, was essential to guarantee fair and ethical competition, which encouraged investment, economic growth and the resulting creation of employment. Although labour inspection services, as required by Conventions Nos 81 and 98, needed to function independently and without restriction in order to ensure the effective enforcement of labour regulation, it was also important for them to be impartial and to operate in accordance with the rule of law. For example, labour inspectors should not be dissuaded from imposing fines and effective measures needed to be adopted to ensure the absence of corruption. The independent and unrestricted functioning of labour inspection services was related to guarantees in terms of good governance, transparency and responsibility.

In view of the increasing complexity of labour legislation in many countries, employers were not always in a position to be able to bring themselves immediately into conformity with the whole corpus of social rules. The inspection services therefore needed to endeavour to provide support to enterprises, on a preventive basis, through the provision of information and technical advice on the most effective means of giving effect to the legislation. In addition to their advisory and preventive functions, the second priority in the action of labour inspection services needed to be to combat social fraud. Sufficient human and material resources should be provided to the inspection services for that purpose, as well as the judicious provision of resources to combat economic and social actors which intentionally failed to respect the rules of the game. Moreover, inspectors needed to have the necessary qualifications, as well as the required independence and ethics, to be able to fulfil their role in an effective and appropriate manner. The Employer members added that the criticisms contained in the observations needed to refer to, and be confined to, the specific rights and obligations set out in the respective Conventions. For example, with reference to paragraph 237 of the General Survey of 2006 of the Committee of Experts, they considered that it did not appear to be appropriate to ensure that a larger number of non-routine inspections were undertaken with a view to ensuring the confidentiality of the identity of the complainants. Similarly, with reference to the issue of immediate legal proceedings, they considered, in light of Article 17(1) of Convention No. 81, that the labour inspection services did not necessarily have absolute discretion to initiate legal proceedings against offenders and that, in light of the national legislation, they should give priority to incentive measures, which were generally very effective. Finally, inspections without prior warning had admittedly demonstrated their effectiveness, but they needed to be surrounded by specific rules and should be carried out in compliance with fundamental freedoms and the principle of proportionality. Nevertheless, the Employer members reaffirmed that the legislative framework in the Republic of Moldova did not yet appear to offer all the necessary guarantees. They therefore encouraged the national authorities to provide the information requested, and to carry out the necessary reforms to make their labour inspection services more effective and in compliance with the principles of the Conventions.

**The Worker members**, in the same way as the Employer members, recalled that in June 2013 the CNSM had made a representation under article 24 of the ILO Constitution alleging non-observance by the Republic of Moldova of

Convention No. 81. The representation indicated that, following the adoption of Law No. 131, it was no longer possible for the labour inspection services to carry out inspections without prior warning as a notice period of five days was required. The tripartite committee set up to examine the representation had found, in its report approved by the Governing Body in 2015, that Law No. 131 was incompatible with the aforementioned Convention. Since then, the situation had not improved, and indeed had deteriorated. According to the Committee of Experts, although the Government had taken some measures to adapt the national legislation, it still contained provisions that were incompatible with the Conventions. While the Government planned to introduce some exceptions to the obligation to give five days' notice prior to an inspection, the establishment of exceptions was not in itself sufficient to meet the requirements of the Conventions. It should be noted that Law No. 131 withdrew some supervisory competences and functions in the area of occupational safety and health from the state labour inspectorate and transferred them to ten supervisory bodies, including the National Food Safety Agency, the Consumer Protection Agency and the National Centre of Public Health. The division of supervisory functions relating to occupational safety and health diluted labour inspection into a larger framework and led to the eradication of specific features. While the Conventions did not prevent certain responsibilities regarding labour inspection from being assigned to different departments, that was subject to the condition that the competent authority took measures to ensure that adequate budgetary resources were made available and encouraged cooperation between the different departments. It was therefore the responsibility of the Government to provide detailed responses to the observations of the Committee of Experts in that regard. It was particularly important to ensure: the stability of employment and independence of labour inspection personnel; the collaboration of appropriately qualified experts and technicians; a sufficient number of inspectors to allow for the effective fulfilment of inspection duties; the provision of the necessary resources, such as offices and transport; and the conduct of inspections that were as thorough as necessary to ensure the effective application of existing legal provisions. With regard to the number of infringements referred to the courts between 2012 and 2016, which had decreased significantly from 891 to 165, the Government was requested to provide explanations of the decrease and information on the specific results of the reports referred to the courts.

The reason for the confidentiality of the complaints received by the labour inspection services was to protect victims and ensure that they were not subject to reprisals. As the national legislation provided that enterprises had to be informed of inspections five days in advance, non-routine inspections always followed a complaint, which jeopardized the right to confidentiality. With regard to the frequency of inspections, they recalled that article 15 of Law No. 131 provided that each authority exercising supervisory duties must develop an annual inspection plan which could not be modified and which specified the inspections scheduled for each quarter, without it being possible to conduct inspections that were not scheduled. Although the Government claimed that the Law provided for a maximum of one inspection a year unless, according to the risk-based methodology, a greater frequency was required and that there was no limit on non-routine inspections, it had to be noted, in the same way as the Committee of Experts, that non-routine inspections were only authorized under certain specific conditions. They finally referred to article 4 of Law No. 131 (which provided that inspections carried out during the first three years of operation of an enterprise must be advisory) and article 5 (under which, in the case of

minor offences, the penalties established by the legislation on administrative and other offences could not be applied). The Worker members considered that such provisions were tantamount to handing enterprises a blank cheque, which allowed them to break the law as they wished, as they were sure that they would not suffer any consequences. It was regrettable that, rather than encouraging the establishment of sound enterprises, which ensured decent jobs in compliance with health and safety standards, the Government preferred in practice to promote means of circumventing laws. It was also clear that such provisions were contrary to the Conventions in question, which provided, subject to certain exceptions, that the violation of legal provisions, which inspectors were responsible for monitoring, gave rise to immediate legal action, without prior notice, and that it was at the discretion of inspectors to assess whether it was necessary to give a warning or advice, or to introduce or recommend prosecution. In conclusion, the Worker members indicated that the legislation on inspection, which had been adopted in 2012, had been strongly influenced by the desire to create an environment conducive to business, which evaded compliance with labour standards. Recalling the purpose of the ILO, they referred to the Preamble of the ILO Constitution, which recalled that “conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled”. There was therefore a link between, on the one hand, poor working conditions – those that were subject to monitoring through inspections – and, on the other, the development of injustice and hardship. The second lesson arising from the Preamble was that poor working conditions prevented any social justice and sustained development for all individuals. That could only be achieved if the right of workers to decent working conditions was respected and monitored through effective inspection. The attainment of those objectives was also conditional on the observance of fundamental labour rights and principles, and first and foremost, freedom of association. Therefore, the dismantling of the labour inspectorate under the pretext of creating a conducive environment for business was a short-term calculation that ran the risk of seriously damaging cohesion and social stability.

**The Employer member of the Republic of Moldova** indicated that in November 2013 the National Confederation of the Employers of the Republic of Moldova (CNPM) had organized a business forum to examine the main obstacles for the business environment in the country and had made a number of recommendations. The information collected had served as a basis for the development of the business environment improvement programme and a memorandum had been signed with the Government which had served as the basis for reforms. Efforts had been made to eliminate business restrictions. In the field of business regulation, there had been a three-fold reduction in the number of approval documents and the process of financial and statistical reporting had been simplified. An institutional reform had been carried out, optimizing the number of institutions with supervisory powers. The goal of the reform was to reduce the burden on economic agents and significantly reduce the number of controls of enterprises with a view to increasing transparency and predictability in the control process. This included a reduction of institutions with supervisory powers; a reduction in the number of approval documents; a simplification of labour relations through the amendment to the Labour Code; and a simplification of financial reporting. With regard to labour inspections, the CNPM had, in consultation with the social partners and the ILO, found that Law No. 131 was not in compliance with Convention No. 81. Certain amendments had to be made. However, for these governmental initiatives to support the

business environment by optimizing the number of institutions, it had been necessary to include the State Labour Inspectorate in the reforms. He referred to a proposal that had been made by the CNPM to create an integrated inspection system comprised of the State Labour Inspectorate and the National Centre of Public Health, as was the case in several other countries, but underlined that the proposal had not been supported. Currently, the Republic of Moldova was going through a number of transformations. In this regard, he eagerly awaited the end of the transitional period in order to assess the outcome of the reforms.

**The Worker member of the Republic of Moldova** emphasized that compliance with Conventions Nos 81 and 129 contributed to saving lives. Limitations on labour inspection functions were unacceptable. Referring to the representation made under article 24 of the ILO Constitution by the CNSM in 2013 and closed in 2015, he recalled the length of time that it had taken for the representation to be examined. Occupational accidents, including fatal accidents, had occurred after the adoption of Law No. 131 which had been related to the absence of labour inspections. The regulation of occupational safety and health by Law No. 131 was in contradiction with the Conventions. The Ministry of Health, Labour and Social Protection had always supported the position of the CNSM and defended compliance with ILO standards. However, the Ministry had not been supported by the Ministry of the Economy or other parts of the Government. The CNSM had been told that the reform had required change and that, following the signing of the Association Agreement of 2014, the country would have to respect international standards. The tripartite committee set up to examine the article 24 representation had found that Law No. 131 was not in compliance with the provisions of Convention No. 81, and had requested measures be taken to ensure the effective implementation of Articles 12 and 16 of the Convention. While the Government had undertaken to bring the national legislation into line with the provisions of Convention No. 81, through the adoption of the Decent Work Country Programme 2013–16, Articles 12 and 16 of the Convention were not implemented in national legislation. Further, the Ministry of Economy had stated that Law No. 131 was in conformity with international standards and further measures were not needed. The absence of appropriate labour inspection had led to the death of three minors in occupational accidents. Moreover, in April 2016, a moratorium on labour inspection had been introduced. The Committee of Experts had stated that such a limitation was a severe violation of Conventions Nos 81 and 129. Moreover, the functions of the state labour inspection had been transferred to other agencies. He welcomed the fact that, very recently, Parliament had amended the national legislation and given back to the labour inspectorate functions relating to the investigation of severe occupational accidents. An ILO technical assistance mission had led to a number of recommendations on compliance with the Conventions, including with respect to the decentralization of the labour inspection system. Further technical assistance should be provided to improve the national legislation and bring it into compliance with the Conventions.

**The Government member of Bulgaria** speaking on behalf of the European Union (EU) and its Member States, as well as Albania, Bosnia and Herzegovina, Montenegro and Norway, emphasized the fundamental importance of labour inspection for promoting decent work. She confirmed the commitment to political association and economic integration in the framework of the EU–Moldova Association Agreement with its Deep and Comprehensive Free Trade Area (DCFTA), which was based on core values, notably respect for democratic principles, the rule of law, good governance, human rights and fundamental freedoms, and

she welcomed the results of the EU–Moldova Association Council held in May 2018. The issue of labour inspection in the Republic of Moldova had been examined several times by the Committee of Experts, and certain parts of the legislation, particularly Law No. 131, had been found to be in contradiction with Conventions Nos 81 and 129. The reform enacted in 2017, removing occupational safety and health from the mandate of the State Labour Inspectorate, established a complex system that raised many concerns regarding compliance with the Conventions, notably with respect to the overall supervision and coordination of occupational safety and health inspections, the allocation of sufficient budgetary and human resources and the professional qualifications of inspectors, as well as their stability and independence. She expressed concern that the new system would not deliver equal prevention of occupational risks and the protection of health and safety at work to all workers in the country. She also further expressed strong concern at the restrictions on labour inspection contained in Law No. 131, which limited the undertaking of unannounced inspections, as well as the number of inspection visits per year. The Law also weakened the system of penalties and jeopardized the confidentiality of complaints. The number of infringement reports resulting from inspections had also dropped significantly in recent years. The Government was expected to take the necessary steps to bring the national law and practice related to labour inspection, including in agriculture, into conformity with the Conventions, and to avail itself of ILO expertise. The lack of an effective system for the enforcement of labour rights and standards could result in a breach of commitments undertaken by the Republic of Moldova under its Association Agreement (including the DCFTA) with the EU. That included commitments to effectively implement in national law and practice the core labour standards embodied in the ILO fundamental Conventions and to approximate its national legislation to EU law on labour and health and safety at work issues (Article 37 of the Association Agreement). The Republic of Moldova had also undertaken to implement effectively Conventions Nos 81 and 129 in national law and practice pursuant to Article 365 of the Association Agreement. The Republic of Moldova had further committed not to lower levels of protection or to fail to enforce effectively labour law, as an encouragement for trade or investment, pursuant to Article 371 of the Association Agreement. She emphasized the need for the Government, as well as the ILO, to coordinate closely with all relevant international and regional organizations, including the International Monetary Fund, the World Bank and the Organisation for Economic Co-operation and Development to ensure that the measures taken with regard to labour inspection were in accordance with ILO Conventions.

**The Worker member of the United Kingdom**, emphasized that in accordance with Convention No. 81, the existence of adequately funded labour inspectorates was a vital component in the effective supervision and enforcement of the labour legislation, including occupational safety and health standards. Referring to the discussion on the case of the application of Conventions Nos 81 and 129 by Ukraine, she highlighted that governments were increasingly restricting the powers and resources of labour inspectorates, under the pretext that it would improve the business environment and regularize the informal economy. In the Republic of Moldova, the capacity of labour inspectorates had never been strong and the number of labour inspectors was limited. Recent legislative reform had further undermined the effectiveness of the system. The adoption of Law No. 131 substantially reduced the capacity of labour inspectorates by limiting the frequency of inspections in individual firms, requiring the provision of prior notice and imposing limits on unannounced inspections. These changes had led

to a marked increase in workers' complaints of labour violations and accidents in the workplace, by 50 per cent between 2012 and 2013. Ten work-related deaths had been reported in 2013 and there had been a significant increase in serious occupational accidents. The Committee of Experts had concluded that Law No. 131 did not comply with the requirements of Convention No. 81 and had made clear recommendations in that respect, but no amendments had been introduced. Further, in 2016, responsibility for the enforcement of labour law and occupational safety and health had been separated, leading to a fragmentation of occupational safety and health-related enforcement and contributing to the growth in occupational accidents and fatalities. The moratorium imposed in 2016 had also paralyzed the work of the labour inspectorate. Such moratoriums were a clear violation of Convention No. 81. In conclusion, she called on the ILO to provide technical assistance, and for the Government to reform its national legislation to comply with Convention No. 81.

**The Worker member of Sweden**, speaking on behalf of trade unions from the Nordic countries and Germany, stated that they expected countries engaged in close cooperation with the EU and the European Economic Area to comply with international labour standards. Providing for labour inspection was a requirement of Convention No. 81 that had to be respected by all ratifying member States. Legislation designed to protect decent working conditions had to be applied in practice and labour inspection played a vital role in that respect. The application of Convention No. 81 was therefore both important in itself and an important means of ensuring the correct implementation of other labour standards. The Republic of Moldova and the EU had signed the Association Agreement in June 2014 which contained provisions for the creation of a DCFTA over a ten-year transition period. The DCFTA included a number of commitments relating to both labour standards and environmental matters. A weakened State Labour Inspectorate would not enable the country to comply with its obligations to implement ILO Conventions and those created by the Association Agreement with the EU. The Republic of Moldova risked moving away from its commitment to the enforcement of labour standards at the international and European levels, which had also been confirmed through the institutional mechanisms for the implementation of the trade and sustainable development chapter of the DCFTA. The report of the second joint meeting of the Republic of Moldova – European Union Domestic Advisory Group under the DCFTA had expressed growing concern regarding the situation of the State Labour Inspectorate, which raised problems in view of the ILO's standards on labour inspection as well as under EU law. Labour inspection was under threat in many countries. It was a core function that any responsible state needed to carry out. Weakening labour inspection was harmful to a decent societal climate and detrimental to a fair market for goods and services. Therefore, legislation needed to be introduced to ensure compliance with Convention No. 81 and appropriate resources must be provided for the labour inspectorate to enable it to be effective.

**A Government representative** recalled that reform in the field of safety and health at work was a challenge, but that, with the support of the ILO and the social partners, the Government would manage to ensure a functional system in line with ILO standards. As the central authority, the Ministry of Health, Labour and Social Protection would update the national occupational safety and health profile with ILO support. A round-table discussion with the participation of high-level officials from relevant institutions would be organized to discuss and share EU best practices. She expressed appreciation for ILO support offered in adjusting the national framework to achieve compliance with

ILO standards. With ILO expertise and technical support, it would be possible to improve the national occupational safety and health system. It was important to have an efficient occupational safety and health system in accordance with ILO Conventions, and in this respect, the Government would build an effective labour administration and labour inspection systems through strong tripartite social dialogue. The changes of Law No. 131 did not automatically imply that the budget for inspections would be reduced. The Law did not limit the number of unannounced visits of inspectors as the limitations referred only to planned visits. The penalties for violations had also not been weakened. The reason for the reduced number of infringement reports filed in 2016 was the moratorium put in place that year. While the Government had taken many steps to implement the ILO standards, there were still areas for improvement. She said her Government was ready to continue the constructive engagement with its partners, especially the ILO and the EU, in order to address the issues raised.

The Worker members thanked the Government and encouraged it to act swiftly to bring the legislation into conformity with the Conventions. Certain problems dated back several years and had already been raised by other supervisory mechanisms, including the provisions which prohibited inspections from being carried out without prior notice. In the context of the reform of the inspection services, they called on the Government to ensure: the stability of employment and independence of inspection personnel; the collaboration of experts and duly qualified technicians; a sufficient number of inspectors for the effective exercise of their inspection functions; and the resources necessary for inspectors to perform their duties, including offices and transport facilities. They also called on the Government to ensure that inspectors had the right to conduct inspections as often as necessary and to guarantee the confidentiality of the complaints. The legislation should also be brought into conformity with the Conventions to allow inspectors the discretion to initiate legal proceedings or simply to issue warnings. Finally, they encouraged the Government to avail itself of ILO technical assistance to give effect to the recommendations.

The Employer members thanked the Government for the information and views provided. They recommended the national authorities to take the necessary measures, and engage in appropriate reforms to bring the labour inspection services into conformity with the principles of Conventions Nos 81 and 129, with particular reference to the authority of inspectors to inspect enterprises without prior warning and the need to carry out inspections as often as necessary. They also called on the Government to provide the Committee of Experts with detailed and precise written responses to all the questions raised in its observation by 1 September 2018. They called on the Government to continue availing itself of ILO technical assistance. They also recalled that, in addition to being provided with the resources necessary to function effectively, the labour inspection services required the necessary legal framework to prevent any abuse. All labour inspection services needed to be independent to ensure their credibility and professionalism. Labour inspection services should engage in open dialogue with the enterprises and persons inspected. Inspections should be legitimate and proportionate to their purpose, and should ensure equality of treatment and respect the need for confidentiality so as not to prejudice the interests of enterprises and persons liable to inspection, and the complainants. They also recalled that the priority of the labour inspection services should be prevention and the provision of advice to companies in good faith, and in particular, that they needed to intensify their efforts to combat social fraud in other enterprises. Fraudulent practices were a scourge for the whole of society, for social security, and

also for honest enterprises confronted with grossly unfair economic and social competition.

### **Conclusions**

The Committee took note of the oral statements made by the Government representative and the discussion that followed.

The Committee noted that the labour inspectorate must be given the necessary means to function effectively and independently, and it shall also be placed under the supervision and control of a central authority.

Taking into account the Government's submissions and the discussion that followed, the Committee recommends the Government to:

- take the necessary measures and appropriate reforms to bring their labour inspection services into line with the provisions of Conventions Nos 81 and 129;
- bring national legislation and practice into line with Conventions Nos 81 and 129 to enable labour inspectors to carry out visits to workplaces liable to inspection without prior notice in order to guarantee adequate and effective supervision;
- ensure that inspections are proportionate to the legitimate aim pursued and are possible as often as necessary;
- provide to the Committee of Experts in writing before 1 September 2018, detailed and precise information on:
  - the decentralization of labour inspection services since 2012 in the field of occupational safety and health and on the guarantees of effective operation of labour inspectors throughout the national territory;
  - the reasons for the decrease in the number of inspection reports submitted to the courts between 2012 and 2016;
  - the guarantees of confidentiality of the identity of complainants;
  - the measures taken to ensure that labour inspectors can freely initiate or recommend legal proceedings; and
  - the training provided to inspectors in agriculture, including the level of participation.

The Committee invites the Government to continue to avail itself of technical assistance in relation to these recommendations.

### **UKRAINE (ratifications: 2004 and 2004)**

A Government representative stated that the commitment for compliance with the Conventions, ratified in 2004, had been reconfirmed by the Government through the European Union (EU)–Ukraine Association Agreement, as well as the free trade agreement between Ukraine and Canada. The Government had taken all the necessary measures to ensure full compliance with these important ILO Conventions, in both law and practice. The measures taken since the discussion in the Conference Committee in 2017 had included, with respect to legal developments: The cancellation of the moratorium on labour inspection visits through the adoption of: (a) the Law of Ukraine on Temporary Peculiarities of Performing State Supervision (Control) Measures in the Sphere of Economic Activity, dated 3 November 2016, No. 1728-VIII; and (b) Ministerial Decree No. 1104 of 18 December 2017 on the approval of the list of supervisory bodies exempt from the scope of the abovementioned law. These amendments had been made to exclude labour inspection, including occupational safety and health (OSH) and mining supervision, from the moratorium on state control. Concerning the Lugansk and Donetsk regions, a moratorium on labour inspection had been introduced for the period of anti-terrorist operations. The

ensuing lack of labour inspections had not only led to a significant increase in wage arrears, but also to the significant deterioration of the social and economic conditions in those areas. The State Level Service (SLS) had established a bill to amend Article 3 of the Law on internal measures for the period of anti-terrorist operations dated 2 September 2014, No. 1669-VII, to exempt labour inspection from the scope of that law. The Government would strongly push for the adoption of those amendments, which were currently before Parliament. The Government had also adopted a new procedure for exercising state supervision of labour legislation, by a resolution which had come into force in May 2017. The Ministry of Social Policy had requested ILO technical comments on the resolution, which had concluded that the draft resolution was not in violation of Conventions Nos 81 and 129. The new labour inspection procedure had established fundamentally new approaches to labour inspection functions. During an inspection, labour inspectors had free and independent access. Concerning the alleged absence of planned control measures, state control was carried out in the form of inspection visits and non-visiting inspections, which by their nature were unscheduled control measures. With reference to policy respecting penalties, employers were given the opportunity to comply with the measures ordered by the labour inspectorate within a certain time limit, except for cases concerning undeclared work and the failure to comply with the payment of wages.

With regard to practical measures, the SLS endeavoured to strike a balance between the promotion of compliance and issuing sanctions. Between January and April 2018, the SLS had conducted more than 3,000 inspections and 137 non-visiting inspections of 3,834 enterprises. During inspections, labour inspectors had detected more than 8,000 cases of non-compliance with labour legislation by almost 2,000 employers. Violations had been detected in 74 per cent of all inspections, with three violations on average per enterprise. The greatest number of violations related to the payment of wages, followed by working hours and rest time. The largest share of violations had been detected in the private sector, mostly in the retail and wholesale services. A total of 2,800 compliance notices had been issued by labour inspectors and almost all of them had been strictly followed by employers. The rights of more than 8,000 workers had been re-established. As a result of inspections, more than 1,000 cases of administrative violations had been referred to court or resolved by the labour inspectorate and had resulted in fines being imposed. More than 200 cases had been referred to the law enforcement agencies and 47 cases had been referred for pre-trial investigation. With regard to preventive activities, labour inspectors had been directly involved in awareness-raising activities and the promotion of labour legislation. In 2018, almost 2,000 events nationwide had been undertaken, including more than 1,000 media events. The SLS had received 160 written requests for advice of complying with legislation and had provided advice to almost 6,000 employers on the most effective ways to comply with labour legislation. In the framework of the ILO technical assistance provided at the request of the Government, the SLS had been one of the main beneficiaries. In this context, reference should be made to the ILO project to strengthen the effectiveness of the labour inspection system and social dialogue mechanisms, including the development and implementation of a gender-responsive policy and measures for the recruitment and retention of labour inspectors. Moreover, the Government was working with the ILO to extend the work of the SLS to the informal economy and to establish a functioning model of tripartite dialogue within the labour administration. Starting in November 2017, the

ILO–EU project “Enhancing labour administration capacity to improve working conditions and tackle undeclared work” had included measures to implement the obligations of Conventions Nos 81 and 129, selected EU Directives, and training on these Conventions and EU Directives. A variety of safety and health standards were also being reviewed with a view to the ratification of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). The Government was committed to making efforts to ensure the adaptation of the legislation, the improvement of management mechanisms, the development of better business conditions and safer working conditions.

**The Employer members** welcomed the Government’s detailed statement and comprehensive information on the measures taken to address the situation, including those on capacity building and the training of inspectors as well as on awareness-raising campaigns. The Government was invited to provide that information to the Committee of Experts so that it could be analysed at its next session. Since 2010, the Committee of Experts had made six observations on the application by Ukraine of the Conventions. The case had been discussed by the Conference Committee in 2017 as a double-footnoted case. In 2017, the Conference Committee had noted positively the progress achieved in 2016. It had also noted that the ILO had undertaken a needs assessment of the labour inspection system in response to a request by the Government, and a number of recommendations had been made, as well as the ILO project on the strengthening of the effectiveness of the labour inspection system and social dialogue mechanisms launched from September 2016. They had noted with interest that new legislation had entered into force in May 2017, which had had an impact on state supervision and labour inspection. They also welcomed the information provided on what might trigger inspections, and the organization and feedback on engagement with the ILO, and particularly the training of labour inspectors. The Government was encouraged to continue accepting technical assistance to ensure that new and any existing legislation reflected the provisions of Convention No. 81, in particular the requirement for labour inspectors to be public officials, independent of changes of Government and any external influences. They had finally noted that the moratorium had expired and had not been extended. In its conclusions, the Conference Committee had called upon the Government to: (a) provide detailed information on recent legislation enacted regulating the labour inspection system; (b) promote effective dialogue with employers’ and workers’ organizations concerning labour inspection matters; (c) continue to avail itself of ILO technical assistance in order to strengthen the capacity and resources of the labour inspection system, in particular with regard to the training and capacity building of labour inspectors; (d) ensure that the status and conditions of service of labour inspectors guaranteed their independence and impartiality in line with the Conventions; and (e) ensure that other functions entrusted to labour inspectors did not interfere with their primary duties and impact negatively on the quality of labour inspections.

The Employer members emphasized at the outset the importance of compliance by member States with the two ILO Conventions on labour inspection. In this regard, they urged the Government to: (a) ensure that recent legislative amendments brought the national legislation into conformity with the Conventions; and (b) ensure that inspections were carried out as often as necessary and were not hampered by a strict regulatory timetable, while recalling that the means used should be proportionate to the legitimate aims pursued (under Article 16 of Convention No. 81 and Article 21 of Convention No. 129). Taking into account new legislation enacted in 2017 and the 2018 amendments,

they encouraged the Government to provide detailed information on the measures taken to ensure that the status and conditions of service of labour inspectors guaranteed their independence and impartiality in line with the Conventions; and provide information to the Committee of Experts on how authorized officials working as labour inspectors under the SLS and local authorities were independent from any undue influence, as well as information related to the training received. In this regard, it was important to guarantee the impartiality of inspectors and that their activities were carried out according to law. Therefore, measures to guarantee impartiality should be accompanied by measures to ensure good governance, transparency and accountability of inspectors for their actions. The Government was also encouraged to take measures to ensure that the number of inspectors and the level of resources were appropriate for the effective performance of their duties, as well as measures to strengthen labour inspection in the informal economy. They finally encouraged the Government to continue to avail itself of ILO technical assistance in relation to the ongoing action to strengthen the effectiveness of the labour inspection system and looked forward to receiving information on the results of the ongoing cooperation.

**The Worker members** recalled that, during the discussion of the case in 2017 as a double-footnoted case, the Committee had invited the Government to ensure that the status and conditions of service of labour inspectors enabled them to be independent and impartial, and that the other tasks assigned to them did not prevent them from carrying out their primary duties, or have a negative impact on the quality of inspections. According to the latest comments by the Committee of Experts, even though the Government had refrained from adopting a new moratorium on labour inspection, the situation had not improved. Several legal and regulatory mechanisms adopted in 2017 limited the work of the labour inspectorate and were contrary to the Conventions, such as: the restrictions on the right of inspectors to conduct inspections without prior notice; the limitations on the frequency of inspections and the power of labour inspectors to initiate legal proceedings without advance warning; and the bill submitted to Parliament, which made it an administrative offence to carry out an inspection without prior notice. Such provisions had been adopted despite the fact that the Conventions gave inspectors the right to conduct inspections without prior notice and as often as necessary. The Government should therefore ensure that the restrictions were not implemented. It should also bring its legislation into conformity with the relevant provisions of the Conventions.

Furthermore, and in the light of the Conventions, the argument that advisory tasks should take precedence over inspections was untenable. The two types of tasks were complementary, and inspectors must have the freedom to carry out one or the other, depending on the situation. The requirement for the inspection system to be placed under the direct and exclusive control of a central authority, which was established in the Conventions, made it possible to ensure the independence of the labour inspectorate from the local authorities, and to facilitate the establishment and application of a uniform policy throughout the territory. Nevertheless, the existence of a central authority did not mean that there was no need to ensure the physical presence of inspection services at the regional and local levels. Such a regional presence was important as it allowed the legislation to be applied in the same way throughout the country and all employers and workers to be placed on an equal footing. It was also vital to ensure the allocation of sufficient budgetary resources to different departments when assigning certain responsibilities to them. The competent authority must also ensure that organizational changes were made in accordance with the provisions of

the Conventions. The Worker members recalled the importance of ensuring that inspectors were free from all external influence, and that they had the qualifications and training needed to perform their duties. They asked the Government to provide the information requested by the Committee of Experts on that subject. It was also fundamental to allocate the material and human resources required for inspection, so that inspectors could adequately monitor workplaces. It should be ensured that inspectors were sufficient in number and had adequate resources to perform their tasks efficiently. As emphasized by the Committee of Experts, the issue of material and human resources remained problematic, and the objectives of the Conventions had not been achieved. Ukraine only had 542 inspectors and 223 posts were vacant. The Government should provide the information requested by the Committee of Experts on the subject and take the necessary steps to comply with the Conventions.

**The Worker member of Ukraine** stated that labour inspection was still being restricted by Act No. 877 of 1 January 2017 concerning the fundamental principles of state supervision and monitoring of economic activity, which was in contradiction of the Conventions. In July 2017, the Parliament had approved at its first reading the Bill on amending certain legislative acts of Ukraine regarding the prevention of unreasonable pressure on businesses by measures of State supervision and monitoring on compliance with labour and employment legislation (Bill No. 6489). The Bill was not aimed at improving State control of labour and employment legislation, as its name might suggest. While the authors of the Bill pretended that there was a need to move from punitive inspection to the prevention and rectification of offences, as well as to address undeclared work and abuses by labour inspectors during inspections, the Bill was in fact trying to restrict State labour control and provide businesses with a possibility to avoid penalties for first violations. The proposed legislative changes were an invitation for businesses to employ undeclared workers without having to fear any consequences. As the employment of undeclared workers was always an intentional offence, there should be no warnings, but dissuasive fines. In other countries, employers which did not hire legal workers were criminally liable, whereas the Bill even proposed to suppress administrative liability. The Bill also introduced administrative responsibility for individuals and officials who made groundless complaints to the State supervision and monitoring authorities about labour law violations. Those proposed changes directly contradicted Convention No. 81, under which national legislation should prohibit the disclosure by labour inspectors of the sources of complaints. Fines for such complaints in the Bill ranged from 50–100 times the minimum wage to 150–300 times the minimum wage, in the event of repeated offences. As the minimum wage in the country was equivalent to €122, workers in the informal sector would simply be afraid to make a complaint to the labour inspectorate in order to not lose their jobs. Currently, almost 4.5 million workers were working illegally, without the formalization of their employment relationship, and more than 100,000 workers had received their wages late.

At the end of 2017, the Cabinet of Ministers had prepared and sent to the Supreme Council a Bill on amending certain legislative acts of Ukraine concerning the establishment of proper safe and healthy working conditions (Bill No. 8045), which provided for State supervision of the legislation on labour protection and hygiene, and State mining supervision. The Bill complied with the requirements of the labour inspection Conventions, as it was proposed to lift the moratorium on labour inspection. A sharp increase in the number of deaths and injuries had occurred between 2017 and 2018 as a result of the moratorium. The Bill also

envisaged regulations of on State supervision being issued by the Cabinet of Ministers. In May 2018, the specialized committee of the Supreme Council had recommended to Parliament the adoption of the Bill. He expressed the hope that the Bill would be adopted in the near future. However, attention should also be drawn to the fact that in 2017 the Government had illegally abolished the existing acts on labour protection, which had led to the deterioration of social protection, working conditions and the safety of workers. This was in violation of article 18 of the Act on Labour Protection (Safety and Health) of 14 October 1992, establishing the procedure for the development, adoption and abolition of regulations on labour protection, as the trade unions had not been consulted. The abolition of the laws regulating standards for the issuance of uniforms, special footwear and other personal protective equipment had been made without substituting them with more modern standards. The objective of reducing pressure on business was not justified, in view of the consequences for the health and safety of workers. He expressed the hope that the controversial Bill No. 6489, which was in violation of ILO standards would be withdrawn, and that the regulation of the labour inspectorate would be based on the provisions of Convention No. 81, and not on the interests of a separate group of persons promoting such bills. He pointed out the need to continue and intensify technical assistance to strengthen the capacity of labour inspection, in close cooperation with the social partners.

**The Employer member of Cambodia**, conveying the position of the Joint Representative Body of Employers at the National Level of Ukraine, referred to Act No. 1774 of 2016 amending Article 34 of the Local Self-Government Act, and the procedure for monitoring compliance with labour legislation, approved in connection with that Act. That legislation had empowered the local authorities to monitor compliance with labour and employment legislation within their territorial jurisdiction, conduct inspections and impose penalties for labour violations and had enabled officials working at the local authority to act as labour inspectors. That was not in conformity with the Conventions, in accordance with which labour inspectors had to be public servants and labour inspections were to be conducted under the supervision and control of a central authority; appropriately qualified technical experts and specialists should be involved in inspections and labour inspectors should receive continued training. In reality, the activities of the local self-government officials endowed with the powers of labour inspectors did not meet the requirements of the Conventions. Local self-government officials were neither controlled by, nor accountable to, the SLS. Moreover, there were often conflicts and confrontation in determining the limits on the powers of the local and central inspectors. Local self-government officials did not undergo the relevant qualification selection and were not under the coordination and methodological support of the SLS. Nor were local self-government officials independent. It was therefore impossible to appeal against the actions of local self-government officials or to hold them responsible for misconduct. Furthermore, there was a duplication of the powers of SLS regional branches and local authorities, resulting in double inspections by two different bodies, creating a burden for employers. In conclusion, she emphasized the need to repeal the above legislation which was in contradiction of the provisions of the Conventions and unreasonably extended the discretionary powers of labour inspectors, defined by these Conventions, to officials of local self-government incapable of effectively performing such functions. This problem could be resolved by adopting Bill No. 6489, which would deprive the local self-government of control functions and the power to impose penalties.

**The Government member of Bulgaria**, speaking on behalf of the European Union (EU) and its Member States, as well as Albania, Bosnia and Herzegovina, Montenegro and Norway, reiterated that effective labour inspection was fundamental to human rights, safe workplaces and decent work. She recalled the political association and economic integration in the framework of the EU-Ukraine Association Agreement and its Deep and Comprehensive Free Trade Area (DCFTA). Ukraine had ratified and committed to implement effectively, in law and practice, the ILO governance Conventions on labour inspection. It was regrettable that, although the Committee had discussed this case last year, the issues remained unresolved. Since 2014, the Government had undertaken reforms to strengthen labour inspection services and the SLS, with technical assistance from the ILO and support from the EU. She welcomed the Government's exemption of the SLS from the general moratorium on inspections for 2018, and strongly encouraged making this exemption permanent. Furthermore, the preparation of new legislation that would permanently abolish the moratorium on labour inspections, was an important precondition for full compliance with ILO Conventions and the EU-Ukraine Association Agreement, which would send a positive signal to workers and employers regarding the Government's intention to safeguard working standards. However, certain legislative measures were of great concern, namely Act No. 877 of 1 January 2017 concerning the fundamental principles of state supervision and the monitoring of economic activity and Ministerial Decree No. 295 of 26 April 2017 on the procedure for State control and State supervision of compliance with labour legislation, which drastically restricted labour inspectors' ability to undertake inspections without prior notice, the frequency of inspections and their discretion to initiate prompt legal proceedings without prior notification. Bill No. 6489 would make unscheduled inspections an administrative offence. The Government was called upon to promptly amend Act No. 877 and Ministerial Decree No. 295 to ensure conformity with the Conventions, and to ensure in practice that no restrictions were imposed on the powers of labour inspectors, including limits on unscheduled inspections. Regarding decentralization of the labour inspection system, the Government must ensure close supervision and coordination by the central authority, the allocation of adequate budgetary resources to authorities performing inspections and the provision of sufficient training to inspectors; it must also provide information on how the new system guaranteed the independence of authorized officials working as inspectors. The Government was encouraged to thoroughly assess the new system and to commit to amending it as appropriate, with ILO technical assistance. Given the 223 vacant labour inspection positions, more information was needed on Government measures to improve the budgetary situation of the SLS, and the material and human resources of the labour inspection services. In light of the highly politicized debate on the adoption of the new Labour Code, the Government was strongly encouraged to take due regard of ILO comments, particularly concerning working conditions, OSH and mining. While remaining committed to constructive engagement and partnership with the Government, she expected it to avail itself of ILO expertise in taking the necessary steps to bring the national labour inspection legislation and practice into conformity with the Conventions.

**The Worker member of Sweden**, speaking on behalf of the trade unions of the Nordic countries and the United Kingdom, indicated that countries cooperating closely with the EU were expected to comply with international labour standards, including in times of hardship. As many ILO standards concerned occupational safety and health and working conditions, efficient labour inspection was of two-

fold interest, both in ensuring compliance with the Conventions, and in securing the proper enforcement of other ILO standards. Since the review of this double-footnoted case the previous year, the EU and Ukraine had launched a project within the framework of the EU–Ukraine Association Agreement that was intended to support reforms in such areas as employment policy, labour market and social protection by enhancing the labour administration capacity to improve working conditions and tackle undeclared work. Through this valuable project, lawmakers and the social partners were working closely to align Ukrainian OSH and labour legislation with EU Directives and ILO Conventions, and to strengthen the capacity of the Ministry of Social Policy and the SLS to implement its labour inspection mandate, with a particular focus on undeclared work. It nonetheless remained important for the ILO to continue to provide technical support and to promote the active participation of the social partners. Just one month after the discussion of the case the previous year, Parliament had approved Bill No. 6489, which would eliminate penalties for first violations of labour legislation regarding undeclared work, introduce administrative penalties for unjustified unscheduled inspections, and would limit the access of labour inspectors to workplaces and the sanctions they could apply. She hoped that those provisions would be corrected. Labour inspection was not a mere formality, but an efficient means of ensuring compliance with applicable standards, fair competition, and a safe and healthy work environment. Therefore, the Government was expected to bring national legislation and practice into conformity with Convention No. 81.

**The Government member of the United States** indicated that the discussion of the case in 2017 had highlighted a number of legal constraints that had inhibited the carrying out of labour inspections. While there had been reports that the SLS had conducted some complaint-based labour inspections, including some without prior notice, according to other reports, the labour inspectorate was still unable to conduct inspections of its own initiative. The Committee of Experts had pointed to the significant legal restrictions on the activities of the labour inspection services (limitations on the free initiative of labour inspectors to undertake inspections without prior notice, on the frequency of labour inspections). Moreover, the legislative amendments enacted in 2014 required the SLS to seek approval from the Cabinet of Ministers to conduct inspections of businesses with an annual income of less than US\$750,000 (which corresponded to 80 per cent of businesses). If enacted, Bill No. 6489 would make the conduct of unscheduled inspections visits an administrative offence. Those legal restrictions severely inhibited the capacity of the labour inspectorate to perform its key functions in the way that was required by the Conventions to most effectively protect workers. The Committee had already called upon the Government to adopt a number of measures to strengthen the capacity of the labour inspectorate; undertake legal reforms to ensure compliance with the Conventions; and, more importantly, ensure that the labour inspectorate was in a position to carry out the critical government function of labour law enforcement. He considered that to implement these recommendations, the Government should be urged to take the necessary measures to ensure that provisions creating legal obstacles to labour inspection were brought into conformity with the Conventions; avail itself of ILO technical assistance to ensure that the competent legislative and administrative authorities understood the obligations under the Conventions; and provide sufficient budgetary and other resources to the labour inspectorate, including by filling outstanding vacancies.

**The Worker member of the United States** welcomed the fact that Ukraine was not pursuing a nationwide moratorium on labour inspections. Nonetheless, he expressed concern about what seemed to be a regional trend towards weakening labour inspectorates. He also questioned the slow and excessively complex process of reforming the labour inspectorate, which indicated a reluctance to affirm the role of the State to perform labour inspection. One of the main remaining issues was that unannounced inspections were still prohibited, in spite of the fact that the Conventions provided for the right of labour inspectors to enter freely and without previous notice at any hour of the day or night any workplace subject to inspection. While it was positive that some inspections had been carried out as of February 2018, the requirement of advance permission greatly limited the effectiveness of the labour inspection system. Another issue of concern was Bill No. 6489. While the adoption of the Bill was still pending, it provided for the imposition of penalties for complaints which had been found not to have merit, thereby contradicting the spirit of Convention No. 81. Another matter of concern was that the inspectorate lacked adequate resources and technical capacity. Local unions reported that labour inspectors usually had no capacity to investigate cases of workplace injuries or wage arrears. For those reasons, the labour inspectorate needed to be fully empowered, with a mandate, budget, the capacity and confidence in its stature. A moratorium on inspections continued in the country's conflict zones; those regions were heavily industrialized and the continued moratorium covered a number of particularly dangerous sectors, including the coal, metal and mining sectors, in which hundreds of thousands of workers were employed. The draft legislation to repeal the moratorium had not been approved by Parliament. Ukraine's economy remained very fragile, and could not afford the adverse impact of shortcuts based on poor safety standards. In order to recover from conflict and from the moratorium on inspections, Ukraine should rebuild its institutions responsible for the vital function of labour inspection and professionalize labour inspectors. Those measures were especially important in high-risk sectors, such as mining, that were central to Ukraine's economic life.

**The Government member of Switzerland** supported the statement made on behalf of the European Union and emphasized that the effective functioning of the labour inspection services was essential for labour conditions and workers' rights to be respected. Such effectiveness also contributed to economic development, including fair competition between companies. Ukrainian legislation put several restrictions on the authority of labour inspectors, including on the frequency of inspections and the right to carry out inspections without notice. In addition, more than 223 inspector positions remained unfilled. It was regrettable that the Committee had to discuss the case again. The Government should therefore: ensure the implementation of legislation in accordance with the obligations established in the Conventions; make sure that national labour inspection services had the necessary human and financial resources to carry out their activities without restriction or interference; modernize inspection procedures and harmonize them with international standards. He emphasized that inspection procedures should be reviewed in consultation and cooperation with the social partners and the private sector.

**An observer representing IndustriALL Global Union** stated that the moratorium on labour inspection particularly affected workers in mines, where the rate of fatal accidents made them the country's most dangerous work sector. The 2017 report of the Ukrainian Fund of Social Insurance showed that, as a result of the moratorium on labour inspection, the number of industrial accidents at production

sites had substantially increased since 2016. The moratorium on inspections had seriously undermined and dismantled State labour inspection; the total number of inspectors had decreased and many competent specialists had gone. Even after the removal of the ban on labour safety inspections, time would be needed to restore the service to full strength. The problem of lack of staff, and especially of qualified staff, required urgent attention. He referred to recent examples, including in a steel plant, where 90 per cent of the rolling stock was worn out, and an investigation by the State Safety Inspectorate had found 83 violations, including locomotives without functioning brakes. In April 2018, the lives of 240 mining workers had been endangered when they had been trapped 1,000 metres underground for several hours after the local electricity provider had cut the power supply in a mine. Twice in April, electricity had also been cut in 16 different coalmines. The problem of OSH, which was a result of the moratorium on labour inspection, was aggravated by other work-related issues, such as low wages and arrears in the payment of wages. In April 2018, 12,000 members of an industrial affiliate, the Nuclear Power and Industry Workers' Union of Ukraine, held actions in eight different cities to protest against a State policy of low-energy tariffs, which resulted in low pay for workers. Current wage arrears had amounted to 2.4 billion hryvnias (equal to US\$92 million), of which one third concerned coalminers. Certain estimates had found that arrears in the formal economy, when combined with the shadow economy, could easily be double or even triple that amount. The Government needed to urgently address the situation of safety at work, as well as arrears in wages and low wages, a matter made more urgent by its past failure to implement the Committee's recommendations and observations. Workers expected and demanded appropriate responses from the Government.

The Government representative emphasized that significant progress had been made in resolving the issues regarding labour inspection discussed at the Conference Committee in 2017. Except for the conflict areas of the country, in the rest of the territory, labour inspectors had free access to workplaces and could conduct inspections at any hour of the day or night without previous notice. This was guaranteed by Ministerial Decree No. 295 on certain questions of the implementation of article 259 of the Labour Code and article 34 of the Law on local government of 26 April 2017, as well as legislative changes which had come into effect in 2017. The labour inspection functions carried out by the local authorities were limited to the control of compliance with legal provisions respecting wages. The SLS exercised control in that it had access to the record of the inspection visits carried out by the local authorities (including the workplaces concerned, the actions taken and the penalties imposed). The SLS could not only step in, but had also set up an appeal procedure for enterprises against the actions taken by the local authorities. He emphasized that Bill No. 6489 had been introduced in accordance with the legislative procedure and that other bills existed, including Bill No. 8045 which proposed to lift the moratorium on labour inspection and Bill No. 8101 which proposed to remove the restrictions for labour inspection in the Donetsk and Lugansk regions. These Bills would hopefully soon be considered by Parliament. The late payment of wages in Ukraine was a priority issue for the SLS, and both national labour inspectors and inspectors working in the local authorities were doing all in their power to address that situation. The Government was also currently studying the issue of how to increase the resources for labour inspection, so that labour inspectors could focus on the priority areas of unregistered labour, wage arrears and the failure to pay minimum wages. With regard to the issue of fines, labour inspectors were indeed empowered to issue fines, up to an

amount of more than 10,000 hryvnia (approximately US\$382) with regard to undeclared work. In the current difficult times (including the military conflict and efforts to promote the economic development of the country), the Government was trying to strike a balance between preventive measures and the imposition of penalties, intending to be judicious in applying fines. Replies to all requests for information on the measures taken to fully implement the Conventions would be sent for examination by the Committee of Experts.

The Worker members thanked the Government representative for the explanations provided and recalled that the Government had already made a series of commitments during the previous discussion. Not only had those commitments not been honoured, but a series of new violations had been noted. Consequently, the Government was requested to lift all the restrictions imposed on the labour inspectorate, particularly the restriction on conducting an inspection without prior warning and the limits placed on its discretionary power to commence legal proceedings. The provisions that made the conduct of unannounced inspections an administrative offence must also be amended, as they were incompatible with the Conventions. The Government should also provide information regarding the organization of the inspection services and provide for all the necessary guarantees to ensure the independence of inspectors and their ability to fulfil their duties. The Government should also provide sufficient material resources to the labour inspectorate and ensure their good working conditions, remuneration, transport costs and the provision of offices and office supplies. It was also crucial to take the necessary steps to fill the vacant positions. They invited the Government to continue to accept ILO technical assistance to facilitate the implementation of the Committee's recommendations, in close collaboration with the social partners.

The Employer members welcomed the Government's and responses to a number of issues, as well as the information on the priorities of the SLS, in particular with regard to the implementation of the two Conventions. Notwithstanding the challenges resulting from the military conflict in certain regions, the Government had taken positive measures to bring the law and practice into conformity with the Conventions. The Government was encouraged to allocate adequate resources for labour inspection and to continue capacity-building activities for labour inspectors. However, there was concern over local government officials and their potential capacity to fill the role of labour inspectors. As already mentioned, measures needed to be taken to ensure the independency, transparency and accountability of inspectors for their actions. They urged the Government to provide information to the Committee of Experts on the recent legislation enacted and on the issues raised, in order to fully measure progress in that regard. Effective dialogue was a very important component of that process. The Government also needed to guarantee the independence of labour inspectors in line with the provisions of the Convention and to ensure that other functions did not interfere with their primary duties or impact negatively on the functions performed. They finally urged the Government to continue to avail itself of ILO technical assistance in order to further strengthen the resources allocated to labour inspection, with specific emphasis on training and capacity building of inspectors.

### **Conclusions**

**The Committee took note of the oral statements made by the Government representative and the discussion that followed.**

## Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Algeria (ratification: 1962)

The Committee noted that the labour inspectorate must be given the necessary means to function effectively and independently, and it shall also be placed under the supervision and control of a central authority.

Taking into account the Government's submissions and the discussion that followed, the Committee recommends the Government to:

- take the necessary measures and appropriate reforms to bring their labour inspection services into line with the provisions of Conventions Nos 81 and 129;
- provide detailed information regarding the restrictions on the powers of labour inspectors contained in Act No. 877 and Ministerial Decree No. 295 and regarding the recent legislation enacted on the labour inspection system;
- promote effective dialogue with employers' and workers' organizations concerning labour inspection matters;
- ensure that the status and conditions of service of labour inspectors guarantee their independence, transparency, impartiality and accountability in line with the Conventions;
- ensure that the inspection functions of the local authorities are placed under the supervision and control of the State Labour Service; and
- ensure that other functions entrusted to labour inspectors do not interfere with their primary duties and impact negatively on the quality of labour inspections.

The Committee encourages the Government to continue to avail itself of technical assistance in order to strengthen the capacity and resources of the labour inspection system, in particular with regard to the training and capacity building of labour inspectors. The Committee requested that the Government report in detail on the measures taken to implement these recommendations to the next meeting of the Committee of Experts in November 2018.

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### Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

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#### ALGERIA (ratification: 1962)

The Government has provided the following written information.

#### *Requests for the reinstatement of dismissed workers*

The national legislation provides for procedures for the prevention and settlement of individual labour disputes. Act No. 90-04 of 6 February 1990, as amended and supplemented, respecting the settlement of individual labour disputes, establishes procedures for the settlement of individual labour disputes that have to be complied with by each worker and each employer.

In this regard, in the cases of the workers referred to in the conclusions of the 106th Session of the International Labour Conference (ILC), the procedures set out in the above Act were followed, irrespective of the outcome of the settlement of their individual labour dispute.

In this context, it is necessary to recall that the Government has always responded to the requests made by the competent ILO bodies. In this respect, and following verification, it has been found that of the 86 workers, the situations of 76 workers have been settled or are in the course of being settled. The cases are before the competent jurisdictions in six cases and orders are in the course of being given effect in three cases.

With reference to the situation of eight of the remaining ten workers, two have been dismissed, following the completion of all the procedures set out in the laws and regulations, on the grounds of unjustified absence and failure to

comply with the internal enterprise rules, and three workers have been dismissed for serious professional misconduct.

In this regard, the Government observes that examination of the files of the workers shows that on no occasion was it found that it was a penalty on grounds of the exercise of trade union activities, but on the grounds of types of professional misconduct envisaged by the law and the internal enterprise rules. The workers concerned availed themselves of all of the means of recourse envisaged by the law for the settlement of individual labour disputes, including reconciliation through the labour inspection services of the competent jurisdictions. Accordingly, almost all of the workers referred to by name in the conclusions of the 106th Session are in work, with the exception of Mr Habib Benyahia (SNAPAP-CGATA) of the University of Tiaret, who has taken retirement. Moreover, it has also been found that, among these workers, Mr Haddak Arab (SNAPAP-CGATA) has been promoted to the level of administrative officer.

The clerks of court are in employment. The Government attaches all the documents provided by the employer concerning the situation of all the workers referred to in the conclusions.

#### *Case No. 3210 before the Committee on Freedom of Association*

The Government had provided full information on the complaint before the Committee on Freedom of Association made by the Autonomous National Union of Electricity and Gas Workers (SNATEGS) (Case No. 3210) in a communication dated 18 December 2017, in which it informed the ILO of the voluntary dissolution of SNATEGS (copy attached) and the record of the voluntary dissolution of the union. In a communication dated 5 May 2018, in relation to Case No. 3210, the Government called for the case to be closed.

#### *Completion of the reform of the Labour Code*

With regard to the request concerning the completion of the reform of the Labour Code, the Government provided full information on the process of the drawing up of the Labour Code and will spare no effort in the context of the dialogue organized with its economic and social partners for the development of a consensual Labour Code which will reinforce the lessons learnt from the experience of the implementation of the labour legislation that is in force and will respond to the expectations of the economic actors.

#### *Registration of unions*

With regard to the case of the registration of the presumed Autonomous Algerian Union of Transport Workers (SAATT), the documents submitted did not correspond to the conditions set out in the provisions of the Act, and particularly section 2. There was a lack of precision in the determination of the occupational category covered by the by-laws, which did not contain the provisions that have to be included in the by-laws as set out in section 21 of the Act. The persons concerned did not reply or ask for further details on their file.

With regard to the documentation for the Autonomous Union of Attorneys in Algeria (SAAVA), the Government recalls that any request for the establishment of a union is subject to examination of the conformity of its documentation with the law. In this regard, it was found from the examination of the by-laws of the presumed union that there were categories of persons who were salaried employees or employers. The national legislation makes a distinction between a union of salaried employees and an employers' organization. The response was communicated to the persons concerned with an invitation to comply with the provisions of the legislation, but up to now those concerned have not

brought their documentation into conformity with the provisions of the law.

With reference to the documentation of the CGATA, in addition to the information already provided by the Government representative at the 106th Session of the ILC in June 2017, the alleged President of the CGATA was not a member of any legally registered trade union and does not represent any trade union. The Government also informed the ILO through a communication of 22 September 2013, of which a copy is attached, that Mr Rachid Malaoui was dismissed from his job in accordance with the procedures set out in the law and regulations for abandoning his job through unapproved absences. This situation resulted in him losing his position as an employee.

In Algeria, representative unions benefit from prerogatives which enable them, among other functions, to negotiate and conclude accords and collective agreements, to have premises in the employer enterprise, a notice board in appropriate places for their members and leave for trade union purposes in the service of their organization during the period of office of the trade union member. The participation of workers' representatives, through trade union delegates, is a legal requirement for the negotiation of terms and conditions of employment and of work with a view to the conclusion of collective labour accords and agreements. Workers' representatives in enterprise committees or units are designated by the most representative

trade union or, failing that, by the representative committee. Where there is no union or representative committee, they are elected by the workers collectively. It is a requirement for workers' representatives to be associated with any decision concerning the establishment of occupational medical services by the employer. Similarly, representative organizations of workers and employers are represented by twelve (12) workers' representatives and twelve (12) employers' representatives on the national occupational safety and health and medicine board.

Moreover, in the context of the prevention and settlement of collective labour disputes and the exercise of the right to strike, workers' representatives hold regular meetings with employers with a view to undertaking a joint examination of the situation with regard to the socio-occupational relations and general conditions of work of the employer. At the national level, Algeria has acquired great experience of social dialogue through tripartite meetings bringing together the Government and representative organizations of employers and workers. These dialogue and negotiation forums have resulted in agreements on economic and social life, the conclusion of economic and social pacts and the creation of institutions and other bodies. A summary of tripartite and bipartite meetings is attached.

*Cases of workers referred to by name in the conclusions of the 106th Session of the International Labour Conference (June 2017)*

No.	Sector	Case	Remarks
01	Ministry of Higher Education and Scientific Research	1. Mr Nacer KASSA (CGATA), University of Béjaia	Reinstated in his post. Report No. 49 of 27 December 2015. Decision No. 289/17 of 2 July 2017. Currently working.
		2. Mr Haddak ARAB (SNAPAP-CGATA), University of Béjaia	Promoted to administrative officer. Report No. 46 of 27 December 2015. Decision No. 264/17 of 10 June 2017. Currently working.
		3. Mr Habib BENYAHIA (SNAPAP-CGATA), University of Tiaret	Retired on 1 November 2015. (Pension No. F 8Z560143).
		4. Mr Ahmed MANSRI (SNAPAP-CGATA), University of Tiaret	Work certificate No. 19 of 20 February 2018. Payslip (January/February 2018). Currently working.
		5. Mr Fouad HASSANE (CGATA), University of Béjaia	According to the information provided, Mr Hassan is not on the staff of the Ministry of Higher Education and Scientific Research.
02	Ministry of Water Resources	1. Ms Nadia BEDRI (SNAPAP-CGATA)	At her request, Ms Bedri was transferred to a new post on 28 November 2016 in the Water Resources Department of Alger Wilaya (Report No. 2356/2016).
03	Ministry of the Interior, Local Government and Land Planning	1. Ms Hassina BENSaid (CGATA), Tazmelt local council, Béjaia Wilaya	Ms Bensaid is carrying out her duties as normal (titularization decision No. 269/2016 of 26 July 2016 confirming her as a regional administrator).
		2. Mr Nadji HASSANI	On appeal, the Court of Batna issued a ruling on 20 January 2014 overturning the ruling of first instance and ordering the public authorities (G CET Batna) to pay a fine of 100,000 dinars. The authorities paid the fine on 2 February 2016 (payment receipt dated 9 February 2016), cheque No. 7 112 525.
		3. Mr Nouredine MEZIANI	On appeal, the Court issued a ruling dated 21 December 2014 upholding the Tribunal's ruling of 4 December 2013. The claimant's financial claims were settled retroactively up to March 2013 (payslip No. 0059 attached).

**Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)**  
*Algeria (ratification: 1962)*

No.	Sector	Case	Remarks
		4. Mr Messaoud BOUDJELLAL	The Batna Tribunal, social chamber, dismissed the claim. Mr Boudjellal was provided with back-pay up to March 2013 (payslip No. 227 attached).
		5. Abdesamed HAMZA	On appeal, the Court issued a ruling on 10 March 2014 upholding the Tribunal's ruling of 18 November 2013. The claimant's financial claims were settled retroactively up to March 2013 (payslip No. 0041 attached).
		6. Mr Mourad TCHIKOU (UNCP-SNAPAP)	Awaiting the ruling of the Supreme Court.
04	Ministry of Justice	Clerks of court	The clerks of court were reinstated (work certificates attached).
05	Ministry of Posts, Information Technology and Communications	1. Mr Mourad NEKKACHE (SNAP) 2. Mr Khodja Tarek AMMAR (SNAP)	Awaiting information from the employer. Awaiting information from the employer.
06	Ministry of Energy Sonelgaz Group	46 workers SNATEGS	Table attached showing the employment situation of those concerned.
	Total	86 workers	<ul style="list-style-type: none"> <li>– 76 workers: situation has been or is being rectified.</li> <li>– The remaining ten cases are before the competent jurisdictions, with the exception of one case that was dismissed, one person convicted of abuse of trust and three dismissals for serious professional misconduct.</li> </ul>

In addition, before the Committee, a **Government representative** expressed astonishment that Algeria had once again been included among the cases to be examined by the Conference Committee and regretted the recurrent refusal to recognize the progress made in the country in the protection of human rights and freedoms at work. The ratification of 60 ILO Conventions, including the eight fundamental Conventions, mostly since national independence in 1962, illustrated the commitment of his country to base its economic and social development on the principles set out in international Conventions and treaties. The national Constitution also gave importance to the freedoms and rights recognized for all citizens in the world of work, including freedom of association and the right to strike. In 2015 and 2017, the Government had provided all the information requested on specific cases or on the Labour Code. The previous year, when the case had been examined, of the 32 interventions made by members of the Committee, 26 had welcomed the progress made by the Government. The failure to take that into account amounted to a denial of democratic rules. Recalling that all activities had to be undertaken in compliance with the law, as required by Article 8(2) of the Convention, he reiterated the statement made the previous year to the Committee concerning the Autonomous National Union of Electricity and Gas Workers (SNATEGS), to the effect that the union was operating normally and that its members had decided voluntarily on its dissolution, in accordance with the provisions of labour laws and regulations and its by-laws. The authorities had simply noted its dissolution in October 2017. In relation to the cases of the workers referred to in the allegations, he referred to the detailed information provided in writing on that subject and indicated that, of the 86 cases listed, 76 had been resolved through reinstatement in their jobs, assignment to another job, or by retirement at the initiative of the worker concerned. With regard to the allegations of police violence during demonstrations, he recalled that the Government ensured the security and well-being of its citizens and the protection of property. The intervention of the police services was only warranted by the need to maintain public order. Such interventions were carried out in accordance with the law and in conformity with international

practice. However, as globally acknowledged in all countries where regulation existed covering meetings and demonstrations, any action outside the framework authorized by the law was not allowed. Recalling that the finalization of the draft text of the Labour Code would require not only in-depth reflection with the social partners, but also the support of the actors in the world of work, he reiterated the Government's desire to complete the process within the framework of tripartite consultation. However, it needed to be accepted that, to ensure its success, such a process required time. It should also be recalled that over 70 per cent of the comments made by the Office on the initial draft text had been taken into account by the Government.

The trade union landscape in Algeria consisted of 101 representative organizations, including 65 workers' organizations, which were organized in full freedom in accordance with the law. The formalities for the registration of unions were set out in the law. The cases referred to of the establishment of unions, such as the General and Autonomous Confederation of Workers in Algeria (CGATA), the Autonomous Union of Attorneys in Algeria (SAAVA) and the Autonomous Algerian Union of Transport Workers (SAATT), had been the subject of observations by the administration with a view to ensuring compliance with the legal provisions, which had been transmitted to the founding members so that they could clarify certain issues, particularly in relation to the dual status of the founder members or the absence of a status of a salaried employee. Delays in resolving the documentation issues concerned were the responsibility of those seeking registration. The application of the regulations respecting the registration of unions could not therefore be assimilated to an intervention by the public authorities that was of such a nature as to limit or hinder the exercise of the right to organize. Moreover, the legislation that was in force was in full compliance with international standards seeking to promote collective bargaining, under the terms of which measures adapted to national circumstances were to be taken to facilitate social dialogue and collective bargaining. By way of illustration, to date 82 branch collective agreements had been registered and 167 collective accords at the branch level, while

3,817 collective agreements had been concluded at the enterprise level, as well as 17,238 collective enterprise accords. Social dialogue was therefore a real and specific practice in Algeria, as demonstrated by the regular tripartite and bipartite meetings held on economic, social and development issues. The Government and the economic and social partners had also concluded a National Economic and Social Pact and a National Economic and Social Growth Pact, which were an acknowledgement of the social benefits acquired and economic reforms with the support of the social partners. That model of social dialogue and concerted action was being shared, with the support of the Office, with other African countries within the context of South-South cooperation. With a view to providing some light on the follow up to the proposal for a visit to the country by a direct contacts mission contained in the 2017 conclusions of the Conference Committee, he indicated that his Government had given its agreement to such a mission being carried out in February 2018 and had accepted without reservation the composition of the mission. The Office had then proposed terms of reference that had for the most part been accepted by the Government, with two of the 12 proposed points being rejected. The Government had then finalized the schedule of meetings, including with members of the Government, and had prepared to welcome the mission which, in the end, had not been carried out. Following its cancellation, the Government had wished to talk to the Office and the partners to clarify its position, in which context it had explained that it had not been able to approve the persons covered by the two terms of reference that had not been accepted on the grounds that they were engaged in activities that had no legal basis intended to cause the social destabilization of the country. The Government was continuing its consultations with the Office on that subject, for example through the meeting held between the Government delegation, under the leadership of the Minister of Labour, and the Office shortly before the beginning of the Conference. In conclusion, he reaffirmed his Government's support for the reforms advocated by the Director-General, and particularly the promotion of tripartism, which was fundamental to the functioning of the ILO. In that respect, his Government agreed that it was necessary to reform the functioning of the Conference Committee so as to achieve tripartite participation at all stages of the supervisory process with a view to greater transparency and equity and closer compliance with the ILO's fundamental principles.

**The Worker members** emphasized that the present case was being discussed once again simply because the Government had refused to take into account the recommendations made by the Conference Committee the previous year. They questioned the unusual approach adopted by the Government which, in a communication disseminated through the Arab Labour Organization (ALO), had accused the Office of partiality and the Conference Committee of adopting double standards. A look at the statistics of the cases examined by the Committee in recent years was sufficient to show that such accusations were groundless. The Worker members expressed regret that the Government had not acted on the conclusions adopted the previous year by the Conference Committee, in particular regarding the sending of a direct contacts mission before the present session of the Conference and the obligation to report to the Committee of Experts on the progress made. Moreover, no progress had been made with regard to the new Labour Code, which had been at the draft stage since 2011, in relation to which the Government had not indicated which of the comments of the Committee of Experts had been taken into account. Nor had any progress been made in amending section 6 of Act No. 90-14 of 2 June 1990, which restricted the right to establish trade unions to persons who were Algerian nationals by origin or had been for at least ten years.

Although the Government had indicated that a provision under discussion with the social partners would reduce the required period of nationality to five years, that amendment would still not be in conformity with Article 2 of Convention No. 87, which provided that employers and workers, without distinction whatsoever, shall have the right to establish organizations of their own choosing. In that regard, the Committee of Experts recalled in its 2012 General Survey on the fundamental Conventions that this implied that anyone residing in the territory of a State, whether or not they had a residence permit, benefited from the trade union rights provided for by the Convention, without any distinction based on nationality. Lastly, the Government had not reported any progress in the amendment of the provisions that had the effect of limiting the establishment of federations and confederations. The Government had indicated in its statement, as it had done the previous year, that the time taken to make the amendments might appear long but, in view of the importance of the text, there was a need to enlist the widest possible support. Although the Worker members welcomed the importance that the Government appeared to attach to consultation, they wondered why consultations lasting more than 12 years were needed for amendments that were relatively simple to adopt. Moreover, in the current context in which certain organizations were excluded from the consultation frameworks, they considered that the consultations in question were not in conformity with ILO standards. With regard to the registration of trade unions, the Committee of Experts continued to voice its concern at the particularly long periods required to secure registration, or the refusal by the authorities without any justification to register autonomous trade unions. That was a recurrent approach by the authorities. For example, the CGATA had been applying for registration since 2015. After depositing its application, it had received a letter which merely indicated that the application had been rejected on the grounds of non-conformity with the regulations. No response had been made since to its request for justification. The result was that to date, the CGATA had no way of knowing in what way its application for registration supposedly failed to conform to the regulations. In addition, because of that lack of recognition, the CGATA was excluded from tripartite consultation structures, and had not been consulted on the ongoing reform of the Labour Code. The Worker members recalled that certain formalities prior to registration were only compatible with Convention No. 87 if they did not give the authorities discretionary power to refuse the establishment of an organization, and that this requirement should not constitute such an obstacle that it amounted to a straightforward prohibition.

The Worker members reported a number of cases of interference by the authorities in the activities of trade unions: (i) with regard to the case of SNATEGS, they observed that a press release from the Ministry of Labour, dated 3 December 2017, had announced the voluntary dissolution of SNATEGS, in accordance with the provisions of Act No. 90-14 of 1990. Under section 29 of the Act, voluntary dissolution was proclaimed by the members of the trade union, or their regularly designated delegates, in conformity with the provisions of the union's constitution. However, it should be noted that, according to the SNATEGS constitution deposited with the Ministry of Labour, the dissolution of the trade union organization was a decision to be taken by a SNATEGS national congress. The general assembly of 7 October 2017, referred to by the Government in its press release, had therefore neither the competence nor the authority to decide on dissolution. It was regrettable that, following that decision, the bank accounts of SNATEGS had been frozen; (ii) on 4 February 2018, the police had indicated to the Algerian Union of Electronic Press Editors, which was an employers' union

in the process of being established, that its general assembly planned for the following day was illegal because no prior request for authorization had been made. However, there was no legal provision stipulating that prior authorization was required to set up an occupational union in a private space on a weekday. That was simply another example of a violation of freedom of association; (iii) on 6 March 2018, without any legal basis, the Government had issued a request, solely via the website of the Ministry of Labour, Employment and Social Security, to the 65 accredited trade union organizations to prove their representativeness. The formula imposed by the Ministry obliged the trade unions to indicate, among other things, the list of names of their members, their jobs and their social security registration numbers. At the end of the prescribed three-week period, only 30 organizations had been able to provide responses. Of that number, only 17 had met the relevant criteria, according to the Government. The Worker members recalled in that regard that the law contained provisions that made it possible to determine the representativeness of a trade union and that superfluous initiatives by the authorities had been tantamount to yet another violation of freedom of association. Stressing once again the connection between the exercise of freedom of association and respect for civil liberties, the Worker members recalled the cases of harassment and persecution against independent trade union officials affiliated to the CGATA, in particular: (i) Mr Khaddour Chouicha, member of the CGATA executive committee, arrested by the police on a café terrace together with human rights activists on the grounds of unauthorized assembly; (ii) Mr Abdelkader Kouafi, SNATEGS's Secretary-General, and Slimane Benzine, President of the National Federation of Internal Security Workers, both sentenced to imprisonment and fines for objecting to poor conditions of work and to the sexual harassment of women workers; (iii) Mr Raouf Mellal, SNATEGS' President, who had been the subject of several complaints of defamation with a view to his intimidation. In that regard, a court decision handed down in November 2017 ordering his reinstatement in his post and as a trade union official was still awaiting implementation; and (iv) Mr Mekhfi Djeha, who had been dismissed in February 2018, after informing his superiors of his status as a delegate of an independent trade union. In conclusion, the Worker members expressed deep regret at the gulf between the situation of the independent trade union movement in Algeria and the ILO's principles of freedom of association.

**The Employer members** recalled that the case had been discussed by the Conference Committee in 2014, 2015 and 2017. It concerned issues relating to obstacles to the establishment of workers' organizations, including the registration of trade unions in law and practice. The Government had indicated that these issues would be addressed by the new Labour Code. The Employer members had recalled, as they had in 2017, the information on the social dialogue process in the country, the Government's stated commitment to meeting with parties to discuss the issues, and that the draft Labour Code, under preparation since 1990, had not yet been adopted. In 2017, the Conference Committee had made recommendations concerning the registration of trade unions, the removal of obstacles to the establishment by workers' organizations of federations and confederations of their own choosing, the need to ensure that freedom of association could be exercised in a climate free from intimidation and violence, and the need to ensure that the new draft Labour Code was in compliance with the Convention. The Conference Committee had also urged the Government to accept a direct contacts mission before the next session of the Conference. In that respect, the Committee of Experts had noted that the direct contacts mission had not been accepted without restriction. Thanking the Government for its explanation that it had accepted

ten of the 12 points in the terms of reference of the mission, the Employer members nevertheless expressed disappointment that the mission had not been accepted based on the full terms proposed by the Office. If information had been provided to a direct contacts mission, the discussion at the Conference Committee might have been avoided. Without information from a direct contacts mission, the discussion had to be based on the report of the Committee of Experts. Taking into account the conclusions of the Conference Committee of 2017, the Employer members welcomed the Government's expressed commitment to tripartite social dialogue and encouraged the Government to complete the reform of the Labour Code, in consultation with the social partners. That reform should address the requirements to obtain prior authorization and should recognize the right of all workers to establish trade unions and ensure that the registration of trade unions in law and practice conformed to the requirements in the Convention. It should ensure that freedom of association could be exercised in a climate free of intimidation and without violence against workers, trade unions or employers. The Employer members were hopeful that on the basis of straightforward recommendations, it would be possible to move forward and achieve tangible progress on the case. The Government should be urged to provide a full report to the Committee of Experts and to accept a direct contacts mission in the spirit of openness and transparency, so that full information could be gathered with respect to the efforts made to achieve compliance with the Convention.

**The Worker member from Algeria** stated that the International Labour Conference was a global platform for the social partners to assess and identify the extent to which member States were committed to the instruments they had ratified under the conditions of impartiality and objectivity. However, certain cases lacked precisely the elements of objectivity and integrity. Trade unions contributed to workers' awareness and improved the working conditions and lives of the workers. However, the trade union movement was now suffering because of the opportunistic manner in which trade unionism was approached, and was rather used as a tool for purposes that had nothing to do with workers' lives and suffering. This had become a threat to workers and threatened the credibility of the ILO and its mechanisms. The mechanisms and methods of the ILO should be reformed in order to preserve its reputation, credibility, and effectiveness. The campaign against Algeria and certain other countries was based on false arguments. Legislation that had existed for a quarter of a century had suddenly become a target for violating obligations. Efforts were being made to dismantle and weaken the Algerian trade union movement and there were schemes against the original trade union movements in Algeria and elsewhere. This had negative implications for the principle of genuine trade unionism and for the work of the ILO. She urged all those who respected the ILO to plead for the reconsideration of cases and to put an emphasis on the importance of providing material evidence for cases.

**The Employer member of Algeria** expressed surprise at the repeated criticisms made against Algeria for several years considering the significant number of workers' unions that had been registered since the beginning of the 1990s, and the fact that trade union pluralism and the right to strike were enshrined in the country's basic law. Hardly a month passed without a strike being called in Algeria, mostly in violation of the rules governing the right to strike, and which brought vital sectors such as health, education, transport and other economic sectors to a standstill. The public authorities had always favoured dialogue and negotiation to resolve such disputes, and had never adopted repressive measures against the workers and trade unions that called strikes. The penalties imposed on workers were not

related to their trade union activities, but rather to the disruption of public order and the prevention of work at the workplace, which were punishable under all national laws. Algeria had distinguished itself by adopting a policy that favoured dialogue and consultation with the economic and social partners, as demonstrated by the two economic and social pacts concluded in 2006 and 2014, and the number of tripartite and bipartite meetings organized to discuss issues relating to the economic development of the country. Furthermore, hundreds of collective agreements and accords had been signed between the social partners within enterprises. He said that Algeria aspired to build a law-abiding State and therefore ensured the strict application of the law in all fields, including the exercise of freedom of association and the organization of public demonstrations. They were not therefore obstacles affecting freedom of association, but rather compliance with legislative provisions governing trade union activity. The Government had provided such explanations time and again, and the Committee had failed to take them into consideration.

**Another Employer member of Algeria** emphasized the commitment of the Government and employers in her country to compliance with international labour standards and the promotion of social dialogue, both through existing tripartite institutions in the country, the National Economic and Social Pact and the long-standing cooperation between Algeria and the ILO. She had taken note of the work of the Committee of Experts and expressed the desire of her organization, the Business Leaders' Forum, to pursue collaboration that was beneficial for all which stakeholders, however, required objectivity and transparency, in line with ILO values. The reform of the Labour Code was an important, complex and sensitive process that needed to ensure a balance between the different actors within the enterprise, and facilitate the construction of a modern economy. Both employers and workers should support the Government's efforts to conclude that consultation process serenely, and sustainably consolidate economic growth that created wealth, jobs and social peace. With regard to freedom of association and the right to strike, she emphasized that the Algerian Constitution guaranteed all the fundamental freedoms, including the right to freedom of association and the right to strike, within a context of strict compliance with the law. The legal framework implemented under the country's basic law was in conformity with the spirit and letter of the international Conventions and instruments ratified by Algeria. In that context, trade union pluralism that had been set out in the Constitution since 1989 had allowed intense union activity in Algeria in both the public and private sectors. Consequently, as the Government had indicated, the regulatory framework in force and its application in practice respected the principles of the Convention in relation to freedom of association and the exercise of the right to strike. In conclusion, she emphasized that it would be appropriate, prior to the preparation of the report of the Committee of Experts, to organize exchanges with the experts in order to ensure they had accurate information.

**The Government member of Mali** noted with satisfaction the action taken by Algeria to give effect to the Convention. Welcoming the efforts made, particularly the strengthening of social dialogue through tripartite meetings, and forums for consultation and negotiation, she encouraged Algeria to continue its constant efforts to be in compliance with freedom of association.

**An observer representing the International Trade Union Confederation (ITUC)**, speaking on behalf of CGATA, regretted that the Government was the subject of repeated complaints from trade unions, and that it had refused to cooperate with the ILO. Since the previous year, when the present case had been discussed by the Committee, there

had been no improvement and further obstacles were impeding the free exercise of trade union rights. Effect had not been given to any of the Committee of Experts' recommendations on the following issues: the demotion of the dismissed trade unionists who had been reinstated; the registration of trade unions; the revision of the draft Labour Code; and the establishment of an agenda for the ILO follow-up mission that precluded meetings with the leaders of complainant trade unions. Acts of repression were continuing against trade union representatives, and particularly the President of the CGATA (Mr Rachid Malaoui), the President of SNATEGS (Mr Raouf Mellal), the National Coordinator of the Higher Education Teachers' Union (SESS) (Mr Kaddour Chouicha) and the Head of the Federation of Judicial Workers affiliated to the National Autonomous Union of Public Administration Personnel (SNAPAP) (Mr Mourad Ghedia).

**The Government member of Lebanon** noted that the Government was taking measures to fulfil its international obligations and trusted that no effort would be spared in that regard. She expressed appreciation for the measures already taken by Algeria, including the National Economic and Social Growth Pact. The social dialogue that was taking place should be encouraged.

**An observer representing IndustriALL Global Union** said that the trade union pluralism claimed by the Government was in appearance only, as demonstrated by the horrendous campaign of repression against SNATEGS, despite having ratified most of the international Conventions on freedom of association. A total of 1,114 people involved in the trade union had been brought to court, and 12 trade union delegates had been prosecuted on false grounds and threatened with imprisonment for having exercised their right to strike. He referred to his own 18-month prison sentence, and to other examples of arbitrary cases, in the context of which a significant number of trade union leaders had been dismissed. The Ministry of Labour had not only refused to apply section 56 of Act 90-14 on the modalities for the exercise of trade union rights, in accordance with which trade union delegates had to be reinstated in the event of a violation of the law, but it had also dissolved the trade union twice: the first time, through the adoption of a ministerial decree in May 2017; and the second time, by holding a so-called "voluntarily dissolution" meeting. In those two cases, the Ministry of Labour had refused to apply the laws on freedom of association and ridden roughshod over the competence of the judiciary, which alone had the authority to dissolve a trade union in accordance with sections 27 et seq. of Act 90-14. Freedom of association was now an illusion in Algeria, where trade unions were muzzled and anyone who dared to expose the deteriorating social conditions of workers or company mismanagement was sentenced to imprisonment for defamation. Finally, he expressed concern not only at the prison sentences, but also at the dismissals and aggressive policies of the Government in relation to trade union leaders and anyone who tried to engage in trade union activity.

**The Government member of Eritrea** expressed his full support for the position taken by the Government regarding the application of the Convention. The Committee should appreciate the efforts undertaken by the Government to harmonize its legislation with the relevant international labour standards through a process of tripartite consultation, particularly for the ongoing labour law reform. He expressed support for the need to review the working methods of the Conference Committee in order to ensure transparency and inclusiveness, in particular regarding the criteria to select the cases to be included in the list.

**An observer representing Public Services International (PSI)** described the situation experienced by the National Autonomous Union of Public Administration Personnel (SNAPAP), which was an affiliated union. He said that the

authorities had established a trade union that was a clone of SNAPAP, the leader of which was participating in the work of the International Labour Conference. Such a move had been made in order to deceive the members of the Conference Committee. However, at the national level, the original SNAPAP had experienced an interference in its activities, to the extent that each time it attempted to establish a union branch in a specific administration, the potential members were subjected to intimidation by the security services and the local administration in order to make them join the clone trade union. Furthermore, pressure was exerted on SNAPAP from all sides to prevent it from renting trade union premises. He regretted to note that an official from PSI, who was to have carried out a mission with SNAPAP, had been refused a visa by the Algerian authorities.

**The Government member of the Bolivarian Republic of Venezuela** welcomed the information provided by the Government concerning the application of the Convention. The Government's statement had served to highlight the good practices in the field of social dialogue with the aim of promoting industrial relations and the exercise of the right to freedom of association. The Government had expressed concern at the fact that it had repeatedly been requested to reply to questions relating to the right to freedom of association, despite the fact that in 2015 and 2017, it had provided information on specific cases and on the draft Labour Code, and was awaiting an assessment of the progress it had made. The Government of Algeria should be praised for its continuous promotion of decent work and its efforts to strengthen workers' rights within the framework of the Convention. It was also a matter of concern that claims had been made against the Government by people and organizations from outside the world of work. As the Government had observed, there was significant trade union activity, resulting in the signing of numerous collective agreements based on permanent and effective social dialogue that had led to the signing of an Economic and Social Growth Pact and various agreements on the socio-economic matters. Finally, attention should be drawn to the resurgence of an aggressive policy against Algeria that was intended to limit its social progress and deny its values of social justice, all of which should be taken into account by the Committee in its conclusions.

**The Worker member of the United States** recalled that SNATEGS had been dissolved by the Ministry of Labour and that this had not been voluntary. Following peaceful actions in response to that decision, leaders of SNATEGS had been detained. Subsequently, a peaceful protest had been organized by SNATEGS to demand that the Government put a stop to the privatization of national companies, uphold the freedom of association, and reinstate workers and union leaders who had been dismissed from the state-owned energy company, but police detained approximately 1,000 persons from that rally. The detention of union leaders for alleged unauthorized gatherings was not limited to SNATEGS. Mr Kaddour Chouicha, the national coordinator for SESS faced similar charges, and at the university where Mr Chouicha worked, teachers had been locked out. The detention of union leaders, the alleged dissolution of SNATEGS, and the lockout of SESS members were all in violation of the Convention and related to employers that were state-owned. The legislation was being used as an apparatus to deprive workers of their freedom of association by punishing union leaders and members and preventing them from joining together. Reform of the legislation was moving forward at an unacceptably slow pace. It was very concerning that this was occurring in the public sector as the Government was responsible for the slow progress towards the reforms recommended by the Conference Committee and the other actions under discussion. The speaker recommended the adoption of the same conclusions as last

year, with an emphasis on the need for the reforms to occur without undue delay.

**The Employer member of Qatar** recalled that the case of Algeria was a unique situation. Algeria had ratified more than 60 ILO Conventions and had more than 100 active trade unions. As employers, they always viewed stability in the economic environment as the main goal for the development of the economy and any problems in the economic environment of a neighbouring or regional country would negatively affect their own economic environment. Algeria should not merit being among the 25 cases discussed by the Conference Committee. The case should be closed, and the Government should be encouraged to resolve the issues raised through Algerian regulations and legal frameworks.

**The Government member of the Plurinational State of Bolivia** expressed appreciation for the information provided by the Government to the effect that freedom of association was fully protected under the laws of the country. She welcomed the Government's report on the reinstatement of dismissed workers, which should be taken into account by the Committee in its conclusions. In the Plurinational State of Bolivia, trade union rights were recognized as fundamental rights.

**The Worker member of Brazil** deplored the increase in violent attacks by the Algerian Government against workers. In particular, doctors who were members of the Autonomous Committee of Algerian Resident Doctors (CAMRA), who had been on strike for several months, had been brutally repressed by the police during demonstrations held between January and May 2018 in Algiers and Oran. Several doctors had also been arbitrarily detained and released very late at night in isolated locations. On 4 January 2018, after having prohibited doctors from the CAMRA from protesting in front of the Mustafa Pacha University Hospital in Algiers, the police had brutally repressed them, causing serious injuries. Doctors coordinating the demonstration had been arbitrarily arrested. On 20 January 2018, the Algerian police had yet again brutally repressed a peaceful rally organized by the SNATEGS-CGATA and had arrested a large number of peaceful protesters, notably women trade unionists from SNAPAP. He called on the Government to guarantee freedom of association based on tripartite social dialogue.

**The Government member of the United States** noted that the Government continued to report that the process initiated in 2011 to amend the Labour Code was progressing. The dialogue with the Committee of Experts on the draft legislation and the efforts to engage in consultation with tripartite stakeholders showed its commitment. He expressed concern at the cancellation of the ILO direct contacts mission requested by the Conference Committee in 2017, owing to the Government's refusal to guarantee meetings with independent trade union organizations. Unregistered trade unions continued to report registration delays and certain denials of recognition. He encouraged the Government to take action to address those issues. It should accept an ILO tripartite mission and ensure meetings with all relevant stakeholders, including independent trade union organizations. The recommendations of the mission should include a time-bound action plan providing remedies for specific violations of workers' rights. The Government should also ensure the ability of trade unions to operate freely from intimidation, establish a transparent trade union registration process in line with international standards and ensure the expeditious treatment of applications for trade union registration.

**The Government member of Libya** said that the Government's commitment to the application of the Convention was reflected in its national laws supporting freedom of association in Algeria, as well as in article 70 of the Constitution of 2016, which recognized freedom of association to

all citizens. The detailed response of the Government representative confirmed that the Government was in the process of undertaking all necessary and positive action to resolve the individual cases of concern with only a few individual workers' cases remaining, which were the subject of reconciliation efforts by labour inspectors and the competent courts. Moreover, the settlement of 88 per cent of cases had been reported. The National Economic and Social Growth Pact had been signed by the Government and a number of bilateral and tripartite meetings of the social partners had followed. Concerning the completion of the labour reform process, the Government was developing the Labour Code which aimed to strengthen the application of all social laws in force and to respond to the expectations of economic actors. The Conference Committee should take into consideration, in its conclusions, all the positive action undertaken by the Algerian Government to implement the Convention.

**The Worker member of Spain**, speaking on behalf of the trade unions in France, Italy and Spain, referred to the recent report by the European Union (EU), dated 6 April 2018, on the state of relations between the EU and Algeria under the renewed European Neighbourhood Policy which, with regard to the freedom of association, indicated that Algerian autonomous trade unions were experiencing difficulties in registering and holding meetings, despite the ratification by Algeria of the Convention. It added that the promotion of social dialogue, particularly through the development of autonomous trade unions, and in accordance with the recommendations of the ILO, should be among the improvements made to the economy and the labour market. On the basis of those fundamental premises, it was important to recall that little progress had been made in Algeria. Following recent strikes called by the National Council of Autonomous Teachers of the Tertiary Education Sector, the Ministry of Labour had launched a campaign to pressurize the trade unions, which undermined the mechanisms of trade union representation. On 6 March 2018, trade unions had been requested to provide, by 30 March, in other words within 24 days, data to demonstrate their representativeness, including the number of members and the amount of union dues, in accordance with the law. However, they had also been requested to supply data that was not required by law, such as the full name, gender, date of birth, employer, workplace address, job title, date of membership, member's number, the 2017 membership dues and social security number, which was a clear obstruction of the right to freedom of association in the country. Those requirements had served as a pretext to create a list of trade unions that were usually cited by the authorities in an attempt to demonstrate the exercise of freedom of association in Algeria. The trade unions on the list were those that had provided data, thereby excluding those that had not done so. Furthermore, certain organizations had been declared representative which, without having previously been active, had joined the harassment campaign against the National Council. For those and many other reasons, she questioned the criteria used to demonstrate trade union representativeness in Algeria. The Government was still far from complying with the Convention and giving effect to the measures recommended in the EU report referred to above.

**The Government member of Senegal** welcomed the efforts made by Algeria to implement the Convention. Reaffirming her commitment to the universal ideals and objectives of the ILO and the requirement for all member States to ensure respect for trade union rights and freedoms for all workers, she strongly urged the Algerian Government to build on the progress made to improve, with the social partners, national law and practice in relation to compliance with, and the protection of, workers' trade union rights. She also called on the Government to increase cooperation with

the ILO and, if necessary, request its technical assistance with a view to giving full effect to the Convention.

**An observer representing the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF)**, announced that Nassira Ghozlane, Secretary-General of the SNAPAP and member of the PSI executive, had been prevented by the Algerian authorities from travelling to Geneva this morning to attend this meeting. He further underlined that independent trade unions were becoming increasingly isolated. In addition to refusing the members of the follow-up mission a meeting with the independent trade unions that were fighting for freedom of association, even when a colleague had been available to attend that morning, the representatives of the ITUC and the European Trade Union Confederation (ETUC) had not been granted a visa to enter Algeria and hold discussions with the leaders of CGATA on the situation of trade unions and the next ITUC conference. It should be recalled, for information purposes, that Mr Mustapha Tlili, head of the Arab branch of the ITUC, had been refused entry on 24 May 2016 when arriving at Algiers airport. The right to organize required freedom of association at all levels, including the international level. There had been an increase in the criminalization of all trade union activities by the judicial system, causing a flood of unfounded prosecutions of trade union leaders. The arbitrary rulings of 27 January 2016 against Mr Raouf Mellal, President of SNATEGS, 2 January 2017 and 28 November 2017, had resulted in prison sentences of up to six months and fines of up to €5,000 for reporting corruption in public bodies and defending victims of sexual harassment. Furthermore, proceedings were in progress against the Secretary-General of SNATEGS, Mr Abdelkader Kouafi. Such measures were creating an atmosphere of fear which weighed heavily on Algerian workers, on civil rights and on freedom of association.

**The Government member of Qatar** referred to the detailed information provided by the Government, in particular the legislative procedures undertaken to ensure the exercise of freedom of association and the establishment of trade union organizations and social dialogue processes with the social partners. The Conference Committee's conclusions should take into consideration the efforts undertaken by the Government as well as its openness to cooperate with the ILO in that respect.

**The Government member of Turkey** welcomed the information provided by the Government on the developments regarding the implementation of the Convention. The Government was committed to solving the problems regarding labour rights in the country and the figures on settled labour disputes clearly indicated the Government's willingness and commitment to continue its efforts to further improve the situation of workers. The Government was also commended for its efforts to draft the Labour Code and achieve consensus, which could be reached by social dialogue, and it was encouraged to continue working closely with the ILO and increase its efforts, especially for the protection of trade union rights.

**The Worker member of Poland** pointed out that the situation of workers in Algeria had not improved since the discussion the previous year by the Conference Committee. On the contrary, new serious violations had recently place. Freedom of association should be guaranteed without discrimination of any kind, particularly based on occupation and nationality, and there should be no prohibitions on the registration of trade unions. There were no guarantees for a rapid registration procedure in Algeria and no specific penalty was foreseen for the authorities, for long registration delays. The labour law reform had been a long process and, accordingly, stronger ILO recommendations were called for. There should be an ILO mission to Algeria. Finally, the Government was urged to amend its legislation,

immediately recognize all legitimate unions and reinstate all workers who had been unlawfully dismissed for their trade union activities.

**The Government member of Zimbabwe**, noting the information submitted by the Government on the cases that had been finalized and those still under consideration, expressed the hope that the cases pending before the internal dispute settlement system would soon be finalized. She noted the Government's willingness to continue cooperating with ILO supervisory bodies in ensuring that all the pending cases were dealt with through domestic remedies. The ILO should continue to provide technical support to strengthen the tripartite and bipartite institutions in Algeria, as those structures were central to dispute settlement in the world of work.

**The Government member of the Islamic Republic of Iran** welcomed the measures adopted by the Government to reinforce the situation of trade unions in the country. Referring to the statistics provided by the Government on the settlement of individual cases, he noted that 76 of 86 cases had been settled or were in the process of being settled. Efforts had been deployed to reach a consensual Labour Code in full consultation with the social partners. He recalled the Government's indication that it had not rejected the recommendations adopted by the Conference Committee in 2017 concerning the direct contacts mission and indicated that further negotiations could pave the way to a solution. He encouraged the Office to provide the necessary assistance to overcome the pending issues.

**The Worker member of Morocco** expressed surprise at the Government's reply in which it described the CGATA as a "quasi union". He emphasized that CGATA was a founding member of the Arab Trade Union Confederation, the Maghreb Social Forum and the World Social Forum, and a member of the ITUC. Furthermore, the General Union of Moroccan Workers was engaged in long-standing cooperation with CGATA, which it considered to be a serious and responsible trade union. Consequently, denying the existence of the union and its representativeness was merely an attempt to favour one union over another, while the correct procedure was to foster cooperation and participation between the main trade unions in the country. That was a crucial element in the promotion of social peace, to which any serious government should aspire. He concluded that any action that prejudiced freedom of association was a clear violation of the ILO Constitution and contravened the provisions of the Convention.

**The Government member of Egypt** said that account should be taken of all the efforts made by the Government in the framework of dialogue with the social partners, to ensure the effective implementation of the Convention. This included preparing labour legislation and other related social laws; ensuring the establishment of trade unions based on pluralism; facilitating the establishment of trade unions at different levels by removing the restrictions and obstacles in this exercise; and providing the necessary guarantees for the establishment of independent trade unions. The Government was encouraged to take additional measures to ensure the full application of the Convention, both in law and practice and to make use of the technical assistance provided by the Office in that respect.

**The Worker member of Mali**, speaking also on behalf of the workers of Guinea and the Congo, indicated that, for the second consecutive year, the Committee was examining the failure of Algeria to comply with the provisions of the Convention. In light of the arguments put forward by the Government and the efforts made to clarify contentious issues, significant progress had been noted regarding in particular: the effective recognition of pluralism, resulting in the registration of several trade unions covering almost all economic branches and the public sector; and the existence of a regulatory framework to facilitate the conclusion

of collective agreements at the enterprise level. In addition to those achievements, a National Economic and Social Growth Pact had been signed, thereby strengthening the promotion of social dialogue and the recognition of the rights of all workers. Social peace was the bedrock of all economic progress and the foundation of the rule of law as it ensured respect for the choice of all workers to freely exercise their activities. In the present case, Algeria was a country engaged in a process of substantial transformation sustained throughout by the values of progress and democracy, for which the ILO was a reference. In that context, the Organization's role was to actively encourage the strengthening of social dialogue as a channel for social peace and cohesion through the recognition of the achievements made since 2017 in relation to trade union rights. The ILO should continue to support Algeria to strengthen the results attained.

**The Government member of Mexico** noted the action taken by the Government in response to the comments of the Committee of Experts, and particularly the progress made in reforming the Labour Code and the political will shown to undertake a broad consultation process with the social partners with a view to drafting legislation that would strengthen the application of laws and practice, so that the challenges in the present case could be overcome. At the same time, the Committee of Experts had noted the allegations aired before the Committee on Freedom of Association, which made it necessary to emphasize the importance of avoiding duplication in the examination of the issues at hand. It was therefore particularly relevant not to prejudge any matters that were still pending before that Committee, so as to ensure coherence in the functioning of the supervisory bodies. He reiterated that respect for fundamental rights at work was an essential component in creating decent work and accordingly, expressed satisfaction at the Government's willingness to work with the supervisory bodies. It was to be hoped that the legislative process under way would be fruitful and that the Committee of Experts would be kept informed of the progress achieved.

**The Worker member of Bahrain** said that there was no doubt that the Government was dealing decisively and transparently with the observations of the Committee of Experts and that it responded in detail to all the issues contained therein. He expressed his surprise at the fact that Algeria had been on the list of cases for years, despite the fact that it had ratified more than 60 international labour Conventions, which confirmed the country's commitment to respect of international labour standards. The Algerian labour movement was dynamic and active, and provided significant material and moral support to Arab and African trade unions. However, he supported the statements made by the Government in that they should be granted freedom in dealing with the draft Labour Code, with the full support of the social partners. He added that the great number of social sectoral agreements reflected the fact that Algeria used social dialogue and collective bargaining as the ideal means to regulate conditions of work. Finally, it was important to acknowledge efforts made in the country, which provided a good example of freedom of association and social dialogue, rather than insist on placing it on the list of cases.

**The Government member of the Russian Federation** noted that the information provided by the Government confirmed its commitment to complying with the Convention. The Government was demonstrating good will and was open to dialogue with the social partners on the issues raised. For a number of years, the Government had been taking specific steps that affirmed its commitment to the fundamental principles and rights at work. The situation should be analysed carefully, and the ongoing social dialogue should be supported. The speaker concluded by en-

couraging the Government's cooperation with the ILO, including in the form of an ILO mission, and to continue to take measures in that respect.

**The Worker member of Sudan** noted that the Convention provided for account to be taken of national laws in the exercise of trade union activities. Algeria had ratified a large number of ILO conventions. It also had an important role in developing the African trade union movement through the Organization of the African Trade Union Unity (OATUU), as well as an active role in the Arab trade union movement through the International Confederation of Arab Trade Unions (ICATU). Algeria's national labour legislation was in conformity with international labour standards, including with respect to trade union pluralism.

**The Government member of Ghana** welcomed the efforts taken by the Government regarding the reinstatement of dismissed workers. The Committee of Experts should bear in mind the distinction between fundamental human rights and trade union rights, as trade union rights also entailed obligations. Algeria had acquired great experience in the use of social dialogue as a tool to reach consensus on important socio-economic issues. The reform of the Labour Code required the participation of major players in the country in order to ensure consensus over a law which addressed existing gaps and takes into account emerging issues in the industrial environment. He urged the Government to strengthen engagement with the social partners and avail itself of ILO technical assistance to make progress in the finalization of the Labour Code reform, in compliance with relevant international labour standards.

**The Government member of Cuba** expressed appreciation of the information that the Government had supplied concerning the Convention. She emphasized that some of the recommendations made by the Committee of Experts had already been implemented and trusted that Algeria would continue to make progress in putting into practice the recommendations made.

**An observer representing the World Federation of Trade Unions (WFTU)** said that the trade unions situation in Algeria was characterized by pluralism, as more than 100 trade unions were registered, including 65 central trade unions. What was lacking in Algeria was ambitious and fair legislation regulating pluralistic trade unions. Some considered that tripartite dialogue necessarily meant the inclusion of only the most representative trade unions and the exclusion of the remaining organizations, when in fact tripartite dialogue should not be restricted but should encompass a number of workers' and employers' organizations at all stages of dialogue. He recommended that the Government of Algeria should work to establish a higher council for social dialogue in which more than one employers' organization and one workers' organization could participate.

**The Government member of Kenya** noted that since the last examination of the case by the Conference Committee in 2017, the Government had put in place a number of measures to address some of the problems regarding the application of the Convention. There had been an increase in the number of cases settled through conciliation or competent courts, most of which related to professional misconduct rather than to the exercise of workers' trade union rights. Consultation and negotiation had also resulted in the signing of a number of economic and social agreements and the creation of institutions to enhance social dialogue. As the process of amending laws and restructuring institutions was time-consuming, the Government should be given more time and technical assistance from the ILO in order to enhance compliance with the Convention.

**The Government member of Nigeria** noted with satisfaction the Government's report on the application of the Convention and considered that much substantial progress had been made. He expressed support for the proposal to revise

the working methods of the Committee to carry out its mission in accordance with the principles of tripartism and ensure full transparency in individual cases. Particular concern remained about the complaints lodged against the Government by some persons and trade unions allegedly lacking official recognition on the pretext that the Government was hindering freedom of association. Trying to force governments to implicitly recognize pseudo-organizations was a practice that undermined a State's sovereignty. Finally, the Government's commitment to meet the requirements of the principles of the Convention was welcomed.

**The Government member of the Syrian Arab Republic** noted the positive measures initiated by the Government. Those measures should continue, as the Government was determined to pursue reforms to ensure the application of the Convention. The delay in finalizing the Labour Code should not be a concern as this legislation required tripartite consultations and dialogue. He hoped that the new law would soon be issued as the tripartite constituents reached consensus.

**The Government representative** emphasized that Algeria was a stable country which respected human rights in general, and freedom of association in particular, as demonstrated by the strikes that had been called, including in some very sensitive sectors, such as national education, health and transport. There were no preconditions for the registration of trade unions, except the procedures set out in the national legislation. Information concerning the processing of applications for trade union registration had always been provided to the ILO on time. He added that one person claiming to represent the workers was no longer a public official and therefore only currently represented herself. The Government had also provided all the evidence concerning the illegal activities of that person, which consisted of inciting rebellion and disobedience, for which there could be no protection under the Convention. He further noted that Algeria had neither refused nor cancelled the direct contacts mission. The country had provided full information on the action and preparations made in that regard and was engaged in consultations with the Office. With regard to the outcomes of individual cases, full information had been provided in a transparent manner and the procedures were well advanced. With regard to the reform of the Labour Code, dialogue and tripartite consultations were in progress, including those concerning the provisions on which comments had been made by the Committee of Experts. Pending the completion of the process, Algerian labour legislation was in conformity with international Conventions, which meant that there was no legal vacuum in the country. He regretted that a number of accusations had been made against his country despite the information previously provided by the Government, which it refuted. It had been indicated that Mr Mellal was no longer in the enterprise in question, but that he was working as a lawyer at the Alger bar. Regarding the legal proceedings in which he was involved, the enterprise had appealed and the courts were continuing to work in full independence. Other persons present in the room claimed to have received prison sentences, although they were able to travel freely outside of the national territory. With regard to the dispute that had arisen within SNAPAP, it should be recalled that the Supreme Court had ruled on the case and that the trade union's leaders had been re-elected at its last congress. On the case relating to CGATA, all the relevant information had been provided to the Office, which could now be examined by the Committee of Experts. Trade union pluralism existed in Algeria, as demonstrated by the significant number of organizations that were active. The dissolution of SNATEGS had been decided upon by its founding members in accordance with the legislation, and the Ministry had confined itself to taking note of that vol-

untary dissolution. With regard to trade union representativeness, the legal framework had been in place since the adoption of the 1990 labour laws. The framework developed that year aimed only to ensure greater transparency and precision in the assessment of trade union representativeness. Twenty-one trade union organizations had complied with the new measures, without their operation being affected. He recalled his country's commitment to tripartism and social dialogue, and underscored his Government's willingness to strengthen cooperation with the Committee and the ILO in general.

**The Worker members** emphasized that the Government had provided further information concerning the observation of the Committee of Experts that the Committee had discussed in 2017, without however responding to the comments made by the Committee of Experts in its latest observation. It would have been better, as the Committee had requested the previous year, for the information to have been sent to the Committee of Experts so that it could have been taken into account in its examination of the case. Sending the information more promptly would also have allowed the necessary verification to have been made. They recalled that currently: (i) the list of reinstated workers sent by the Government included SNAPAP delegates who had only been reinstated on condition that they renounced their trade union functions; (ii) postal workers were included on the list, even though in reality, the post office was still refusing to reinstate them; and (iii) the majority of SNATEGS delegates were not mentioned on the list. It was therefore clear that the Government had only partially given effect to the Committee's recommendation in that regard. With respect to the procedure for the registration of unions, they considered the information supplied by the Government to be a cause for concern. According to the Government, the non-recognition of SAATT was largely attributable to the absence of specification of the categories of workers covered by the organization's statutes, a requirement that ran counter to Article 3 of the Convention, which recognized the right of workers' organizations to draw up their rules freely. With regard to the alleged failure to comply with the provisions of section 21 of Act No. 90-14, they had underlined that the section in question contained requirements that constituted interference by the public authorities, in breach of Article 3(2) of the Convention, and that the Government had not specified exactly the manner in which SAATT had failed to comply with that section. Concerning the reported reinstatement of workers in the public service, the Government had not provided specific information in support of its claims on that point. The Worker members recalled that the Convention contained a series of provisions that had yet to be incorporated into Algerian law. With regard to the registration of trade unions, clear and transparent provisions were needed. In order to avoid registration becoming in effect a request for prior authorization, it would be useful to introduce a legal provision setting a short time limit for the delivery of the receipt of registration and providing for automatic trade union registration if no reasoned reply was received within the set time. More specifically, they called on the Government to: (i) recognize independent trade unions, including the CGATA, as soon as possible and restore the registration receipt of SNATEGS, which had been withdrawn without justification; and (ii) amend the legislation so that all workers, without distinction on grounds of nationality, had the right to establish unions. With regard to the Labour Code that was being prepared, they: (i) requested the Government to ensure that the text was in full conformity with the Convention and expressed regret that the Government had made no explicit commitment in that respect; (ii) pointed out that the document submitted made no reference to the comments of the Committee of Experts; and (iii) requested the Government to send that document to independent

trade unions, including the CGATA, for comment. They also called on the Government to cease any action that hindered freedom of association, so that it could be exercised in a climate free of intimidation and violence. Bearing in mind that the Government had not given any effect to the recommendations made at the previous session of the Committee, they requested it to accept a high-level mission to examine all relevant aspects and, in particular, to hold meetings with the complainant unions.

**The Employer members** expressed appreciation for the information provided to the Conference Committee, including the Government's stated commitment to further cooperate with the ILO and the national social partners. Referring to the conclusions adopted by the Conference Committee in 2017, the Employer members encouraged the Government to work towards completing the reform of the Labour Code, in consultation with the social partners. In that respect, the Employers highlighted the requirement of the Convention to remove obstacles to the establishment, by workers of organizations of their own choosing, including the registration of trade unions, and emphasized the need for a climate free of intimidation and violence. The Employer members welcomed the Government's stated commitment to tripartite social dialogue, which was a necessary component for continued progress. In the spirit of transparency and clarity, and in light of the Committee of Experts' need for the most up-to-date information, a high-level mission should be accepted without reservation to demonstrate commitment to achieving compliance with ratified Conventions.

### **Conclusions**

**The Committee took note of the oral statements made by the Government and the discussion that followed.**

**The Committee expressed concern over the persistence of restrictions on the right of workers to join and establish trade union organizations, federations and confederations of their own choosing. The Committee noted with concern that progress towards compliance with Convention No. 87 remained slow as this case has been discussed for more than a decade and that the Government had yet to bring the draft Labour Code to Parliament for it to be finally passed. The Committee deeply regretted that the Government did not accept the terms of the direct contacts mission without restriction pursuant to the Committee's recommendations in 2017.**

**Taking into account the Government's submission and the discussion that followed, the Committee urged the Government to:**

- ensure that the registration of trade unions in law and in practice is in conformity with Convention No. 87;
- process pending applications for the registration of trade unions which have met the requirements set out by law and allow the free functioning of trade unions;
- ensure that the new draft Labour Code is adopted in consultation with the most representative worker and employer organizations and is in conformity with the text of Convention No. 87;
- amend section 4 of Act No. 90-14 in order to remove obstacles to the establishment by workers of organizations, federations and confederations of their own choosing, irrespective of the sector to which they belong;
- amend section 6 of Act No. 90-14 in order to recognize the right of all workers, without distinction whatsoever, to establish trade unions;
- ensure that freedom of association can be exercised in a climate free of intimidation and without violence against workers, trade unions, employers or employer organizations;
- provide further information on the expedient reinstatement of employees of the Government, terminated based on anti-union discrimination; and

- provide information regarding the decision to dissolve the SNATEGS trade union to the mission noted below.

**The Committee urgently calls on the Government to accept without delay, and before the next meeting of the Committee of Experts, an ILO high-level mission without restriction and report progress to the Committee of Experts in this regard before its next meeting in November 2018.**

The Government representative regretted the decision taken by the Committee, despite all the information and documents provided to the Office. He considered that there were problems relating to the functioning of the Committee in terms of appreciating the effect given to the Convention in his country, which confirmed the need and urgency to reform the Committee's functioning so that the list of individual cases could be drawn up in a transparent manner and the conclusions were tripartite and reflected correctly and faithfully through agreed recommendations the points of view expressed during the discussions. He recalled the readiness of the Minister of Labour to continue consultations concerning the direct contacts mission that was due to visit Algiers, indicating that he had met the Director-General and the Director of the International Labour Standards Department to discuss the mission. He solemnly declared that his Government rejected the substance and form of the Committee's conclusions. He regretted that, instead of taking into account the progress made and providing support and encouragement with the objective of making improvements, the Committee had confined itself to the statements made by two persons and undocumented articles in the press and that it had recommended a high-level mission without taking into consideration in its conclusions the measures, arguments, documents and progress achieved, and the existence of a large number of trade unions. He had emphasized on many occasions at previous sessions of the Conference that such inconsistencies jeopardized the impartiality and credibility of the Committee. Finally, with regard to the representatives of workers' organizations in Morocco and Brazil, he advised them to devote their energies to persuading their countries to ratify the Convention, rather than criticizing Algeria, where trade union pluralism was a constitutional principle, and he took the occasion to remind the Worker spokesperson of the danger that attitudes which were not constructive would push the Committee towards blockage and a dead-end.

#### **BOTSWANA (ratification: 1997)**

A Government representative recalled that in 2017 the Committee had recommended the Government to: take appropriate measures to ensure that the labour and employment legislation granted members of the prison service the rights guaranteed by the Convention; ensure that the Trade Disputes Act (TDA) was in full conformity with the Convention and engage in social dialogue, with further technical assistance of the ILO; amend the Trade Unions and Employers Organisations Act (TUEO Act), in consultation with employers' and workers' organizations, to bring those laws into conformity with the Convention; and develop a time-bound action plan together with the social partners in order to implement the Committee's conclusions. The speaker indicated that since then, consultations had been ongoing between the Government and the representatives of employers and workers on the process to amend the labour laws. In particular, the Government and the social partners had met seven times between July 2017 and April 2018, clearly showing the Government's commitment to move forward. Although the process of reviewing the labour laws had been slow at the beginning, meaningful progress had been made in October 2017 when a tripartite time-bound action plan, as requested by the Committee, had been adopted by the tripartite parties and provided to the ILO Decent Work Team for Eastern and Southern Af-

rica. There had been general consensus among the representatives of the Government and the social partners on the need to review the labour laws to fill the gaps, incorporate various Court decisions and make the legislation compliant with the ILO Conventions ratified by Botswana.

In April 2017, during the mission of the ILO Decent Work Team for Eastern and Southern Africa to Botswana, it had been resolved that the focus of the review would be on the Employment Act and the TUEO Act. However, the tripartite partners had acknowledged that some provisions in those laws could have a bearing on the provisions of other labour laws and it had therefore been agreed that the review could be extended to include such other laws as the Public Service Act (PSA) and the TDA, to the extent necessary, so as to ensure harmonization and consistency. In order to carry out the review, the Government and the social partners had agreed to establish a Labour Law Review Committee (LLRC) consisting of members from the Government, employers and workers, the purpose of which was to spearhead the labour law review process. The tripartite action plan envisaged that the Bills on the amendment of the laws would be submitted to the November 2018 session of Parliament. The Government and the social partners had also agreed to engage an expert to assist in the review process, had developed the Terms of Reference for the Review of the Labour Laws, which had been provided to the ILO in March 2018 and, with the facilitation of the ILO Decent Work Team for Eastern and Southern Africa, had also agreed on the expert to be engaged. During the Government's engagement with employers' and workers' representatives, it had become clear that the amendment of the TDA, in particular the review of the list of essential services, was of critical importance to workers and the Government had therefore deemed it necessary to re-examine the list of essential services. As such, the TDA and the PSA would form part of the laws that would be reviewed. Finally, the speaker emphasized once again that the framework for the review of the labour laws had been agreed with the social partners, that the action plan had been communicated to the ILO, which had facilitated the engagement of an expert, and that the tripartite parties had agreed on the expert and were awaiting confirmation from the ILO on when the expert would commence the task of facilitating the review of the labour laws. He also reiterated the Government's engagement to ensuring that progress was made towards the full implementation of its commitments.

The Worker members recalled the recommendations made by the Committee during the discussion of the case in 2017, and noted that they had not been implemented. The Government had sent no report on the application of the Convention, which had led the Committee of Experts to repeat its previous observation. The situation was regrettable. First, with regard to the recurring issue of prison staff being denied the right to organize, the Government considered that the prison administration was part of the disciplined forces. Such a situation was contrary to Articles 2 and 9 of the Convention. While Article 9 provided for an exception for the armed forces and police, such an exception must be interpreted narrowly. It should be noted that the exception for the army and the police was not based on the fact that they were subjected to discipline, but rather on the nature of their activities. It therefore did not matter whether or not the prison administration was subject to disciplinary regulations. Furthermore, there was no direct link between the different categories (armed forces, police, prison service). Consequently, the Government's argument that prison staff were excluded from the right to organize on the grounds that they were part of the disciplined forces was incompatible with the Convention, even if the Constitutional Court had accepted such an exclusion. The Worker members emphasized that, in other administrations, work-

ers had been pressured into ending their trade union membership. Their employers had threatened to take away their social benefits if they did not give up their trade union membership. Legal action had been taken in this regard.

Second, concerning the right of trade union organizations to organize their activities, and in particular the determination of the list of essential services and the discretionary power of the Minister to declare a service essential, despite the diverging positions on the right to strike, the Employer members and the Worker members had reached a consensus on the subject during the examination of the case in 2017, and had invited the Government to bring its legislation on labour disputes into conformity with the Convention. Also at the legislative level, the issues relating to the conformity of the TUEO Act, which were linked to the provision granting certain facilities only to unions representing at least one third of the employees in the enterprise, had not been resolved. Although the establishment of thresholds of representativity was not in itself contrary to the Convention, this was subject to conditions such as the precise and objective nature of the criteria used, or the distinction being limited to certain privileges. In the case of Botswana, the Act did not establish a minimum number of members as a requirement for the establishment of a trade union, but as a requirement for the granting of certain privileges, such as access to the premises of an enterprise to recruit members, hold meetings or represent members in the event of a complaint, disciplinary measures or dismissal. However, such privileges were fundamental aspects of trade union activity; without them, it would be almost impossible for a trade union to recruit members or establish itself within an enterprise. Sometimes, even if a trade union met the criteria, the employer would refuse to grant it such privileges. Another provision of the TUEO Act that was contrary to Article 3 of the Convention was the one that authorized the registrar of trade unions to inspect the books and documents of a trade union at any reasonable time. In this regard, it was important to recall that organizations needed to benefit from the necessary autonomy and independence. Controls could only constitute an exceptional measure that must be narrowly defined. Lastly, regarding the new draft bill on the public service which, according to the Government, had been the subject of prior consultations with the social partners, it was essential for the Government to provide a copy of the latest version of the draft bill, or a copy of the legislation once it had been adopted. In conclusion, in 2017, the Government representative had stated that it was necessary to wait for the outcome of an open discussion with the social partners in the near future. The Worker members had shared this concern, which was linked to the need to ensure consultation with the social partners, and had recognized the difficulties and hurdles that a government could encounter in its efforts in that regard. Nevertheless, given the fact that the Government's attention had been drawn for 17 years to many of the points under discussion, the amount of time needed to engage in social dialogue could not be used as an excuse for failing to guarantee the basic rights of workers.

**The Employer members** recalled that, although the case had first been discussed by the Conference Committee in 2017, it had previously been subject to nine observations of the Committee of Experts. It was being discussed again because nothing had happened in the meantime, despite the provision of technical assistance by the ILO on a number of occasions. It was noted that a recent change of presidency had had a beneficial effect on the Government's commitment to change. The Committee of Experts' requests to the Government reflected concerns relating to compliance with the Convention in law and practice. With respect to practice, the Committee of Experts had reported violations of the Convention on several occasions, including favouritism towards certain trade unions, dismissals of

striking workers, police repression of pickets and a refusal to allow public sector unions to address their concerns to Parliament. There were several aspects of concern to the Employer members, the first relating to the requirements of Article 3 of the Convention, which permitted workers and employers to set up organizations free from official interference. While favouritism and restrictive criteria for establishment did not meet that standard and should be avoided, that did not mean that there should be no criteria. It was common for unions to be subject to the same criteria as any other not-for-profit organization. Similarly, unilateral access by public authorities to the books and accounts of a union could be regarded as interference by the authorities, in clear contravention of Article 3 of the Convention. Regard should be had to the practice common in many countries of requiring regular reports rather than permitting the authorities' access to trade union records. Acknowledging the establishment of the LLRC, the Employer members urged the Government to make progress in reviewing labour legislation so as to remove any barriers to the free establishment or operation of trade unions.

The reference in the Committee of Experts' observation to instances of repression was more difficult to deal with as, without more evidence, it was difficult to assess whether the instances complained of involved violence or other unlawful acts that would have attracted legitimate attention from the authorities. Consistent with the Employer members' firm view that the Convention did not regulate the right to strike, as well as with the view expressed in the Government statement to the 2015 tripartite meeting on the Convention that the scope and conditions of the right to strike were regulated at the national level, there was little more that the Employer members could add on the subject. The Government was encouraged to ensure that actions taken with respect to protests were commensurate with the source and nature of the protest and the respected national laws that governed them. The same applied to essential services, which could be designated by a country. In many countries, the right to organize and to take industrial action was typically denied to the armed services and the police, which was unequivocally a decision to be taken by the nation concerned. It was also common to designate certain other services as essential because any disruption of them for more than a short period would cause economic harm or endanger the lives, safety and health of the population. Botswana had designated a large number of services as essential and, while that approach did not in itself contravene the Convention, it did raise questions as to why, particularly when those services included banks and diamond operations. The history of the case also related to the Government's designation of the prison services as a "disciplined force" in the same manner as the armed services and the police. The Employer members disagreed with such a designation, as the prison service was not responsible for preserving and maintaining law and order in the constitutional sense as applied to the armed services and the police. Nor, as observed by the Committee of Experts, was the prison service covered by the same legislation as the armed services and the police. However, the Employer members were restricted in commenting further as that was a matter for the national legislature. Similarly, as in 2017, the Government was urged to review the list of essential services and to ensure that any restrictions placed upon them were commensurate with their impact on the health and welfare of the citizens and the economy. With regard to the compliance of national law with the Convention, the Government had previously indicated that it was focused on amending the Employment Act and the TUEO Act, but meaningful dialogue with the social partners had yet to occur. Moreover, both employers and workers had previously expressed deep concern that focusing only on those two Acts would achieve little. In April 2018, the Government

had asked for further assistance from the ILO which would be provided. The speaker welcomed the broadening of the review exercise, encouraged the Government to engage in social dialogue with the representative organizations of employers and workers willing to advance the underlying issues and noted the increased willingness of the Government to do so.

**The Worker member of Botswana** regretted that the Government was not complying with the Convention and had largely not followed the conclusions of the Committee, using delaying tactics and showing a negative attitude towards the supervisory bodies. Upon returning from the 2017 Conference, the Government had held a press conference in which, stopping short of denouncing the ILO, the Minister had stated that its findings were merely advisory and not binding. Despite this position, in July 2017, the trade unions had submitted for tripartite discussion proposals to give effect to the Committee's conclusions. At first, the Government had frustrated those efforts and only in October 2017 had the proposals been discussed and the parties agreed to form a tripartite LLRC, as well as agreeing to a time-bound workplan to complete the review. The LLRC had been given the mandate to agree on the terms of reference for a consultant to assist in reviewing the laws, but the Government had sought in bad faith to unilaterally impose the terms of reference on the social partners, seeking to exclude from the scope of the review the TDA, the PSA and the Prisons Act. The workers' representatives, supported by Business Botswana, had recalled that the Committee's conclusions had called for the review of those Acts, but that the Government had refused to amend them and, as it was not even willing to engage in dialogue on the issue, had referred to its old argument that the prison service belonged to the disciplined forces. In its 25 April 2018 response to a request from the Botswana Federation of Public Sector Unions (BFTU) on the subject, the Government had claimed that unionization implied industrial action and that this would compromise national security. Such flawed reasoning was contrary to Article 9 of the Convention, as well as to national constitutional provisions on civil liberties. Moreover, since the last discussion by the Committee, violations of the Convention had continued. In January 2018, the Government had notified trade unions and federations that it would inspect trade union books, accounts and documents pursuant to section 49 of the TUEO Act and had insisted on such unlawful inspections, despite the BFTU's submission that they were contrary to the Convention and would encroach on the independence and autonomy of trade unions. The BFTU was also deeply concerned at the deregistration of the Public Sector Bargaining Council (PSBC), an institution which nurtured and consolidated industrial democracy. The Government had also published the Public Service Bill (PSB) to amend the PSA without consulting any tripartite body. The PSB undermined the role of the social partners in the appointment of the PSBC secretariat and encroached on union autonomy by dictating who could represent them or negotiate on their behalf. The Committee must therefore request the Government, as a matter of urgency, to halt the continued violations of the Convention and to allow the terms of reference for the labour law review to be subject to tripartite structures and to encompass the various laws the Committee had urged be amended, as well as the PSA, with precise timelines.

**The Employer member of Botswana** stated that the tripartite partners had met to address the recommendations made by the Committee on the Application of Standards in 2017 and a tripartite task force had been established to spearhead a comprehensive review of the labour laws. Although much time had been lost on building consensus on the parameters of the review, there was confidence that the task

force would rapidly oversee the labour law review, especially considering that the country's new leadership was inclined to engage openly with the workers, and that it would report progress to the ILO supervisory bodies. As the review of the labour laws not only offered the opportunity to address the conclusions of the Committee, but also to align the national employment laws and policies with the needs of a modern and competitive economy, the speaker requested the Committee to give the country time to address its recommendations, and expressed the employers' continued availability to work with the Government and workers on the issue. Finally, he sounded a note of caution, as it would not be easy to reach consensus on the classification of prison officers in view of the divergent legal opinions on the matter, but the deep tradition of consultation should allow for progress to be made.

**The Government member of France** drew attention to cases in which freedom of association had been violated, particularly as prison staff were unable to join a union and essential services were defined very broadly, leading to many workers being excluded from exercising the right to strike. In that regard, no information had been provided to suggest that the situation had changed. The speaker underlined the importance that should be attached to the full exercise of the right to freedom of association through effective and balanced social dialogue, and to the protections and facilities that should be provided for workers' representatives. Similarly, it should be emphasized that the right to strike was an essential element of freedom of association within the meaning of the Convention, and that the importance of respecting this right in applying the Convention should be recalled. Freedom of association and the associated right to strike were fundamental labour rights enshrined in the eight core Conventions, universal ratification of which should be promoted. Consequently, the Government of Botswana should take into account the requests made by the Committee of Experts and review its legislation so as to enable workers whose functions could not reasonably be categorized as essential services to carry out trade union activities freely.

**The Worker member of South Africa** expressed concern that the various pieces of legislation identified by the Committee of Experts as requiring urgent and substantive amendments – the TDA, the Prison Services Act and the PSB – were designed to reduce workers' rights, which was injurious to work morale, democratic industrial relations and productivity. It was also worrying that the Government continued to ignore the genuine efforts made by the national social partners, especially the workers, as well as by the Committee of Experts and the Conference Committee. The right of workers to organize, form organizations of their choice and have representation, including collective bargaining rights, constituted the basic minimum for making shared progress. He referred to the example of a trade union from South Africa which had organized workers in the police and prison services and highlighted that the trade union membership and activities of those workers had never posed a threat to the stability and cohesion of the country, or compromised the workers' professionalism in carrying out their official duties. It was therefore not useful for the Government of Botswana to argue that workers in prison services were members of a disciplined force that could not be allowed to organize freely and genuinely. The tendency to systematically and administratively stifle and shrink spaces for civil liberties, including the rights of workers in prison services, was dangerous for economic and societal stability. Therefore, the Committee was strongly urged to call on the Government to preserve and respect the sanctity of the provisions of the Convention, which were unambiguous, persuasive and practical in relation to the rights of workers to freely organize and bargain,

and to take measures to protect those provisions without let or hindrance.

**The Government member of Zimbabwe** thanked the participants for their interventions that focused on the core elements of the issue discussed, which was of a legislative nature. Legislative reforms could not be completed overnight given the plethora of bodies involved, including the tripartite structures, the Cabinet, the Parliament and their relevant subcommittees. The Government had informed the Committee about the roadmap, in particular the work being undertaken by the tripartite LLRC, which it had put in place, together with the social partners, to address the concerns raised by the ILO supervisory bodies. The Government had also stated that it was working together with the ILO field offices, including in relation to the labour law expert to be hired by the ILO to assist in elaborating the labour law reform. While appreciating the collaboration between the Government and the ILO, the speaker urged the latter to continue supporting the Government and the social partners in the reform process, including through its field offices.

**The Worker member of Kenya** indicated that the trade union organizations of the East African Trade Union Confederation (EATUC) understood perfectly the rationale and principles for essential services in the public services. Workers delivering essential services were conscious that their critical services, their professional commitment and willingness to serve people and their communities, contributed to the attainment of individual, community and national aspirations. Nevertheless, like every other worker, they had workplace rights to safeguard, which were not to be frozen, discounted and undermined simply because the workers were providers of essential services. Such rights should be well preserved, respected and enjoyed. However, the Government had continued to do the opposite, as noted in the report of the Committee of Experts. Experience had shown that workers who did not enjoy strike actions undertook efforts to avoid them as much as possible, but they also had the right to withhold their services where such efforts failed, so as not to open the gates for abuses of their other rights. The rationale for classifying essential services as was done in the TDA was incomprehensible, impossible to accept, and did not contribute to industrial relations and workplace harmony. It was difficult to see how diamond sorting, cutting and selling services, government broadcasting services, the Central Bank of Botswana, veterinary services and railway operations constituted essential services, as their interruption would not endanger the life, personal safety or health of all or part of the population. Recalling the Government's assertion to the Conference Committee that legislative amendments would be made to the list, the speaker confirmed with regret that no progress had been made in that regard and asked the Committee to insist on real and tangible progress.

**The Worker member of Ghana**, speaking on behalf of the Organization of Trade Unions of West Africa (OTUWA), expressed concern about the TUEO Act, highlighting in particular its section 43, which provided for the inspection of accounts, books and documents of a trade union by the Registrar at "any reasonable time". The provision was a clear interference by the Government in the internal affairs of trade unions, with the real consequence that union activities would be self-censored to favour the Government and not union members. Even in cases where the unions mustered the courage to assert their rights, there was the real and very high likelihood that the Government would retaliate by instigating false allegations, relying on its broad power to inspect union accounts, books and documents. The speaker also noted previous comments of the Committee of Experts indicating that legislative provisions regulating in detail the internal functioning of workers' and employers' organizations posed a serious risk of interference

and were therefore incompatible with the Convention. For instance, in Ghana, the legal framework allowed unions to enjoy the greatest possible autonomy, with a view to enabling them to function effectively, and the social partners filed their annual financial and other reports with the sole objective of protecting the interests of union members and guaranteeing the union's democratic functioning. Union activities and resources were from and for its members, who had the primary right to scrutinize and hold leaders accountable for running the organization. Governments should not include language in the legislation which could create any second level financial accountability mechanism as a pretext to interfere in legitimate trade union activities, and the Government was called on to amend the relevant legislation.

**An observer representing Public Services International (PSI)** indicated that the PSBC had been established in 2011, pursuant to the PSA, with the mandate to negotiate, conclude and enforce collective agreements. In August 2013, the office of the Director of Public Service Management (DPSM) had sent a letter to a member of the PSBC, the Botswana Federation of Public Service Unions (BOFEPUSU), stating that the Government was withdrawing from the PSBC, thereby rendering it dysfunctional, since the PSBC could only pass a lawful resolution if signed by both the employer and the trade union parties. The BOFEPUSU had taken the matter for review to the High Court, which had held that the withdrawal of the Government (as the employer) prejudiced the BOFEPUSU. Following the decision of the High Court, the Government had deregistered the BOFEPUSU as a Federation. That decision had been appealed and the courts had once again considered the deregistration to be illegal. In May 2017, the BOFEPUSU had withdrawn its membership from the PSBC, following the Government's decision to unilaterally award a 3 per cent salary increase to public servants outside the purview of the PSBC. The High Court had held that the Government was not permitted to grant unilateral wage increases to public servants during the period when wage negotiations were in progress, as this constituted negotiating in bad faith. The High Court had also stated that granting a unilateral increase, in light of the manner in which this had been done, had seriously undermined the trade unions and had damaged their integrity and credibility by demonstrating that union representatives were not effective in bargaining and thereby dissuading employees from joining trade unions. In addition, the High Court had urged the Government and the unions to revisit the situation, so that the fair and inclusive negotiating forum could be reconstituted. Despite the judgment, the Acting Commissioner of Labour and Social Security had dissolved the PSBC in November 2017, even though unions had been collaborating together with the Minister of Employment, Labour Productivity and Skills Development to resume its operations and the Acting Commissioner had been notified of such efforts. The unions had since appealed to the Minister to rescind or revoke the Commissioner's decision to cancel the PSBC, but to no avail. The speaker further recalled that the revision of the labour legislation was a great opportunity for the Government and the social partners to adopt legislation in line with the ILO standards ratified by the country. Nevertheless, the Government's behaviour clearly showed a deliberate attempt to undermine social dialogue and Botswana's obligations under the Convention.

**An observer representing Education International (EI)**, speaking on behalf of the Botswana Secondary Teachers' Union (BOSETU) and the Botswana Teachers' Union (BTU), stated that a high number of employees, including teachers, had been placed under the category of essential services through the amendment of section 46 of the TDA. Such widespread extension of the essential service status to almost 85 per cent of workers in the public service was

meant to freeze their rights to organize and effectively bargain, thereby infringing the Convention. Consequently, teachers and support staff in education would remain not only weak, but also vulnerable, their working conditions would deteriorate and it would have dire consequences on the quality of education, which was a public good. The speaker noted with regret the disagreements over the terms of reference of the tripartite LLRC, which had been established to review the labour laws to ensure their compliance with the Convention. The reasons of the disagreement had been the decision of the Government to exclude the TDA and the PSA from the review, even though section 46 of the TDA on essential services was a key aspect of the case, and it was therefore unacceptable for it to be excluded from the review. In addition, the Government had dissolved the PSBC, the only tripartite bargaining structure available in the public sector. As a result, there was no bargaining in the public service in Botswana. Furthermore, contrary to the Convention, a decision of the authorities to inspect union books had been adopted, which represented an interference in trade union affairs. The Committee was requested to ask the Government to include the TDA, the PSA and the PSB in the labour legislation review.

**An observer representing IndustriALL Global Union** referred to the continued violation of workers' rights in Botswana reported by its affiliates, due to the Government's continued failure to abide by the provisions of the Convention and the Committee's requests. In 2017, the Committee had noted various submissions concerning new amendments to the TDA, but no concrete progress had been reported to date, despite the abundant goodwill and disposition of the social partners, especially the workers. Expressing deep concern at the attitude of the Government, the speaker noted that the TDA had a sweeping broad application across all sectors and this posed a threat to economic and labour peace. Reports from affiliates in the country pointed to members and workers in the diamond and mining industries who were experiencing violations deriving directly from the TDA, including the case of a government-owned mining company which had made 5,702 workers redundant without following the relevant procedures. Economic hardship was no reason to undermine workers' rights. Workers with positions in the bargaining unit in the diamond cutting, sorting and sales services had been abusively re-classified as workers in "essential services", with the effect of denying their right to bargain with their employers and to strike. They had been unable to get an audience with the Commissioner of Labour and Social Security or to have attention paid to their grievances, the administration of disputes related to essential services being treated as an act of magnanimity. The Government was asked to take appropriate measures to ensure that the TDA was in full conformity with the Convention and to engage in genuine social dialogue with national unions.

**The Worker member of Burkina Faso** emphasized that, while information on political change was an indicator to be taken into consideration, it was not sufficient in itself, particularly if account was taken of the principle of continuity of the State and the fact that the Government had stated in a press conference in 2017 that the Committee's conclusions were mere recommendations that were not binding on national authorities. Regarding the process of codifying "living together" through the adoption of standards, the speaker emphasized that the principle of freedom of association was considered to be a central value of the ILO and that Convention No. 87 had been adopted by tripartite consensus to regulate the exercise of freedom of association and trade union rights. In that context, it was important to recall that Conventions were legally binding international treaties and that, through their ratification, countries committed to their application in law and in prac-

tice. All authorities in the country must contribute to respecting international commitments made by the Government through the ratification of a Convention. However, a lack of principled governance regarding respect for international commitments was widespread and constituted a dangerous phenomenon. The workers' movement must act to ensure that trade unions played their role. To that end, it was essential for the Office to produce a simple leaflet, with a reminder of what a Convention was and of the hierarchy of standards for a country that had ratified it, in order to raise awareness among young workers.

**The Government member of Iraq** recalled that the Convention was a fundamental one and referred to fundamental freedoms. The Convention had just been ratified by Iraq. The right to organize and to freedom of association was essential and should be guaranteed even where a small group of workers was concerned. The Government and the social partners should pursue their efforts to better implement the Convention and adopt texts in line with it. The speaker expressed deep gratitude to the ILO and its various bodies for the enormous efforts made in relation to implementation of international labour standards, with a view to meeting the objective of social justice.

**The Government representative** expressed appreciation for the contribution of the various speakers, especially those who had supported the Government in its endeavour to advance in the labour law review process. He also expressed regret at the fact that the observations from the workers had not taken into account the progress made, especially considering that legislative changes could not occur overnight. He emphasized the country's consultative approach to decision-making, as had been mentioned by the Employer member of Botswana. Most of the issues raised in the discussion concerned legislative issues and therefore needed to be subjected to social dialogue, preferably through the LLRC. However, it was unfortunate that some issues that had already been resolved through tripartite means, such as the Terms of Reference for the Review of the Labour Laws that formed the basis for ILO technical assistance, were being denied by workers in Botswana. Furthermore, the Worker member of Botswana had made some statements which were not factual. With regard to the PSBC mentioned by several speakers, the speaker clarified that: (1) the PSBC had been established in 2011 when the Government, as the employer, and the public service unions had created its Constitution through collective bargaining, and one of the powers bestowed on the Council by its Constitution had been the authority to decide which unions it should or should not admit; (2) in May 2017, the BOFEPUSU AJA had given notice of its resignation from the PSBC with immediate effect, as a joint arrangement between four public service unions, which were members of the PSBC; (3) as of May 2017, the Government had become the only member of the PSBC, which could thus not function or carry out its mandate, and the Government had made an application to the Commissioner of Labour to cancel the registration of the PSBC Constitution; (4) the cancellation of the PSBC Constitution had afforded an opportunity to the Government, as the employer, and all public service unions to craft a new constitution through collective bargaining so as to ensure that, in the future, it would not cease to function as a result of the voluntary withdrawal of one of its members; and (5) the Government was hopeful that the new Constitution would be agreed upon and the PSBC would once again be functioning by the end of August 2018. In conclusion, social dialogue was a delicate process that required mutual trust and good faith among the parties involved. As previously mentioned, the Government had met with the social partners on numerous occasions and together they had achieved several milestones, but it appeared from the intervention of the Worker member of Botswana that there were deeper and more serious

underlying problems that needed to be addressed by the tripartite partners, with the assistance of the ILO expert. However, the formalization and institutionalization of the mechanism for the review of labour laws clearly demonstrated the Government's commitment to implementing the Committee's recommendations, as well as to examining other labour laws, such as the PSA.

The **Employer members** noted that Botswana had been going through a process of change in Government, in will and in attitude, but that this had not translated into concrete outcomes. Nevertheless, it was appreciated that the Government had sought ILO assistance and hope was expressed that the outcome of such assistance would translate into real progress. Referring to particular aspects of the case, the speaker highlighted that there were many ways of settling the issues at stake. The threshold for setting up unions did not have to be so high, but some thresholds could be set; with regard to the inspection of accounts, books, and documents of a trade union, it would be possible to balance the information the Government deemed necessary with observance of the Convention. The different views expressed on how progress had been achieved showed an absolute need to address the issues in a tripartite manner and the Government was urged to engage in social dialogue with the representative organizations of employers and workers.

The **Worker members** considered that, in the absence of tangible progress, there was a need to reiterate the requests made in the 2017 discussions. Above all, the Government should be invited to take the appropriate steps to ensure that the labour legislation endowed prison staff with the rights enshrined in the Convention, particularly freedom of association. The Government should also fully align the TDA with the Convention and initiate a social dialogue with renewed technical assistance from the Office. It was also necessary to amend the TUEO Act, in conjunction with the workers' and employers' organizations, to bring it into line with the Convention, particularly by revoking the obligation for organizations to make their books and documents available to the Registrar for examination at any reasonable time. Similarly, it was necessary to withdraw the facilities and benefits granted solely to trade unions that represented at least one third of the employees of the company, since these were not in keeping with the Convention. In view of the lack of progress, the Government should be called upon to take all possible steps to implement the recommendations adopted by the Committee.

### Conclusions

The Committee took note of the oral statements made by the Government representative and the discussion that followed.

The Committee welcomed the Government's agreement to broaden the scope of the labour law review.

Taking into account the Government's submissions and the discussion that followed, the Committee called upon the Government to:

- take appropriate measures in consultation with the most representative employers' and workers' organizations to ensure that the labour and employment legislation grants members of the prison service that are not considered to be part of the police the rights guaranteed by the Convention;

- amend the Trade Unions and Employers' Organizations Act, in consultation with employers' and workers' organizations, to bring it into conformity with the Convention;
- provide further information on the Court of Appeal ruling on the invalidity of statutory provisions;
- ensure that the registration of trade unions in law and in practice conforms with the Convention; and
- process pending applications for the registration of trade unions, in particular in the public sector, which have met the requirements set out by law.

The Committee called upon the Government to address these recommendations within the framework of the ongoing labour law review and in full consultation with the social partners. The Committee urged the Government to continue availing itself of ILO technical assistance in this regard and to report progress to the Committee of Experts before its next meeting in November 2018.

A Government representative acknowledged the recommendations of the Committee and confirmed that his Government was pursuing labour law review through the tripartite Labour Law Review Committee. The Government was committed to engaging with the social partners with a view to submitting a report to the Committee of Experts' meeting in November 2018 and would continue to resort to the tripartite structures to progress with the legislative agenda and reforms, including the labour law review, during the November sitting of Parliament.

### HONDURAS (ratification: 1956)

The Government has provided the following written information.

#### *Trade union rights and civil liberties*

The Government has noted with deep concern the previous and new allegations of "numerous anti-union crimes", including various "homicides and death threats", that occurred between 2010 and 2014. As the international community is aware, violence and insecurity are massive problems with serious consequences for Honduran society. The current administration is therefore making enormous efforts to remove these obstacles, strengthening institutions and implementing various actions and measures, which have combined to enable progress in this respect. Accordingly, in addition to other actions described below, one of the Government's objectives, in the Strategic Institutional Framework (2015–22) of the Ministry of Security (SEDS), is to help reduce impunity by reinforcing the Criminal Investigation Police and the Technical Criminal Investigation Agency (ATIC), and it has made a specialized and exclusive commitment to human rights by pushing to implement the Public Policy and National Plan of Action on Human Rights (PNADH), for which the State Secretariat at the Human Rights Department has been established and has been operational since January 2018. The statistics for homicides as at 2016 show a downward trend, with the homicide rate per 100,000 population falling by 27 points by comparison with 2011. More recent data show that at the end of 2017 the homicide rate stood at 42.7 per 100,000 population.

*Information on the progress of investigations and criminal proceedings corresponding to each specific case*

#### *Table of cases*

No.	Name of victim	Case No.	Date of death/complaint	Crime	Status of case
1	Alma Yaneth Díaz Ortega	546-/17 Judicial	27 Mar. 2014	Murder	Judicial proceedings
2	Uva Erlinda Castellanos Vigil	546-/17 Judicial	27 Mar. 2014	Murder	Judicial proceedings

No.	Name of victim	Case No.	Date of death/complaint	Crime	Status of case
3	Sonia Landaverde Miranda	Den. 4772-2013/ Lev. 1261-2013	21 June 2013	Homicide	Under investigation
4	Alfredo Misael Ávila Castellanos	0801-2013-0264	12 Dec. 2013	Homicide	Under investigation
5	Evelio Posadas Velásquez	636-20147	27 Feb. 2014	Homicide	Examination to decide on request for proceedings or extension of investigation
6	Juana Suyapa Posadas Bustillo	1819-10	2010	Homicide	Under investigation
7	Maribel Sánchez		2010	Homicide	Under investigation
8	Fredis Omar Rodríguez		27 Nov. 2013	Homicide	Under investigation
9	Claudia Larissa Brizuela	0801-2010	2010	Homicide	Appeal
10	Roger Abraham Vallejo	0801-2009-31202	31 July 2009	Homicide	Under investigation
11	Martin Florencio		2014	Homicide	Under investigation
12	Félix Murillo López		17 Sep. 2009	Homicide	Under investigation
13	José Ángel Flores	139-2016	18 Oct. 2016	Murder	Enforcement of arrest warrants pending
14	Silmer Dionisio George	139-2016	18 Oct. 2016	Murder	Enforcement of arrest warrants pending
15	Moisés Sánchez		15 Apr. 2017	Abduction	Under investigation
16	Hermes Misael Sánchez		15 Apr. 2017	Abduction	Under investigation
17	Miguel Ángel López Murillo	1480968681-2016	5 Dec. 2016	Threats	Protection mechanism
18	Patricia Riera		Aug. 2016	Threats	Filing of complaint pending
19	Ilse Ivania Velásquez Rodríguez	0801-2011-11149	19 Mar. 2011	Culpable homicide	Judgment
20	Víctor Manuel Crespo Murcia	1377-13	14 Sep. 2014	Threats	Under investigation
21	Víctor Manuel Crespo Puerto	11-2014	26 Jan. 2014	Culpable homicide	Concluded
22	Berta Isabel Cáceres Flores	N. 21-2016 (TSJN 3-88-2017, TSJN 4-14-2018)	2 Mar. 2016	Murder	Judicial proceedings

### *Evaluation of progress*

As can be seen, nine cases have entailed judicial proceedings for public order offences, variously involving an appeal, a final ruling, the conclusion of proceedings or the adoption of protection mechanisms; two of these cases involved traffic accidents. Two cases have resulted in the issuing of arrest warrants, which are due to be enforced by the police authority. Three cases involving threats have not resulted in any complaint being filed with the prosecution authorities. Six cases involving public order offences are under investigation. It should also be noted that seven trade union officials are covered and protected by the National Mechanism for the Protection of Human Rights Defenders.

*Article 2 ff. of Convention No. 87 relating to the establishment, autonomy and activities of trade union organizations*

*Reforms to the Labour Code*

*Chronology*

The Government of Honduras states that a process was followed for several years to align reforms to the Labour Code with Conventions Nos 87 and 98. The actions taken towards this end are described below:

- (a) The Labour Code was issued by Decree No. 189 of 19 May 1959, superseding 18 decree-laws governing labour relations and constituting a single body of law.
- (b) Between 1960 and 1993, various sections of the Labour Code were amended to ensure that they were properly applied, with the constant aim of promoting workers' rights.
- (c) In 1993, with advice from the International Labour Organization (ILO), a committee was established comprising: representatives of the Honduran National Business Council (COHEP); representatives of the workers from their three confederations (the Workers' Confederation of Honduras (CTH), the General Confederation of Workers (CGT) and the Single Confederation of Workers of Honduras (CUTH)); and representatives of the Government from the State Secretariat at the Labour and Social Welfare Department. The work of the tripartite committee resulted in the drawing up by consensus of a preliminary draft of new legislation to replace the Labour Code which had been in force since 1959. The preliminary draft was presented by the tripartite committee to the then President of the Republic, Mr Carlos Roberto Reyna.
- (d) The proposed reforms favoured the workers and would improve the application of the provisions of the

Code. Despite consensus being reached on the proposals, the workers subsequently made the accusation that sections of private enterprise were unilaterally seeking to introduce reforms to the labour legislation which were aimed at the flexibilization and deregulation of employment. The Government of that time therefore decided not to submit the reforms to the National Congress. Since the parties had been unable to reach agreement on the reforms and in view of the rejection of the reforms drawn up by the tripartite committee, the process of revising the Labour Code was brought to a standstill.

- (e) June 2013: a technical committee of the Ministry of Labour and Social Security (STSS – Ministry of Labour) drew up proposals to amend 13 sections (articles) of the Labour Code to bring them into line with Convention No. 87 and four sections to align them to Convention No. 98. The Ministry of Labour forwarded the proposed amendments to the ILO Subregional Office in San José, Costa Rica, in order to obtain the technical opinion of the ILO.
- (f) March 2014: the Ministry of Labour received comments from the International Labour Standards Department of the ILO in Geneva on the proposed alignment of the Labour Code with Conventions Nos 87 and 98.
- (g) March–April 2014: the Ministry of Labour submitted the proposal for alignment of the Labour Code individually to the employer and worker sectors (meetings with each of the workers’ confederations (CGT, CTH and CUTH) and with representatives of private enterprise (COHEP)).
- (h) April 2014: the ILO direct contacts mission was received by the Economic and Social Council (CES).
- (i) May 2014: the proposal for aligning the Labour Code with Conventions Nos 87 and 98 was submitted to the CES.
- (j) May 2014: the CES approved the roadmap for discussing and adopting the proposal to align the Labour Code, taking into account the recommendations made by the ILO Committee of Experts.
- (k) September 2014: report of the direct contacts mission – the direct contacts mission was also informed of a communication dated 7 April 2014 in which the CGT, CUTH and CTH, mindful of previous experience, expressed their reservations with regard to the consideration of potential reforms to the Labour Code by the legislative authority and their fear that such reforms would involve “major setbacks for labour rights and gains for big business”.

#### *Current situation of Labour Code reforms*

- (a) The Government of Honduras reiterates its political will to take the appropriate steps to revise the current Labour Code with a view to harmonizing it with the ILO Conventions it has ratified – a process that has been gradually progressing through social dialogue and on a tripartite basis within the CES, as was the case with chapter III of the Code relating to the new Labour Inspection Act, (Decree No. 178-2016 of 23 January 2017, published in the *Official Gazette*).
- (b) As for the reforms still pending to ensure alignment with Convention No. 87, and recalling what occurred in 2014, when the workers’ confederations expressed reservations, the ILO is already aware that the Ministry of Labour is drafting a new proposal that returns to those sections (articles) left pending in 2014, to serve as a baseline for discussions.
- (c) In that respect the Government is meeting its commitment to raise the issue of pending reforms again for discussion within the CES with a view to drafting a roadmap to allow for further alignment of the Code

with Convention No. 87 and achieve consensus, so that the reforms can be submitted to the National Congress once the Supreme Court of Justice has given its opinion.

- (d) In this instance, the necessary technical assistance and follow-up are once more requested from the Office.

#### *Application of the Convention in practice (new trade union registrations)*

In its previous report (2017), the Government of Honduras reported that various requests for legal personality had been submitted and that 25 had been granted between 2014 and May 2017, as follows:

- (a) In 2014, five private legal persons were registered, while none were registered in the public sector.
- (b) In 2015, six legal persons were registered, all in the private sector.
- (c) In 2016, legal personality was granted to eight entities, six in the private sector and two in the public sector.
- (d) In 2017, six entities were registered in the private sector.

As there were only two new trade union registrations between May 2017 and March 2018, this gives a total of 27 legal persons registered in the period from 2014 to March 2018. Lastly, the Government of Honduras wishes to reiterate that all these efforts demonstrate respect for and observance of the Conventions and labour standards in force and, in particular, that there is no policy of anti-union persecution or violence by the State and that the cases mentioned in the report are unfortunately part of the violence affecting the country in general for a number of reasons.

In addition, a **Government representative** reiterated before the Committee the information which had been provided in writing, stating that, with regard to trade union rights and civil liberties, the Government had noted with deep concern the previous and new allegations of “numerous anti-union crimes”, including homicides and death threats that had occurred between 2010 and 2014. Violence and insecurity were massive problems in Honduran society and efforts had been made within the Strategic Institutional Framework to strengthen institutions and reinforce the police and criminal investigation bodies. According to data for 2017, the homicide rate had decreased and seven trade union officials were covered and protected by the National Mechanism for the Protection of Human Rights Defenders. With regard to Article 2 et seq. of the Convention concerning the establishment, autonomy and activities of trade union organizations, the various proposals to reform the Labour Code, in particular the draft reforms of 1993 and 2014, had not been adopted in the end. Accordingly, the Government was making the commitment to discuss the pending reforms once again in the Economic and Social Council (CES) and also draw up a roadmap to enable the alignment of the Code to the Convention to continue. He also emphasized that, in the assessment of the progress made in relation to the matters on which the Committee of Experts had requested information on the following: (1) as could be seen, there were currently nine cases of breaches of public order which were at the appeal stage, final ruling, closed or subject to protection mechanisms. Two of the cases involved traffic accidents; (2) in two cases, arrest warrants had been issued, which were awaiting execution by the police; (3) in three cases involving threats, no complaints had been filed with the prosecution authorities; and (4) six cases involving public order offences were currently under investigation. Lastly, the Government representative reiterated the request for technical assistance and support from the Office, and reaffirmed that all the efforts made bore witness to the desire to comply with the Convention and with labour standards and, in particular, that there was

no policy of anti-union persecution or violence by the State. The various cases referred to by the Committee of Experts were part of the violence affecting Honduran society in general for a number of reasons.

The **Worker members** indicated that for years the Government had committed serious and systematic violations of the right to freedom of association. The Committee of Experts had made this a double-footnoted case, expressing deep regret at the high degree of anti-union violence and expressing deep concern at the situation of impunity with regard to these crimes and the lack of effective protection for trade unionists threatened with violence. The Government had not taken any specific steps to ensure that its labour legislation was in due conformity with the Convention, nor had it applied the legislation in force effectively. The Government had also recently adopted an amendment to the Penal Code that would potentially criminalize social protests as acts of terrorism. As a result, the workers and the trade unions throughout the country were facing overwhelming obstacles with regard to exercising one of their fundamental rights, namely the right to strike. Honduras was one of the most dangerous countries in the world for workers and trade unionists. Since 2010, a total of 14 trade unionists had been murdered. Between 2015 and 2017, the Network against Anti-Union Violence had documented 46 cases of anti-union violence and a total of 69 victims. Moreover, numerous trade unionists were facing brutal assaults, death threats, forced disappearances and persecution. For example, since 2015, Ms Juarez, president of the Public Sector Workers' Union (SITRASEMCA), lived in constant fear for her life because of receiving threats and having escaped from an attempted abduction in April 2017. The acts of violence were creating a climate of terror, which in practice was stifling worker representation and trade union activities in the country. Trade unionists were also a target for violence in the aftermath of the elections held in 2017. In December, for example, workers participating in a peaceful protest organized by trade unions in the *maquila* (export processing) sector in Colonia Arellano had been attacked by the military police to make them disperse. Three trade unionists had sustained bullet wounds and one had died. The failure by the Government to tackle and prevent anti-union crimes was creating a climate of total impunity. The Government had made no progress in bringing to justice those responsible for the murder of trade unionists. For example, the murders of Sonia Landaverde Miranda, Alfredo Misael Ávila Castellanos, Evelio Posadas Velásquez, Roger Abraham Vallejo and Juana Suyapa Bustillo were still being investigated. Despite the fact that arrest warrants had been issued, nobody had been detained in relation to the murders of Alma Yaneth Díaz Ortega and Uva Erlinda Castellanos Vigil, which had taken place four years earlier. The Government had not supplied any information to the Committee of Experts on what it had done to investigate the murders of Maribel Sánchez, Fredis Omar Rodríguez, Claudia Larissa Brizuela, Martín Florencio and Félix Murillo López. The Worker members deplored the murders of José Ángel Flores and Silmer Dionisios George in 2016, despite the fact that these individuals, in the wake of serious repeated death threats, had been the subject of protective measures from the Inter-American Commission on Human Rights (IACHR). These murders showed clearly that the protection provided by the Government was totally inadequate.

Apart from the anti-union violence, the Government had adopted an amendment to the Penal Code in 2017 which defined a whole range of activities as terrorist offences. A trade union official might be accused of terrorism if his union participated in a social protest that was subsequently considered by a prosecutor to constitute subversion of the constitutional order. Taking account of the events of the last few years, and the recent post-electoral context, in

which the trade unions played a key role in social protests, this legislation which was totally out of line with international instruments relating to the subject of terrorism could easily be used to criminalize any legitimate exercise by trade unions of their right to freedom of association. The situation in the country was aggravated by numerous significant gaps in the national legislation whereby workers had been denied the enjoyment of fundamental trade union rights. For over 30 years, the Committee of Experts had requested that the Labour Code be modified and had indicated that the right to freedom of association had been denied to workers in agricultural undertakings which did not permanently employ more than ten workers. Agriculture was the biggest sector in the country and employed 27 per cent of the workforce (over 1 million workers). The act of organizing these workers was obstructed by the legal requirement to have more than 30 workers to establish a trade union, which prevented the setting up of trade unions in small and medium-sized enterprises. Workers were unable to elect their representatives in full freedom. Trade union representatives had to be of Honduran nationality, participate in the corresponding activity and know how to read and write. The provisions governing strikes were so restrictive that they nullified the right to strike, depriving workers and trade unions of a fundamental means of defending their interests. Those terms included securing a two-thirds majority of the total membership of the trade union, banning federations and confederations from calling strikes, and meeting excessive prior requirements for strikes in public services that were not essential in the strict sense of the term. In practice, workers all over the country were experiencing serious violations of their right to freedom of association. For example, the Union of Agri-Industrial and Allied Workers (STAS) had presented a complaint against an employer in the palm oil sector who was not paying the minimum wage or statutory benefits to the workers. On many occasions, employers had denied labour inspectors access to workplaces, and had dismissed 18 workers who had attempted to form a local branch of the STAS. The dismissals had sparked a strike of 160 workers and in November, the enterprise had dismissed another 80 workers belonging to the union. Numerous striking workers had been assaulted by private security guards and threatened with imprisonment while picketing peacefully in front of the offices of the enterprise. Steps had been taken towards dissolving the union, since the law allowed dissolution as a punishment should a strike be declared illegal, and that also constituted a violation of the Convention. The Government had not dissolved the union but almost all the trade union activists had not been reinstated in their jobs. Lastly, hardly any of the violations cited in the 2012 complaint against Honduras concerning the workers in the *maquila* sector and agriculture in the context of the Central American Free Trade Agreement (CAFTA) with the United States had been resolved. Since 2009, there had been a drastic decrease in trade union membership. The serious and constant violations of trade union rights for years were having a profound impact on labour relations, and left a question mark over the status of democracy and human rights. The Worker members therefore urged the Government: (a) to take immediate and effective steps to protect the lives and safety of trade union activists, members and workers; (b) to speed up investigations into all anti-union offences and crimes and punish the perpetrators; and (c) to update the legislation in accordance with the Convention without further delay, and to protect the right to freedom of association in practice.

The **Employer members** expressed appreciation for the information provided on the application of the Convention and welcomed the presence of high authorities before the Committee. The case had been examined twice since 1987, in 1991 and 1992. Since 1998, the Committee of Experts

had addressed some 20 observations to Honduras concerning its application of the Convention, as well as others on the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). In its 2017 report of the Committee of Experts, Honduras had been included with a double footnote. In its observations, the Committee of Experts took note of the comments made by the General Confederation of Workers (CGT), the Confederation of Workers of Honduras (CTH), the International Trade Union Confederation (ITUC) and the Honduran National Business Council (COHEP). With regard to trade union rights and civil liberties, the Committee of Experts had noted with concern the large number of anti-union crimes and death threats between 2010 and 2014, and had asked the Government to provide information on the status of the relevant investigations and criminal proceedings. Reports of yet more murders, kidnappings and death threats against trade unionists were greatly to be deplored. The United Nations Human Rights Committee (CCPR/C/SR/3378-3379) had also expressed concern at acts of violence and intimidation against trade unionists in a climate of impunity. As the Government had indicated, violence and insecurity were very serious problems for Honduras and had grave consequences. The Government was making efforts, strengthening institutions and taking a range of measures to make progress on the issue. In that respect, the Strategic Institutional Framework (2015–22) of the Ministry of Security was intended to reduce impunity by strengthening the Criminal Investigation Police, the Technical Agency for Criminal Investigation, and, with respect to human rights, promote a public policy and plan of action on human rights for which a Ministry of Human Rights had been created in January 2018. Furthermore, already in January 2016, a downward trend had been observed in the number of murders: the murder rate per 100,000 inhabitants had fallen by 27 percentage points compared with 2011. In 2017, it had reached 42.7 per 100,000 inhabitants. Moreover, seven trade union leaders were covered by the National Protection Mechanism for Human Rights Defenders. With regard to the murders that had taken place between 2010 and 2014, COHEP had not commented because it was not in full possession of the facts. Between 2016 and 2018, an interview with the Prosecutor-General had been requested but was never granted. The death of Hondurans for unknown reasons was regrettable. The Public Prosecutor's Office was now providing information on criminal cases that had been brought to court, investigated or opened; that were waiting for arrest warrants to be acted upon, in which rulings had been handed down, concluded, or in which protection measures had been ordered. The 2017 Global Peace Index placed Honduras 106th out of 163 countries. The Government did not have a deliberate anti-union policy. Rights to freedom of association could only be exercised by workers and employers in a climate free of violence, pressure and threats, where human rights were respected, and it was for the Government to guarantee respect for those principles, as the Committee on Freedom of Association had pointed out. The Employer members had requested that investigations were urgently needed so that the perpetrators could be located and brought to justice. In addition, measures should be taken to provide prompt and effective protection to trade union leaders at risk, as the case was a serious one.

In relation to Article 2 et seq. of the Convention, relating to the establishment, autonomy and activities of trade unions, it should be noted that the Labour Code had been adopted in 1959. In 1993, under ILO guidance, a tripartite committee had been set up to draft a possible amendment to the Code, which had been submitted to the President of the Republic. Although the reform was favourable to some but not all workers, they had unilaterally accused private enterprises of attempting to weaken labour through flexibilization, so it had not been possible to approve the text.

In 2013, a technical committee of the Ministry of Labour and Social Security had drafted a reform to 13 sections (articles) in order to bring the Code into line with Conventions Nos 87 and 98. The draft had been submitted to the ILO Office in San José, Costa Rica, for technical comments. In April 2014, an ILO direct contacts mission had visited the country and the draft had been submitted to the Economic and Social Council (CES). In September of the same year, the trade union sector let its reservations to the reform be known because, in its words, it would lead to “major setbacks for labour rights and gains for big business”. Social dialogue was needed, as had occurred with the adoption of the new Labour Inspection Act. On the basis of the 2014 draft text, the Ministry of Labour had returned to the sections proposed on that occasion with a view to resubmitting them to the CES and drafting a roadmap for agreeing on how to align the legislation with the Convention. Assistance and technical support had again been requested from the Office. The COHEP was willing to review the labour legislation but since 2014, no meeting of the CES had been convened for the purpose. In April 2018, an email had been sent requesting views on the text of the reform, giving 24 hours to comment, which was unacceptable. Tripartite dialogue required good faith, which had not been demonstrated. The Committee of Experts recalled that for some years it had referred to the need to reform the Labour Code to bring it into line with the Convention. It had referred to the following provisions, among others: (1) the exclusion from the rights and guarantees of the Convention of workers in agricultural and stock-raising enterprises which did not permanently employ more than ten workers; (2) the prohibition of more than one trade union in a single enterprise; (3) the requirement of more than 30 workers to establish a trade union; (4) the requirement that the officers of a trade union must be of Honduran nationality, be engaged in the corresponding activity, and be able to read and write; and (5) the authority of the competent ministry to end disputes in the oil industry services. Moreover, it was worrying that the Experts' observations referred to a number of legislative issues relating to the right to strike. In that regard, the Employers' group reiterated its position that the right to strike was not regulated by the Convention and that there was no basis for discussing the issue within the Committee; that the conclusions in the case could not refer to the right to strike; and that the Government was not obliged to follow the Experts' recommendations on that specific issue. They recalled the joint statement of the Workers' group and the Employers' group and the statement of the Government group (both of 23 February 2015). The latter stated that “the scope and conditions of this right are regulated at the national level”. As such, any request from the Committee of Experts for the Government to align its legislation and practice with its own rules on the “right to strike” was not binding.

**The Worker member of Honduras** expressed concern regarding the Government's failure to take action in response to the murders of, threats against and persecution of trade union leaders, and to provide information on the matter. According to a report by the Committee on Anti-Union Violence (comprising three workers' federations), impunity had prevailed in over 60 cases of anti-union violence in the past three years. The Committee of Experts had expressed regret at the absence of convictions against the perpetrators of anti-union crimes. Its report had referred to 19 murder victims (Sonia Landaverde Miranda, Alfredo Misael Ávila Castellanos, Evelio Posadas Velásquez, Juana Suyapa Bustillo, Alma Yaneth Díaz Ortega, Uva Erlinda Castellanos Vigil, Maribel Sánchez, Fredis Omar Rodríguez, Claudia Larissa Brizuela, Roger Abraham Vallejo, Martín Florencio, Félix Murillo López, Manuel Crespo, José Ángel Flores, Silmer Dionisios George and Ilse Ivania Velásquez

Rodríguez) and five victims of threats, kidnappings, surveillance, persecution and attacks (Miguel López, Nelson Núñez, Patricia Riera, Moisés Sánchez and Hermes Misael Sánchez). It had expressed its deepest concern regarding such crimes, and had emphasized that trade union rights could only be exercised in an environment that was free from violence and when the human rights established in the Constitution were respected. Furthermore, in May 2018, the UN Special Rapporteur had highlighted the vulnerability, criminalization and denigration of human rights defenders in the country. The Government had submitted a proposal to resume discussions of the reform of the Labour Code in the CES, which stated that the agreement of the workers' sector would be required for such discussions. Moreover, the latter had regretted the Government's interpretation of sections 534 and 536 of the Labour Code with regard to the lists of demands and collective agreements of public employees' trade unions, and the consequences for the education sector. It had also expressed concern regarding the Government's acceptance of preliminary drafts of collective agreements proposed by the employers' sector, which weakened labour, social and wage conditions. The speaker called for urgent and immediate action to be taken to ensure: (1) that a direct contacts mission was organized to assess the situation, and that the ILO Regional Office provided assistance to prepare the mission; (2) that the ILO provided technical assistance for the reform of the Labour Code; (3) that the Government provided detailed information on violence against rural leaders, indigenous people, trade unionists, teachers and environmentalists, to promote preventive actions; and (4) that negotiations be resumed on collective agreements by governmental and semi-governmental organizations.

**The Employer member of Honduras** said that, since ratification of the Convention in 1956, there had been various reforms to the Labour Code concerning the fundamental right to freedom of association. The Honduran National Business Council (COHEP), a representative organization, had commented on the application of the Convention, as had the Confederation of Workers of Honduras (CTH) and the CGT. Violent acts against any Honduran citizen were regrettable; with respect to the cases raised, the State should investigate, find out what had happened and punish those responsible. With regard to reforming the Labour Code to bring it into line with the Convention, the COHEP stood ready to engage in tripartite discussions on the proposal for reform in a spirit of cooperation and social dialogue within the CES. The employers' sector in Honduras believed in the right to organize and respect for the self-determination of employers and workers. It was worrying to note that the observation of the Committee of Experts referred to legislative issues relating to the right to strike. In that respect, it must be reiterated that the Employers' group took the position that that right was not regulated by the Convention, and that there was no basis for discussing the issue within the Committee. As such, the conclusions in the case should not refer to the right to strike, and the Government was not obliged to follow the recommendations of the Committee of Experts on that specific issue. Furthermore, it was important to highlight the joint statement of the Workers' group and the Employers' group of 23 February 2015 and the statement of the Government group of the same date, which stated that "the scope and conditions of this right are regulated at the national level". As such, any request from the Committee of Experts for the Government to align its legislation and practice with its own rules on the "right to strike" was not only not binding, but also beyond the scope of standards supervision. The democratization of employers' and workers' organizations, whereby decisions were taken by the majority in conditions of equality and freedom, without any pressure, was im-

portant. Since 1993, the COHEP had supported the decision to undertake an overall reform of the Labour Code, which had fallen behind the times, with the aim of promoting and generating employment in the country. Establishing more than one primary or enterprise-level trade union at a single workplace was also important, but collective bargaining should fall to whichever body united the majority of workers at an enterprise. An effective reform of national legislation to bring it into line with the Conventions was necessary and should be carried out in a tripartite manner, with technical support from the Office, within a specified time frame of no more than three months. It should be done within the CES framework and should take account of all sectors.

**The Government member of Bulgaria**, speaking on behalf of the European Union (EU) and its Member States, as well as Albania, Bosnia and Herzegovina, Norway, the former Yugoslav Republic of Macedonia, Montenegro and Serbia, stated that the above countries attached great importance to the respect of human rights, including freedom of association of workers and employers and the protection of the right to organize, and recalled the important role played by the ILO. Through the Association Agreement between the EU and Central America, the EU and Honduras had both committed to effectively implement the fundamental ILO Conventions. Although there was progress, high murder rates fueled by the significant presence of organized crime in the country constituted a persistent problem, and the human rights situation remained highly challenging. She expressed deep concern over the recent allegations of new murders, kidnappings and death threats against members of the trade union movement contained in the report of the Committee of Experts and requested more information on the outcome of the investigations in the cases of murders which had occurred between 2010 and 2014. She urged the national authorities to ensure that proper investigation and prosecutions of material and intellectual perpetrators of such crimes were carried out promptly, and requested it to take measures so as to ensure that trade union representatives were duly protected, as the rights of workers' and employers' organizations could only be exercised in a climate free from violence, pressure and threats. Fighting impunity should remain a priority of the Government, and strong support was therefore expressed towards the work of the Organization of American States mission against corruption and impunity in Honduras. Strengthening and ensuring impartiality of the national police and judicial institutions were also considered central to achieve the goal. Freedom of association and collective bargaining constituted a powerful tool to ensure social stability and economic development and although creating an environment conducive to tripartite dialogue and freedom of association was a complex task, it remained the Government's first responsibility. The Committee of Experts had been emphasizing for many years the need to amend certain provisions of the Labour Code which were not in conformity with the Convention, in particular the restrictions to the right to establish a trade union and to the right to strike. In that regard, the speaker welcomed the reform of the Labour Code initiated a few years ago, with the support of the ILO, but expressed regret that no progress had been made since the draft reform had been submitted to the Economic and Social Council (CES) in 2014. While acknowledging the complex and challenging political environment prevailing in the country, the Government was encouraged to organize proper consultations on the reform with the social partners with a view to finalizing it, and submitting a draft to Congress and the social partners were called on to engage in the discussions in a constructive manner. The EU and its Member States would continue to cooperate with, and support the Government in its efforts to comply with ILO Conventions.

**The Government member of Paraguay**, speaking on behalf of a significant majority of Latin American and Caribbean countries, indicated that the composition of the delegation and the information presented demonstrated the State's openness and the commitment of its highest authorities to work to investigate all cases. Any act of aggression, violence or impunity against the integrity or lives of individuals must be rejected and, at the same time, the great efforts made by the Government to reduce rates of violence should be noted. The Government had made progress regarding the protection, promotion and defence of human rights, particularly workers' rights, and regarding criminal investigation (the prosecution of 41 per cent of the aforementioned cases and comprehensive measures to protect seven trade union leaders). Between 2014 and 2018, legal personality had been granted to a significant number of new trade union organizations in both the public and private sectors. The efforts and willingness of the Government to refer the discussion on the Labour Code reforms to the CES and thus continue the joint development of a roadmap to bring the Code into conformity with the Convention were appreciated. Lastly, the speaker encouraged the Government to continue its efforts to fulfil its international commitments on labour, and trusted that it would continue to strengthen dialogue and tripartite consensus.

**The Government member of Panama** expressed his support for the statement made by the Government member of Paraguay. The ongoing process of legislative reform in the country was a demonstration of the Government's efforts to solve the problems related to organized crime, which depended on destabilizing the State, and was not directed at employers' and workers' organizations. He welcomed the assistance provided by the ILO, and encouraged the Government to continue its efforts.

**The Worker member of Spain** expressed his solidarity with all the trade unionists, workers and citizens who put their physical well-being and lives in danger to defend fundamental rights at work in Honduras. Those workers not only suffered from high levels of insecurity, inequality and poverty, but also experienced extraordinary levels of anti-trade union violence, whose sole objective was to undermine and destroy the trade union movement. The illegal detention, kidnapping and murder of trade union members formed part of a deplorable reality, which was a direct consequence of the State's lack of legitimacy, the institutional crisis, and the complete absence of a separation of powers that had existed in Honduras since the coup d'état in 2009. That situation was a confirmation of a clear violation of both the Convention and human rights. The Government had not done enough to comply with the Convention; on the contrary, its action had led it to limit and hamper the legal exercise of the guarantees enshrined therein. In that regard, there had been no progress in the prosecution of those who had murdered trade union leaders and members; in the strengthening of policies to protect and react against anti-trade union behaviour; or in bringing the Labour Code into conformity with the Convention. In view of the above, the speaker supported the demands of the trade union organizations of Honduras and considered that the ILO should send a direct contacts mission to verify observance of the Convention, and provide the necessary technical assistance.

**The Government member of Lebanon** welcomed the information presented by the Government and expressed appreciation of the efforts made and procedures taken with regard to combating impunity at all levels, whether legal, judicial or administrative in order to protect human rights defenders, judges and trade unionists. She also welcomed the reform of the Labour Code to ensure compliance with the Convention, encouraged social dialogue to finalize the amendments, and invited the ILO to provide technical assistance to Honduras, whenever necessary.

**The Employer member of Chile** noted with concern that, despite government efforts to combat violence, the situation remained critical, as reported by the CGT and CTH. Recognizing that impunity was a problem of the utmost seriousness and a dangerous incentive for violence and insecurity, the Government should increase human and material resources to guarantee the life and safety of its population. Furthermore, the Government should amend the Labour Code and align it to current industrial relations and the Convention. Lastly, the request from the Committee of Experts to amend legal provisions on the right to strike was misguided since that right was not specified in any ILO Convention.

**The Worker member of the United States** indicated that the recurring violence against unionists demanded attention and that persistent violations of freedom of association enabled countless labour law violations and impunity to be the norm in Honduras. He further pointed to the utter failure of the governments, including those of Honduras and the United States, in using ILO standards to protect workers' rights in international trade agreements. Although the Central American Free Trade Agreement required the parties to protect freedom of association, Honduras' lack of compliance with the Convention had been recognized for years. In March 2012, a complaint was filed for abuses of labour rights under the labour chapter of the mentioned trade agreement and finally, after almost three years, the Government of the United States found merit in all 17 cases in the complaint. As a result, both Governments negotiated a detailed monitoring plan and consulted with workers and employers to adopt an improved labour inspection law. However, six years after the complaint, not a single trade unionist had been reinstated and not a single union had been restored in any of the mentioned cases. In addition to violence, practices by employers, and inaction by the Government frustrated workers' attempts at forming trade unions and defending labour standards. For instance, in the agriculture sector – the largest industry in Honduras – systematic violations of minimum wage, overtime, health and safety and child labour standards persisted, and those who tried to form an industry-wide union experienced recurring violence and a denial of association rights, including attempts at creating employer-dominated unions, employers' refusal to bargain with workers' representatives and anti-union tactics, such as harassment and isolating workplace leaders, as well as delays by the Government in recognizing local sections of the STAS. Anti-union violence and repression of agricultural workers' freedom of association constituted a strategic denial of rights, in which employers and the Government appeared to collaborate, and did not contribute to decent work and sustainable development. International actors, like Fair Trade USA, also falsely certified that a multinational produce company is complying with labour standards in the midst of dozens of labour violations, some of which had occurred the previous month.

**The Government member of Switzerland** endorsed the statement made on behalf of the EU and regretted that the Committee had to discuss the case once again. Indeed, strong and sustainable working relations and social dialogue based on trust and security were some of the key factors underpinning economically sustainable development. It was deplorable to discover that no perpetrators had been convicted for the murders, kidnappings, violence and threats identified by the Committee of Experts. The violence and insecurity faced by trade unionists as well as impunity seriously impeded the smooth functioning of social dialogue. The Government should be encouraged to respect the basic principle of freedom of association and adopt the necessary measures to ensure that the ongoing procedures were concluded as quickly as possible. The Government should also continue the Labour Code reforms, in conjunction with the social partners, to ensure full

conformity with international labour standards. He encouraged Honduras to continue efforts to promote social dialogue and guarantee the necessary climate of trust.

**The Worker member of the Republic of Korea** stated that in 2015, the Korean Confederation of Trade Unions and other groups visited San Pedro Sula to research on human and trade union rights compliance in Korean companies operating in the city. Workers in a company producing car parts had testified to repeated violations of basic labour rights, including dismissals of elected trade union leaders and the Government's failure to enforce laws to protect those rights, or provide any remedy to workers. After the coming into effect of the new labour inspection law in March 2017, the concerned workers had filed a claim for violations of freedom of association but they were still awaiting a response from the Government and the situation had not improved since then. In October 2017, the Labour Ministry, performed an inspection through its labour inspectorate, on the issue of collective bargaining and although the employers committed to collective bargaining, seven months later, they continued to refuse the union's recognition or to bargain collectively. The mentioned inspection had also revealed that violations of freedom of association and collective bargaining contained in a 2012 complaint continued, and that the employer continued to deny that the violations had occurred, delayed and appealed the charges and delayed justice for the workers. Discrimination against, and the firing of union members also persisted, and the employer used harassment, as well as the changing of work assignments and break times to isolate workplace leaders from their co-workers and union members. The speaker therefore shared the deep concern expressed by the Committee of Experts and urged the Government to take every effort, from legislative to administrative measures, so that workers in Honduras could fully exercise the right to freedom of association and to collective bargaining.

**The Government member of Canada** noted with regret the lack of progress by the Government in making reforms to the Labour Code to bring it into compliance with the Convention, as well as the apparent lack of tripartite consultations associated with the reform. She expressed concern at the human rights violations cited by the Report of the United Nations High Commissioner for Human Rights, as well as the allegations of anti-union murders, kidnappings, violence and death threats, with apparent impunity for offenders, highlighted in the report of the Committee of Experts and discussed in the Conference Committee. The speaker urged the Government to continue to take all necessary measures to ensure that investigations were carried out promptly and in accordance with the rule of law and due process, and emphasized that it was crucial that adequate investigatory, prosecutory and protective measures were undertaken to allow the free exercise of labour rights in the country. The Government was further urged to take, in full consultation with workers' and employers' organizations, all necessary measures to reform the Labour Code in accordance with the principles of the Convention. Finally, the speaker stated that her Government remained committed to supporting respect for human rights in Honduras, including through the full application of international human and labour rights instruments, especially the Convention, and urged the Government to put into action its commitment to implementing and respecting those norms.

**An observer representing Public Services International (PSI)** referred to several violations of freedom of association, such as the failure by the Ministry of the Interior to register the new executive committee of the National Association of Public Sector Employees of Honduras (ANDEPH); the dismissal of the previous president of the association from the Ministry of Health on 13 January

2016, which had led her to file a legal complaint for anti-union dismissal; the dismissal of 700 workers from the Municipality of San Pedro Sula on 30 March 2018, of whom 39 were members of the Trade Union of Employees and Workers of the Municipality of Sampedrana (SIDEYTMS) who, since they had trade union immunity, had taken legal action to be reinstated or receive compensation, and subsequently the refusal of the mayor to sign the new collective agreement; persecution resulting from false allegations made against members of the Trade Union for Medical, Hospital and Allied Workers (SITRAMEDHYS), such as the president of branch No. 3 at the Santa Barbara Hospital and the president of branch No. 34 at the Puerto Cortez Hospital. Furthermore, the presidential palace had put in place a recruitment system for new positions to deal with an excessive workload but was surreptitiously only appointing non-unionized workers. Such cases could be considered trivial compared to the murders of dozens of trade unionists and human rights activists in the country. However, if the Government was incapable of tackling trivial issues, it would be even less able and willing in political terms to resolve the murders of the speaker's colleagues. It was evident that the strategies, national frameworks, specialized ministries and bodies, memorandums of understanding and roadmaps were not working effectively to confront impunity, violence and insecurity. They merely prevented the Government from taking responsibility. Such measures could no longer be considered acceptable ways of responding to the problems in the country. Justice was needed so that Honduran trade unionists could exercise their rights in a climate free from intimidation, violence or death. The Committee's conclusions should reflect the gravity of the situation and call on the Government to achieve immediate and tangible results.

**The Worker member of Colombia** observed that the Government was once again being criticized by the supervisory system for serious violations of the Convention, as denounced by the ITUC, the Trade Union Confederation of the Americas (TUCA), Education International (EI) and the national trade union confederations, in view of the repeated cases of threats, abductions and murders of trade union leaders from various sectors (including education, which was the sector where there were usually the most victims due to the exercise of freedom of association). The absence of the effective investigation of the crimes, the refusal to recognize their trade union origins and the failure to impose exemplary sentences left the way open for crimes against men and women trade union leaders and added to the gravity of the violations of the right to life and personal safety. Recalling that the Committee of Experts had noted very serious obstacles to the exercise of the right to strike, in violation of the Convention, which had also been observed in the case of Colombia, it was regrettable that both countries were ignoring those comments. Indeed, federations and confederations were prohibited from calling strikes, unachievable majorities were required to approve strike action and strikes were prohibited in services that were not essential in the strict sense of the term. Moreover, no amendments were being made to the Labour Code, which did not guarantee freedom of association and continued to impose unacceptable restrictions on its exercise. He expressed concern at the repeated failure of governments to give effect to the recommendations of the Committee of Experts, the Committee on Freedom of Association and the Conference Committee and fully supported the call made by the Worker member of Honduras for a direct contacts mission.

**The Government member of the Dominican Republic** expressed support for the statement by GRULAC and acknowledged the action taken by the Government for the recognition of the legal personality of new unions, the pro-

gress made in relation to security, as supplemented by legislative, judicial and administrative measures for the reinforcement of the institutions responsible for the effective protection of human rights, peaceful coexistence and the full enjoyment of fundamental labour rights and principles.

**An observer representing Education International (EI)** emphasized the role played by branch organizations, unions and the working class in combating the coup d'état in 2009 and its consequences (the dismissal of teachers, murders, the imprisonment and suspension of 18 and 303 teachers, respectively; the cessation of dialogue between primary school teachers and the education authorities and the freezing of the wages of teachers for nine years; the unemployment of 28,000 primary school teachers; the existence of 4,500 and 2,500 schools with a single teacher or two teachers, respectively; the lack of water and electricity in school buildings; the exclusion from the public education system of around 500,000 children and young persons; the exclusion under the terms of the Basic Education Act of teachers and society in general from decision-making bodies for the formulation and monitoring of public education policies; the high rate of illiteracy; the reduction in the education budget; and the adoption of legislation criminalizing public protest). According to the violence observatory of the National Autonomous University of Honduras, since 2009, a total of 83 teachers had been murdered with impunity, as well as 30 students in the first quarter of 2018. In view of the violence, teachers were emigrating to other countries. It had been proposed without success to the Government that a dialogue forum should be established to conclude a social pact for high quality public education. He called for: (1) a direct contacts mission to go to the country to assess the situation; (2) the Government to report on the progress achieved in the governmental and jurisdictional processes; and (3) impunity not to be permitted under any circumstances in respect of the crimes denounced.

**The Government member of Mexico** endorsed the statement by GRULAC and welcomed the information provided and the specific action taken by the Government to give effect to the observation by the Committee of Experts and, in particular, its decision to resubmit to the CES, the principal social dialogue mechanism in the country and the pending 2014 reforms to the Labour Code. She trusted that agreement would be reached on the definition of a roadmap for the harmonization of the Labour Code with the Convention. Respect for fundamental labour rights was an essential aspect of the achievement of decent work, and the openness of the Government and the fact that it was prepared to collaborate with the supervisory bodies was to be welcomed. In view of the good will demonstrated, she encouraged the Government to continue its efforts to meet the challenges indicated by the Committee of Experts and to continue working with the ILO to reinforce dialogue as a fundamental instrument for achieving peaceful labour relations.

**The Worker member of Brazil** noted the deep concern expressed by the trade union confederations of Honduras at the murders, death threats, persecution and surveillance of trade union leaders and the negligence with which the Government treated such cases. No report had been received on the prosecution of those crimes, despite the fact that during the past decade over 300 human rights defenders had been murdered. The Government should be reminded that it was the constitutional obligation of the State to guarantee that the rights of workers' organizations could be exercised in a climate free from violence, pressure or threats, and in which human rights were fully respected. The Government had not responded to the request to revise the Labour Code and had imposed laws which undermined the labour rights set out in the Labour Code and in international Conventions. That was the case of the Hourly Employment Act;

the amendment to section 7 of the Labour Code; and the amendment to section 72 of the Labour Inspection Act. In view of the gravity of the situation, he called on the Government to guarantee full freedom of assembly and demonstration, and to put an immediate end to practices which were in violation of human rights and freedom of association.

**The Government member of Brazil** supported the statement by GRULAC. He further expressed concern at the procedures adopted by the Committee without tripartite consensus. He firmly rejected acts of anti-union violence and encouraged the Government to continue its efforts to make tangible progress in the prevention of violence and in combating impunity. He acknowledged the efforts made, through specific measures and legislative changes, to promote fundamental labour rights and principles, and particularly freedom of association, and to reform and modernize the national labour legislation.

**The Worker member of Canada** stated that the deep concern expressed by the Committee of Experts regarding anti-union crimes and the prevailing context of impunity was situated in a broader systematic context of violence against trade unionists, as well as defenders of human and environmental rights. According to various sources, since 2009, 31 trade unionists had been assassinated, 200 injured in violent attacks, 52 workers killed in confrontations with landowners and the Government, 120 environmental activists killed (since 2010) and attacks and repression of Honduran citizens had continued with 14 deaths (including children) in election-related violence in December 2017. The social conflicts were linked to economic disparities and government policies, including agrarian and investment policies, which often resulted in granting land permits to international corporations, such as Canadian and United States firms, thus superseding the rights of the rural poor. The most vulnerable people affected had limited legal recourse to protect their rights and in doing so, were subjected to smear campaigns, intimidation, threats and attacks, as was the case of an environmental activist and indigenous leader Berta Caceres assassinated two years ago in her home after years of threats against her life. According to the Inter-American Commission on Human Rights, impunity rates ranged between 95 to 98 per cent and justice was thus rarely served. To conclude, the speaker echoed the Committee of Experts' observations that the absence of convictions against those guilty of crimes reinforced the climate of violence and insecurity and was damaging to the exercise of trade union and human rights.

**The Government member of El Salvador** endorsed the statement by GRULAC and welcomed the information provided on the effect given to the Convention. The presence of high-level authorities in the Committee bore witness to the commitment of the Government. Emphasis should be placed on the efforts made in the fields of prevention, protection and investigation in defence of human rights, and particularly workers' rights; the examination by the courts of 41 per cent of the cases referred to; the comprehensive measures for the protection of seven trade union leaders; the submission to the CES of the pending reforms of the Labour Code; and the joint development of a roadmap to bring the Labour Code into conformity with the Convention. She trusted that the Government would continue to take action to ensure the application of the Convention and in so doing to guarantee freedom of association and the right to organize.

**The Worker member of the Bolivarian Republic of Venezuela** recalled that the importance of the Convention, which was one of the fundamental Conventions, lay in the protection of the right of all workers to establish freely unions to promote and defend their labour rights, including freedom of association. The Committee of Experts had noted a series of murders of trade union leaders, primary school

teachers, indigenous persons, rural workers, defenders of human and environmental rights, which bore witness to a disregard for life by those whose interests were affected by the action taken by such men and women. The high number of deaths in the country due to participation in social and political protests, the organization of unions, the defence of the environment or merely reporting corruption was the reason why the case was being discussed by the Committee. It was important to lay emphasis on the total impunity which prevailed in those cases, for which reason it was necessary to call on the Government to establish mechanisms for dialogue with a view to establishing effective programmes for the protection of defenders of human and labour rights. The situation of public sector unions, which were denied access to collective bargaining and wage increases, illustrating the lack of protection of labour rights, was a cause of concern, as was the fear hindering workers from participating in processes for the reform of the Labour Code based on the possibility that their rights might be prejudiced. Social oppression, combined with greater flexibility, was resulting in a loss of labour rights, through reforms that undermined acquired benefits. Legislation which encouraged lower levels of social protection and the failure to give effect to tripartite agreements had resulted in the lack of labour protection being noted at the international level. A direct contacts mission was necessary to assess the information provided by the Government and to consult workers' confederations in Honduras on the real situation with regard to labour-related crime and increased flexibilization of employment, particularly the role of the State as the protector of human and labour rights.

Another Government representative said that security was an ongoing priority of the current administration. Violence and insecurity still presented serious problems and the consequences for Honduran society were serious. Consequently, the Government was making great efforts to remove those obstacles, strengthening institutions and implementing a series of state actions. Together those measures had led to progress in the protection of citizens, demonstrated by the fact that Honduras had reduced its homicide rate to 42.7 per 100,000 inhabitants in five years, a historic achievement for the country and an example for the world considering that in 2011, the figure had been 87.3 per 100,000 inhabitants. Those achievements were a result of the aforementioned progress, such as the protection of trade unionists and human rights defenders, the establishment of a structure within the executive branch to prevent and investigate crime and the subsequent strengthening of that structure. Regarding progress made in combating organized crime, efforts had been intensified. In 2016, a total of 18 extraditions had been carried out; 9,395 arrest warrants had been issued; ten drugs laboratories had been destroyed; 8,350 firearms had been decommissioned; and 1,256 assets of illicit origin had been seized. That progress had been possible thanks to the efforts of the justice system and renewed coordination in the fight against crime. Efforts were continuing for the comprehensive strengthening of criminal investigation: the Public Prosecutor's Office had received more than US\$24 million between 2015 and 2017, allowing that body to boost investigations through the creation of new agencies such as the Special Prosecutor's Office for the Protection of Human Rights Defenders, Journalists, Justice Workers, Defenders of Workers and Social Communicators. It had also allowed the Technical Agency for Criminal Investigation to be strengthened, increasing its budget from US\$1.1 million to \$6.4 million. The Government had also approved the special regulations for the organization and operation of the forensic medicine directorate and the special regulations for the organization and operation of the directorate for combating drug trafficking. Regarding efforts to improve and strengthen the justice system in the country, a series of measures had been

implemented including: (i) an increase in 2017 of more than 10 million lempiras (HNL) in the budget for the judiciary, in comparison with 2016; (ii) the revision of the Special Act on Judicial Bodies with National Territorial Jurisdiction; and (iii) the establishment of special courts with national jurisdiction to hear cases of corruption and extortion; and the establishment of the special commission for the selection of judges and magistrates for those courts, consisting of representatives from civil society, the Supreme Court of Justice and the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH). The aforementioned efforts represented some of the most significant examples in Honduras of the fight against corruption and impunity, with particular emphasis on the establishment of the MACCIH in 2016, thereby the strengthening of investigative work of state institutions. Furthermore, laws facilitating work against corruption and impunity had been adopted including: (i) the establishment of the Special Prosecution Unit to Combat Impunity in Corruption (UFECIC); (ii) the approval of the Act on Financing, Transparency and Inspection of Political Parties in Honduras; and (iii) the introduction of an anti-corruption policy at the Office of the Prosecutor-General. Honduras was progressively moving away from its past marked by the violence of organized crime and was showing a more amiable face to human rights defenders. An important step in that regard was the adoption of the Act for the Protection of Human Rights Defenders, Journalists, Justice Workers, Defenders of Workers and Social Communicators, which established the national protection mechanism that currently provides protection for seven trade union leaders. Regarding the case of Ms Berta Cáceres, nine individuals had been detained and the case was ongoing. The scope of the protective measures prescribed by the Inter-American System for the Protection of Human Rights included the members of the San Isidro Indigenous Council and the Lenca Peace Movement. The UN Special Rapporteur on the situation of human rights defenders had recently visited the country, which sent a clear message of openness and a willingness to continue making improvements to overcome human rights challenges. Lastly, the promotion and protection of human rights in Honduras had been strengthened with the establishment of the State Secretariat at the Human Rights Department, which represented a decisive step by the State towards the protection of human rights. There were currently 211 human rights defenders, judicial workers and trade unionists under protection.

Another Government representative reiterated that all those efforts proved beyond doubt that Honduras was serious about honouring its international commitments to protect the rights guaranteed by the Convention and that there was no state policy of anti-union persecution and violence, but rather that structures had been put in place to fight impunity and protect the rights of trade union leaders. With regard to reforms to the Labour Code and new trade union registrations, the acts of the new Government, and respect for labour rights, Honduras was entering a new phase in which more individual liberties and the exercise of rights were being guaranteed. In that context, the Government reaffirmed its political will to take the steps necessary to reform the Labour Code so as to align it with the Conventions Honduras had ratified, a process that had been taking place gradually through social dialogue and on a tripartite basis within the CES, as had occurred with the new Labour Inspection Act, which had been the most far-reaching reform to the Labour Code since it had first come into force. With regard to progress in applying the new Labour Inspection Act, the Act had enabled a new culture of compliance to be established gradually, with 32,268 inspections carried out to date, benefiting 433,304 workers. Moreover, since the Act had come into force, a total of around US\$1.2 million had been levied in fines for various breaches of labour law,

including a total of US\$62,000 for violations of the right to freedom of association and US\$198,000 for obstructing the work of the inspection services. As for aligning the Labour Code with the Convention, and the reforms still pending, and recalling what had occurred in 2014, when workers' confederations had expressed reservations, the Ministry of Labour was drafting a new proposal to serve as a baseline for discussions. In that respect, the Government was meeting its commitment to raise the issue of pending reforms again for discussion within the CES with a view to drafting a roadmap to enable further alignment of the Code with the Convention and achieve consensus. To that end, the necessary technical assistance and follow-up were once more requested from the Office. Honduras would continue to be a State that respected human rights and where the protection and promotion of those rights was central to all activities. He underlined the fact that the State and the ILO were fighting the same cause, given that they shared values and interests in their eagerness to continue making significant contributions to achieving the international objectives of equitable social justice and a better world of work.

**The Employer members** welcomed the information provided. With regard to trade union rights and civil liberties, they noted with appreciation the Government's efforts to strengthen security institutions. However, further work needed to be done. They urged the Government to accelerate the investigation processes in order to bring the perpetrators to justice, and to provide the Committee of Experts with the results of the investigations and the sentences handed down. Concerning Article 2 et seq. of the Convention relating to the establishment, autonomy and activities of trade union organizations, it was necessary to reform the Labour Code, and bring it into line not only with the Convention but also with new forms of work. It was essential to establish tripartite social dialogue in order to finalize the pending legislative amendments, as had been done for the Labour Inspection Act, and to take into account the informal economy. Tripartite dialogue must be entered into in good faith, and did not necessarily ensure consensus. Needing consensus effectively conferred the power of veto, which was what had happened with the reforms of 1993 and 2014 when progress had been hindered by the trade union sector. The Government could not forsake its obligations. They urged the Government to avail itself of the technical assistance provided by the Office. However, given the time elapsed, deadlines needed to be set, before the next session of the Committee of Experts. They reiterated the request by the Employers' group that the Committee's conclusions should not refer to the right to strike.

**The Worker members**, responding to the comments made by the Employer members on the right to strike, reiterated that their position had not changed. The Convention protected the international right to strike. The right to strike was part of the right to freedom of association, which was a fundamental right, and which ensured that workers' voices, too often ignored by governments and employers, were heard. The Government should follow the recommendations made by the Committee of Experts. Despite the diverging opinions on that matter in particular, the Worker members were continuing to work constructively towards the achievement of consensus-based conclusions, in line with the agreement with the Employers. The situation in the country was extremely serious (comparable to that in countries such as Guatemala and Colombia), with high levels of anti-union violence and almost total impunity for such crimes. It was necessary to resolve the situation immediately. The Government was blatantly and directly responsible for the acts of anti-union violence that had been carried out after the 2017 political elections, when dozens of civilians had been murdered by military and police personnel, and thousands had been injured, arrested, imprisoned or tortured by state officials, and nobody had been

held responsible. The Government was incapable of tackling the cases of impunity and violence against trade unionists, and was participating in the widespread violation of human rights. It was impossible for workers to exercise their fundamental rights, knowing that the authorities went unpunished when they committed a murder. However, the case was not only concerned with anti-union violence. Workers did not have the possibility to exercise their right to freedom of association because of an inadequate Labour Code, a failing labour inspection system (as had been discussed in the Conference Committee in 2016), and a number of employers who broke the law knowing that they would go unpunished. The Worker members expressed their concern regarding the efforts to impede the establishment of trade unions, especially in agriculture, where anti-union discrimination was particularly rampant, including in melon and palm oil production. Workers in the garment industry also faced intense and illegal opposition from their employers, and were often dismissed for establishing trade unions. Such conditions led to an increase in violence. In conclusion, recalling that, for years, the Committee of Experts had observed that the labour legislation was not in conformity with the Convention, the Worker members requested the Government to immediately address, at the very least, priority reforms, by introducing the amendments drafted in collaboration with the social partners. Furthermore, they considered it necessary for an ILO high-level mission to visit the country to observe the progress made before the end of the year.

### **Conclusions**

**The Committee took note of the oral statement made by the Government and the discussion that followed.**

**The Committee deplored the serious allegations of acts of anti-union violence, including physical aggression and murders, and the absence of convictions against those guilty of the crimes, which create a situation of impunity reinforcing the prevalent climate of violence and insecurity.**

**Taking into account the Government's submissions and the discussion that followed, the Committee called upon the Government to:**

- **take without delay all the necessary measures to ensure that the investigations into the murders are carried out promptly in order to determine the persons responsible and to punish those guilty of these crimes;**
- **provide rapid and effective protection to all trade union leaders and members who are under threat to ensure that the lives and physical integrity of persons are effectively protected and to implement measures to prevent further cases of trade union murders and violence;**
- **immediately conduct competent investigations into acts of anti-union violence and prosecute the persons responsible for those crimes;**
- **ensure that the relevant authorities have sufficient resources and personnel to undertake this work effectively; and**
- **take all the necessary measures to create an environment in which workers are able to exercise their right of freedom of association without the threat of violence or other violations of their civil liberties.**

**In consultation with the social partners, bring the Labour Code into conformity with the Convention as regards:**

- **the exclusion of workers' organizations in agricultural and stock-raising enterprises which do not permanently employ more than ten workers (section 2(1));**
- **the prohibition of more than one trade union in a single enterprise (section 472);**
- **the requirement of more than 30 workers to establish a trade union (section 475); and**
- **the requirement that the officers of a trade union must be of Honduran nationality (sections 510(a) and 541(a)),**

be engaged in the corresponding activity (sections 510(c) and 541(c)) and be able to read and write (sections 510(d) and 541(d)).

In this regard, the Committee calls on the Government to avail itself of ILO technical assistance to address these conclusions. The Committee also asked the Government to report in detail on the measures taken to implement these conclusions to the next meeting of the Committee of Experts in November 2018. The Committee urges the Government to accept a direct contacts mission before the next International Labour Conference.

The Government representative expressed his Government's willingness to work to ensure the success of the direct contacts mission that would visit the country, in accordance with the Committee's conclusions, and to receive the requested ILO technical assistance. He reiterated that there was no policy whatsoever of anti-union persecution or violence by the State and that, in addition to the action already taken, about which the Committee had been informed, a follow-up and information group had been established in the Economic and Social Council (CES) on cases of trade union violence. He said, with respect to the reforms of the Labour Code, that they would be subject to further tripartite discussion within the CES, with ILO technical assistance, and that, if no agreement was reached, as had occurred in recent years, the Government's draft reforms would be submitted to the National Congress with a view to bringing the national legislation into line with the Convention.

#### JAPAN (ratification: 1965)

A Government representative indicated that the basic labour rights of national public service employees were, to some extent, restricted. They were, however, compensated by the National Personnel Authority (NPA) Recommendation System and other measures. Specifically, remuneration, working hours, leave and other working conditions were revised through laws adopted by the Diet on the basis of the NPA Recommendations. The NPA was a third party body, independent of employers and employees, which made its own decisions. In particular, with respect to the level of remuneration of national public service employees, the NPA made its Recommendations with the aim of achieving a balance in remuneration levels between the public and private sectors by eliminating the wage gaps between the two sectors. For this purpose, the NPA conducted nationwide surveys in consultation with representatives of employers and workers, and compared in detail remuneration in the public and private sectors. After receiving the NPA's recommendations and following consultation with employees' organizations, the Government revised remuneration scales through bills which were submitted to the Diet for adoption. The Government, in principle, respected the NPA Recommendations. The National Public Service Act had been revised in 2014, establishing the Cabinet Bureau of Personnel Affairs. Even after this amendment, the Government had been revising remuneration in accordance with the NPA's recommendations. While the fiscal conditions remained tight, both base pay and bonuses had been increased every year for the last four years. She was therefore of the view that the NPA continued to provide compensatory measures. The Government was also confident that working conditions for national public employees were appropriately maintained through the deliberation of relevant bills which were prepared by the Government based on the Recommendations by the NPA, a neutral and independent entity. With respect to the issue of the autonomous labour-employer relations system, the Government would continue to have social dialogue with employees' organizations for a careful examination of these issues. In particular, the following concerns needed to be addressed: the cost of negotiation; which might lead

to some confusion, the possible effect of prolonged labour-employer negotiations on the normal operation of services; the risks associated with a failure to reach agreement; and the concerns that it might become standard practice for cases to move to arbitration.

With respect to fire defence personnel, she recalled that the fire defence service was considered to be of a similar nature to the police; thus firefighters did not have the right to organize. The service had been historically part of the police system. In Japan, one of the countries most frequently hit by natural disasters, the fire defence service had to respond under harsh conditions and in close cooperation with the police and the self-defence forces. When the Great East Japan Earthquake had hit in 2011, emergency fire response teams had been mobilized by order of the Commissioner of the Fire and Disaster Management Agency (FDMA) pursuant to the Fire and Disaster Management Organization Act, as amended in 2003. The manner in which the firefighters engaged with the police and defence forces when conducting extremely dangerous operations should be recognized. For these reasons, the right to organize was not granted to the fire defence personnel. However, the Fire Defence Personnel Committee (FDPC) system had been established as an alternative. The role of the FDPC was to examine proposals on working conditions by fire service personnel and to submit its views on them to the chief of the fire service. This system had been introduced by an amendment to the Fire and Disaster Management Organization Act following an agreement between the Minister of Internal Affairs and Communications and the President of the All Japan Prefectural and Municipal Workers Union (JICHIRO) that such a system would be accepted nationally. The system was fully functional for the resolution of problems related to working conditions and other matters. During its 20-year existence, the FDPC had examined some 110,000 proposals and considered about 40 per cent of them to be appropriate for implementation. Over 50 per cent of those had been implemented and dealt with matters considered to be urgent by fire defence personnel, such as the need for measures to deal with harassment or to promote the active participation of women. Thus, the FDPC system contributed to the realization of the demands of the personnel. She emphasized that the Government endeavoured to improve the FDPC system and, to that effect, had conducted an additional survey in January 2018 with a view to identifying areas for improvement. The questionnaire for the special survey had been prepared in close consultation with JICHIRO. On the basis of the results obtained, the Government had been exchanging views with representatives of firefighters, JICHIRO, and employers. All agreed that there was a need to further improve the policy so as to ensure better communication, transparency of procedures and an environment in which the personnel would feel safe expressing their views. The Government intended to produce a plan to improve the FDPC and to revise operational policy of the FDPC system in the summer of 2018, in further consultation with the social partners. In addition to that consultation, the Government will start new regular social dialogue on the FDPC with representatives of firefighters, workers' representatives such as JICHIRO and with employers' representatives. She recalled that Japan had ratified the Convention in 1965 in view of the conclusion of the Committee on Freedom of Association, which had twice indicated that it would cause no problem in the application of the Convention to view the fire service of Japan as "certain services assimilated to the police". Moreover, prison officers were not granted the right to organize, to bargain collectively or to strike, as they fell, for the purpose of this Convention, under the definition of "the police". In the same way as police officials, prison officers were allowed to carry and use weapons. They were responsible for incarcerating people sentenced to imprisonment,

investigating crimes committed in penal institutions, arresting suspects, and carrying out the duties of the judicial police officials in penal institutions. Updated information on the above matters would be provided as much as possible to the Committee of Experts. She concluded by requesting the ILO to take into account the views of the Government and the unique circumstances of the country and to await the conclusion of the national consultations.

**The Employer members** recalled that since 1989, the application of the Convention had been the subject of 19 observations of the Committee of Experts and had been discussed by the Conference Committee in 1989, 1993, 1995, 2001 and 2008. In its 2017 observation, the Committee of Experts had identified two main issues, namely the denial of the right to organize of public service employees, on the one hand, and to prison officers and firefighters, on the other. Considering the need for flexibility in determining the meaning of the term “police” in line with the national context, it appeared reasonable for the Government to consider prison officers in the category of police and thereby exclude them from the right to organize in the form of a trade union. The Government had been requested to consider, in close consultation with the social partners, which categories of prison staff could be considered part of the police – and therefore exempt from the Convention – and which could not. For those not covered by the Convention, the Government could be asked to establish a compensatory scheme; for the others, the Government should ensure the rights provided for in the Convention. Although firefighters had traditionally not been recognized in the exemption from the right to organize for the armed forces, the Government considered them part of the police: in some circumstances of natural disaster, they had similar responsibilities to protect life, health and property. Furthermore, the Government had ratified the Convention on the understanding that firefighters would be considered part of the police: it had also referred to the FDPC system that had been introduced pursuant to a 1995 agreement that had been applied nationwide. The Government was therefore perhaps justified in taking into account the history and circumstances of its ratification, as well as the traditional view of firefighters in Japan. The Employer members had articulated their position on this during the 2008 discussion and, regarding the FDPC, highlighted a new level of engagement on the part of the Government. In order to comply with the Convention, firefighters must have the right to organize, which did not necessarily require the right to form a trade union. Rather, an organization such as the FDPC might satisfy that obligation, provided that firefighters were allowed, not necessarily to form a trade union, but to organize themselves in relation to their occupation. The Government had also set up fact-finding missions about how that system worked. Information should be provided on that initiative, as well as feedback from the fact-finding surveys. On this basis, the Employer members considered that the Japanese context must be carefully assessed in future to better understand the issue.

Finally, the Committee of Experts had identified the denial of the right to organize to public service employees, noting that they should enjoy the right to strike without risk of sanctions. The Employer members reaffirmed that their position had not changed since the 2008 discussion: the right to strike was not an express part of the Convention and therefore did not fall within the scope of issues on which the Committee of Experts should make observations. Whether public service employees had a right to strike was to be determined at the national level. They expressed concern that the Committee of Experts had included it in their observation, and would not elaborate further on the matter. Finally, the Government should continue its constructive engagement with the ILO with regard

to firefighters and prison officers to ensure compliance with the Convention.

**The Worker members** recalled that Japan had ratified the Convention more than 53 years ago. The issues before the Committee, namely the right of firefighters and prison personnel to form genuine workers’ organizations and the right of public servants to organize and exercise their right to strike, had been pending before the ILO supervisory bodies ever since. The Committee had examined the application of the Convention in Japan on numerous occasions and called on the Government to ensure that public servants were guaranteed the rights provided for in the Convention and that firefighters enjoyed the right to organize without interference by the public authorities. Notwithstanding repeated discussions of this case and the very serious and diligent engagement and patience demonstrated by the national trade unions, no progress had been made to ensure that workers could enjoy the rights set out in the Convention. Firefighters and prison staff were excluded from the right to join or establish trade unions under the National Public Service Act (section 108-2) and the Local Public Service Act (section 52(5)). Both Acts dated back to 1948 and excluded these categories of workers from the right to organize and join organizations for the purpose of maintaining and improving working conditions through negotiations with the relevant authorities. The Government had attempted to justify the exclusion of prison staff and firefighters under Article 9(2) of the Convention by arguing that these categories of workers performed duties that were included in the duties of the police. However, the Committee of Experts, as early as 1973, had stated that it did not consider that the functions of fire defence personnel were of such a nature as to warrant their exclusion from the application of the Convention. It had called on the Government to take appropriate steps to ensure that the right to organize was recognized for these categories of workers. The Ministry of Internal Affairs and Communications had issued a report in December 2010 revealing that there were no practical obstacles to granting the right to organize to firefighters. Nevertheless, the Government had decided to drop the Bill on Labour Relations of Local Public Service Employees, which would have had granted this right, and instead had called for a further exchange of views on the subject. The Worker members expressed their deep disappointment at the lack of progress, which cast doubt on the Government’s commitment to genuine, effective and efficient consultations and its commitment to resolve this situation. Furthermore, regarding firefighters, the Government appeared to believe that the FDPC system that it had set up was an appropriate means of allowing participation by staff in the determination of working conditions. However, this system could by no means be considered to be a valid alternative to the right to organize, as these committees were not freely established by workers and had no negotiating or decision-making powers. The outcome of their meetings, in the form of recommendations, were submitted to the FDMA, which enjoyed discretionary powers as to their implementation. While the Government was delaying to taking concrete steps towards giving effect to the Convention, workers were facing the consequences of the denial of their most fundamental rights. The lack of workplace democracy and the restrictions placed on the ability of workers to voice collective concerns had created an abusive working environment in the firefighting services. Incidents of verbal and physical violence and harassment by managers had become commonplace and in one instance had led to a suicide. The Government bore its share of responsibility for such abuses. The Worker members strongly condemned Japan’s failure to guarantee freedom of association to firefighters and prison staff in law and in practice. Japan could not continue to claim to be a free and open society while denying the most basic rights to its

workers and exposing them to abuse. While the Government insisted that granting firefighters the right to organize could interfere with emergency relief operations, it was egregious to deny trade union rights on this account. Indeed, in the event of a state of emergency, firefighters, the Japan Self Defence Forces and the local police were mobilized to save human lives, and firefighters' professionalism had never and should never be compromised because they had joined a union.

There were also limitations and obstacles preventing workers in the public service from enjoying the right to strike. This had been reinforced through the ongoing Government work-style reform initiative. Pursuant to section 98 of the National Public Service Act, public officials could not engage in strike action and section 110 made it a criminal offence, punishable by up to three years imprisonment or a fine of up to 1 million yen, to instigate or incite strikes. Furthermore, the legal framework for promoting autonomous negotiations over working conditions remained inadequate. Only blue-collar public sector employees could engage in collective bargaining. Despite the long-standing nature of these issues and consultations with the social partners, the Government had dropped the package of reform bills, and instead adopted the Amendment Act in April 2014, which provided that the Cabinet Bureau of Personnel Affairs would continue to make efforts to reach an agreement. The Government was still deliberating over the issue and was unable to demonstrate any tangible progress. While tripartite consultations over legislative matters, in particular involving labour relations, were to be encouraged, these were virtually meaningless and could in fact be an obstacle, if they did not lead to any concrete action. The Government appeared to believe that the functions of the NPA were an adequate compensatory measure for the restrictions on the basic labour rights of public sector workers. The NPA was a government agency and its members were selected by the Diet rather than on a tripartite basis. There were no consultations with the most representative workers' or employers' organizations. The NPA had the mandate to ensure working conditions and basic work-related standards for public sector workers by making recommendations to the Government and municipal authorities. The implementation of the recommendations adopted was entirely left to political decisions, and the process for deciding on whether and how recommendations were implemented was not transparent. By failing to ensure that it had the confidence of the social partners and that once decisions had been taken, they were binding and fully and promptly implemented, the NPA fell short of the standard for compensatory measures under the Convention. The Government should take without further delay the necessary measures to demonstrate its respect to fundamental rights of workers and commitment to an open and democratic society.

**The Employer member of Japan** regretted that the workers concerned and the Government had been unable to address the problem and that the latter had been brought before the Committee. Taking the case before the ILO would not necessarily result in finding a solution. Japanese employers fully supported the information provided by the Government. With regard to the situation of firefighters, he recalled that their role was different from those in other countries and considered that national contexts should be taken into consideration. Efforts had been made by all stakeholders concerned. On 1 June 2018, the opposition parties, backed by JTUC-RENGO, had submitted a bill providing for the right to collective bargaining for all workers and abolishing the NPA. Japanese workers needed to convince the population with a view to obtaining their support so that Parliament would be prepared to discuss the bill. While the comments and recommendations from the supervisory bodies were not binding, they could be given full effect if

they took into account national circumstances. This also applied to the rights of prison officers which had never been discussed at the national level. He expressed his strong belief that the parties would address their problem better themselves, rather than relying on international forums.

**The Worker member of Japan** indicated that Japan had continued to violate Convention No. 87 and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), in respect of basic labour rights of public employees. The violations included denial of the right to form organizations without prior approval and the appointment of full-time union officers by the authorities. The right to organize of firefighting personnel and prison officers was denied by law. Attempts to assist in improving the situation had been made through the reports and recommendations of the supervisory bodies, including the Dreyer Commission that had visited Japan with a view to fact-finding and conciliation. The issues remained unresolved. The Government had submitted bills to the Diet to reform the national public service (June 2011) and the local public service (November 2012), drafted in consultation between the Government and the relevant unions including JTUC-RENGO. These bills, if adopted, would have granted the right to organize to firefighting personnel. The bills had lapsed however due to the dissolution of the House of Representatives in November 2012. The Committee of Experts had noted this situation with regret. No legislative measures had been proposed since then. During the recovery and reconstruction process following the Great East Japan Earthquake of 11 March 2011, public service employees, including firefighters, had performed their duties despite a lack of previous experience and sufficient information. This was above all due to their strong sense of duty to protect the lives and property of citizens. The Government and other parties asserted that granting the right to organize would hamper the discharging of the duties of firefighters. However, the performance of duties and guaranteeing the right to organize were entirely separate matters. He called for the immediate granting the right to organize to the fire defence personnel. He also referred to a case of national forest service employees, whose trade union rights had been curtailed. They previously had the right to conclude collective agreements. However, they had lost this right when the source of funding for the national forest service had been changed from a special account to a general account. He recalled the autonomous labour-employer relations system provided for under section 12 of the Basic Act on the Reform of the National Civil Service. Since 2014, the Government had been reiterating that there was a need to continue careful consideration of the situation. To that end, it had conducted surveys and exchanged views on an ad hoc basis. It was to be regretted, however, that no tangible results had been achieved so far. JTUC-RENGO had reported this inaction and the lack of any intention by the Government to resolve the issues raised by the Committee of Experts and the Committee on Freedom of Association. In conclusion, he expressed the hope that the discussion and conclusions of the Committee would lead to a sincere response and commitment by the Government to resolve the issues concerning the basic labour rights of public service employees. JTUC-RENGO reiterated its readiness to make every effort in this regard.

**The Government member of Norway** speaking on behalf of Government members of Denmark, Finland, Iceland, Norway and Sweden, recalled that this was a long-standing case which dealt with the right to organize, especially for firefighters and prison guards, and the right to strike in the public sector. In the Nordic countries, all public employees have the right to organize. The right to organize of public employees was important in order to ensure that there was an independent and strong voice at all levels, including at

the workplace. In the Nordic countries, the processes of collective bargaining and workplace consultations were in many ways the same in the public and private sectors. However, the public service had its own particularities and there were services where the right to strike could be restricted. The Committee of Experts had accepted that the right to strike could be restricted or prohibited in the public service for public servants exercising authority in the name of the State or when a total and prolonged stoppage could result in serious consequences for the public. A negotiated minimum service could be maintained in some cases. In relation to the situation in the Nordic countries, the right to strike in the public sector was extensive, but still met the public interest. There were a few restrictions which were imposed by law, through ad hoc laws or agreed between the social partners in collective agreements. The Government was encouraged to ensure continued social dialogue and progress in this matter.

**The Worker member of Poland** pointed out the lack of progress despite the fact that the Committee had repeatedly examined this case, most recently in 2008, when it had called on the Government to ensure that public servants had the rights guaranteed by the Convention and that firefighters enjoyed the right to organize without interference from the public authorities. Nevertheless, both were still excluded from the right to join or establish trade unions under the Local Public Service Act and the National Public Service Act. Already in 1973, the Committee of Experts had considered that the functions of fire defence personnel were not of such a nature as to exclude this category of workers under Article 9 of the Convention. The exclusion of the police or armed forces could be justified only on the basis of their responsibility for the external and internal security of the State. Furthermore, prison officers, by the nature of their duties, were included in the category of the police and denied the right to organize. That was not in accordance with ILO standards. She condemned the Government's failure to guarantee freedom of association to firefighters and prison staff in law and practice and called on the Government to consult the social partners including the representatives of firefighters and prison officers, with a view to finding a solution.

**The Worker member of Singapore** speaking on behalf of the Worker members of France, the Australian Council of Trade Unions (ACTU), the Cambodian Labour Confederation (CLC), the Confederation of Indonesian Prosperity Trade Union (KSBSI), the Federation of Korean Trade Unions (FKTU), the Korean Confederation of Trade Unions (KCTU), the Malaysian Trade Unions Congress (MTUC), the Confederation of Trade Unions of Myanmar (CTUM), the Pakistan Workers' Federation (PWF), the Federation of Free Workers (FFW) (Philippines), and the Singapore National Trades Union Congress (SNTUC), stated that Japan's public service employees faced restrictions on their basic labour rights. A third-party organization had been established as a compensatory measure to regulate the salaries and working conditions of public employees, matters which would normally be settled through labour-management negotiations. The Committee of Experts had been clear that compensatory mechanisms must ensure impartial and speedy conciliation and arbitration procedures, in which the parties had confidence and could participate at all stages, and in which the awards, once made, were binding and fully and promptly implemented. In that sense, the compensatory measures proposed by the Government fell short. In particular, the NPA, a third-party organization, had been established under the jurisdiction of the Cabinet, which appointed the commissioners. This had resulted in an organization lacking in impartiality. Further, the ability of the parties to participate at all stages of the procedures should not be limited to simply participating in meetings; the parties should be able to exchange opinions, persuade,

consent and make concessions, without which, the confidence of the people concerned could not be earned. In addition, while the NPA made annual salary recommendations, these were not binding on the Government, which was also the employer. In this respect, it should be recalled that while the Government had the financial authority and responsibility, the inseparable issues of salaries and working conditions needed to be settled through labour-management negotiations; thus both parties had a shared responsibility in that regard. In conclusion, she emphasized the importance of basic labour rights, open labour relations and a labour-management relationship in which the parties shared responsibility for the matters of mutual interest for a well-functioning democracy.

**An observer representing Public Services International (PSI)** recalled that, while the right of firefighters to organize had been discussed at length by the Committee on Freedom of Association since 1954, the Committee of Experts since 1973 and this Committee since 1973, no concrete steps towards the full application of the Convention had been taken by the Government. To address the issue, the Government had established the FDPC system in 1996, for the purpose of achieving mutual understanding by eliciting opinions from firefighters. The Government had emphasized the smooth operation of the system and its success in improving wages, working conditions, clothing, equipment and other facilities as a justification for not conferring the right to organize to firefighters. However, the recognition of the right to organize firefighters and attempts to improve current working conditions and the workplace environment were different matters. The Committee of Experts and the Committee on Freedom of Association considered that when the right to engage in labour disputes was restricted, the existence of compensatory measures was a necessary condition. These could not apply to the right to organize, as compensatory measures would assume the denial of the right itself. In other words, the FDPC was not a compensatory mechanism as it denied the right to organize. Although the Committee of Experts and the Committee on Freedom of Association had provided some positive assessments of the operational status and effects of the FDPC system, they continued to call on the Government to ensure that firefighters enjoyed the right to organize and the right to collective bargaining. A tripartite expert meeting, held in April 2018, had confirmed the relevance of the obligations under Conventions Nos 87 and 98 when adopting the ILO Guidelines on decent work in public emergency services, which included firefighters. The Committee's conclusions should therefore be directed at ensuring that the Government complied with the Convention.

**The Worker member of the United Kingdom** stated that freedom of association, as enshrined in the ILO Constitution and recognized by the Declaration of Philadelphia, was essential to any free and open society, and central to dispute resolution and to promoting democracy. The Government's failure to provide firefighters with the right to organize was therefore of serious concern, and had been repeatedly criticized by the ILO supervisory bodies since the early 1970s. In the United Kingdom, the Fire Brigades Union (FBU) negotiated with employers over pay and working conditions through the National Joint Council for Local Authority Fire and Rescue Services. In order to protect the lives and safety of the population, firefighters exercised their right to take industrial action while entering into voluntary agreements to return to work in the event of major incidents. A 2010 Japanese Government survey on the impact of conferring the right to organize on firefighters in 22 countries had identified no adverse effects, suggesting that the current ban was based, not on evidence, but on the Government's own views. It sought to justify those by aligning firefighters with military personnel and the police, given the public nature of their duties. Such arguments

could be self-defeating. In the United Kingdom, effective social partnership had proved vital to improving fire services, as when the FBU had worked with the fire authorities to investigate deaths while on duty in order to prevent future fatalities. Depriving firefighters of the right to organize on such grounds was inconsistent with Article 9 of the Convention. The Government's failure to comply was serious and warranted criticism. She called on the Government to extend the right to join trade unions and to negotiate collectively to the personnel concerned as a matter of urgency.

**An observer representing Education International (EI)** speaking on behalf of the Japan Teachers' Union (Nikyoso), addressed the lack of basic bargaining rights in the public sector, the inadequate system of overtime compensation and the disparities between public and private sector workers in this regard. Teachers and education stakeholders had to be involved in the reforms affecting their sector. Their lack of involvement was detrimental to the quality of education. According to the ILO-UNESCO Recommendation concerning the Status of Teachers (1966) and comments by the ILO-UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART), reforms and decisions regarding the status and working conditions of educational personnel should be negotiated between the unions and the Government. However, in Japan, educational personnel did not enjoy basic labour rights, decisions regarding salaries were left to third-party organizations and overtime was not compensated. A recent survey had shown that 72 per cent of elementary school teachers and 86 per cent of junior high school teachers worked more than 60 hours a week. The restoration of labour rights for all public service employees was necessary so as to ensure the effective application of the Convention, as well as to redress the persistent inequality between public and private sector employees.

**The Government representative** stated that with respect to the autonomous labour-employer relations system, it was essential to gain "the support and trust of the people" as provided for in section 12 of the Civil Service Reform Law. The support and trust of the people had not yet been gained, and the Government needed to continue with the careful examination of the matter. The Government would endeavour to maintain good relations with employees' organizations and to strive for mutual understanding through social dialogue on various matters including the autonomous labour/employer relations system. She recalled the unique background of the fire service in Japan. Fire defence personnel did not have the right to organize because the fire-fighting service was considered to be of a similar nature to the police. The service had historically been part of the police system and played an important role in emergency situations. She also reiterated the usefulness of the FDPC system, a compensatory mechanism for the absence of the right to organize. She also mentioned the effective measures taken by the Government to eliminate harassment in the fire service headquarters, in addition to the FDPC. Consideration was currently being given to improving the FDPC system. The Government had been engaging in social dialogue with representatives of firefighters, labour representatives such as JICHIRO and employers' representatives on the FDPC, and would continue this social dialogue on the FDPC on a regular basis.

**The Worker members** reiterated that firefighters and prison staff continued to be denied their most fundamental right to join or form a trade union. There were also serious limitations on the basic rights of public sector workers, as well as the absence of an autonomous labour-employer relations system. The Government had failed to make the distinction between employees exercising authority in the name of the State and workers engaged in essential services, who would require compensatory guarantees if their

right to strike was legitimately limited, and all other employees in the public services, who should be able to exercise the right to strike. The Government appeared to believe that the institutions set up to represent the interests of workers constituted adequate compensatory measures. However, these institutions lacked autonomy and independence, and were therefore not sufficient to advance the collective rights and interests of workers. Japan's laws and practices were not in conformity with the Convention. The Worker members deplored the fact that no meaningful progress had been made on these issues and expected the Government to finally take the necessary measures to ensure that firefighters and prison staff may form and join organizations of their own choosing. The Government must urgently enter into time-bound consultation with the social partners in order to establish an autonomous labour-employer relations system to ensure the basic labour rights of public service employees. This process must be completed within the next two years. The Government should report progress to the Committee of Experts by 2020. Workers in the public sector who were not exercising authority in the name of the State and who were not working in essential services in the strict sense of the term must have the right to strike and to exercise industrial action without risk of sanction. The procedures of the NPA were flawed and should be reviewed in consultation with the social partners to ensure impartial and speedy conciliation and arbitration procedures in which the parties had confidence. They expressed the hope that this discussion would serve as an important opportunity for the Government to ensure the effective application of this fundamental Convention once and for all. This would require a real commitment by the Government to engage with the social partners in social dialogue to make tangible progress. The Government must fulfil its obligations and report on the measures taken in its next report. The Worker members called on the Government to accept an ILO direct contacts mission to support and assess the progress made.

**The Employer members** recalled the divergence of views with regard to the right to strike and its impact on the discussion of the case. The comments of the Committee of Experts concerning the right to strike of members of essential services, and issues related to that, fell outside the scope of the express provisions of the Conventions. They were to be left to the Government to regulate at the national level. Given the restriction on the right to organize of firefighters, the Government had established the FDPC system as a compensatory scheme. A number of interventions had discussed the effectiveness of that system. In light of the criticism of the functioning of the system by trade unions, the Employer members understood that the Government planned a new initiative which included fact-finding surveys of the operation of the system. The Government should take those steps and provide information in time for examination by the Committee of Experts. Finally, with respect to prison officers, it could be argued that, by the nature of their duties, prison officers were part of the police as they were responsible for the internal security of the State, and were therefore covered by Article 9 of the Convention. The Employer members noted that more information was needed. While certain categories of prison officers could be considered as police officers, others could not. They encouraged the Government to give due consideration to the situation of those prison officers who were exempt from the full application of the Convention, and encouraged it to provide information, before the next meeting, about the compensatory scheme that allowed some participation by prison officers. The Employer members were encouraged by the constructive attitude and stated commitment of the Government to move forward on this issue, and they looked forward to receiving more information.

## Conclusions

The Committee took note of the information provided by the Government representative and of the discussion that followed.

The Committee noted the Government's submissions that a special survey was conducted in January 2018 to identify problems concerning the functioning of the Fire Defence Committee System, that it consulted workers and employers several times on this issue since March 2018 and the Government's stated commitment to produce a plan to improve the functioning of the Fire Defence Committee in continued consultation with employers and workers.

The Committee observed with concern that the Committee of Experts' comments had been referring for decades to discrepancies between the legislation and practice concerning the rights of firefighters and prison officers to establish and join organizations of their own choosing. The Committee noted the lack of meaningful progress in taking necessary measures regarding the autonomous labour-employer relations system.

Taking into account the Government's submissions and the discussion that followed, the Committee called upon the Government to:

- examine carefully the autonomous labour-employer relations system, in consultation with the social partners, taking into account the Government's statement that there are various issues with regard to this system;
- provide information on the initiative discussed above to identify problems concerning the functioning of the Fire Defence Committee System and measures taken as a result;
- hold consultations with the social partners at the national level on the view of the Government that firefighters are considered police and how this view corresponds to the application of the Convention and provide information on the outcome of this consultation;
- consider, in consultation with the social partners, what categories of prison officers are considered part of the police, thus exempted from the right to organize, and those categories that are not considered part of the police, and having the right to organize; and
- consider, in consultation with the social partners, if the procedures of the National Personnel Authority ensure impartial and speedy conciliation and arbitration.

The Committee called upon the Government to develop a time-bound action plan together with the social partners in order to implement these recommendations and report to the Committee of Experts before its next meeting in November 2018.

The Government representative indicated that, regarding the labour-employer system, section 12 of the Civil Service Reform Law prescribed that the Government could not take any steps towards achieving an autonomous labour-employer system unless the people of Japan were confident that it was necessary. As currently such confidence was lacking, the Government would need to be cautious in this regard. The Government, as an employer, promised to engage in a continuous effort to maintain appropriate working conditions of public service employees under the current system. She also indicated that the Government would improve the operation of the FDPC system as an alternative to granting the right to organize.

## MEXICO (ratification: 1950)

The Government has provided the following information.

The Government of Mexico has duly complied with the provisions of Convention No. 87 and has provided information on this at the appropriate time to the International Labour Organization (ILO) by reporting on its application. Moreover, it has replied to the requests for information from the Committee on Freedom of Association.

### Part 1. Civil liberties and trade union rights

*Regarding the allegations of the ITUC and IndustriALL concerning violence against trade unionists in the context of a collective dispute in the education sector in Oaxaca*

The Government of Mexico regrets and condemns the events but denies categorically that they constitute acts of violence against trade unionists, let alone a violation of ILO Convention No. 87.

In support of our position, we are providing the Committee with reports on the Nochixtlán case prepared by a special commission of the Senate of the Republic – the sovereign and independent authority of the Government of Mexico – and the National Human Rights Commission, an independent advisory body, which were published on 31 August 2016 and 17 October 2017, respectively.

These documents both agree that underlying the events is a conflict of a socio-political nature involving the excessive use of force, which has been recognized and addressed by the Mexican State.

We express our concern at the fact that cases of this type, despite being unrelated to violations of freedom of association and protection of the right to organize, should be used to lend an air of gravity to alleged non-observance of Convention No. 87.

### Part 2. Reform of labour justice

This section addresses the points raised by the CEACR in its observations to the Government of Mexico regarding: (i) the communication from the ITUC, received on 1 September 2017, indicating that the constitutional reform was approved without holding any kind of consultations with the social partners; (ii) tripartite consultations on legislative developments relating to the constitutional reform; (iii) developments in the secondary legislation for applying the constitutional reform; and (iv) the impact of the constitutional reform and the establishment of the decentralized body.

(i) Consultations on constitutional reform. The Government of Mexico states that the constitutional reform was presented by the President of the Republic as a result of the analysis "Dialogues for day-to-day justice: Joint diagnoses and solutions"<sup>1</sup> prepared by the Centre for Economic Research and Teaching, one of the most prestigious research centres in the country. Preparation thereof involved nine working groups, including on labour, and the participation of more than 200 specialists and 26 institutions for 14 weeks, with 123 meetings held.

This constitutional reform was unanimously approved in the Senate, while in the Chamber of Deputies it was approved by 377 votes in favour to only 2 votes against, which represents a 99.5 approval rate from all votes cast.

(ii) Tripartite consultations concerning legislative developments relating to the reform. This year, the Ministry of Labour and Social Welfare has held 91 meetings with representatives of workers, employers, academics and associations of lawyers in order to reach the consensus required for approval of the reform. Additionally, the Joint Commissions on Labour and Social Security; Equity and Gender; and Legislative Studies

<sup>1</sup> Available at: [https://www.gob.mx/cms/uploads/attachment/file/79028/Di\\_logos\\_Justicia\\_Cotidiana.pdf](https://www.gob.mx/cms/uploads/attachment/file/79028/Di_logos_Justicia_Cotidiana.pdf).

of the Senate of the Republic agreed, on 27 April 2018, to hold public hearings to receive the suggestions, observations and proposals of workers, employers, academics and civil society organizations regarding the preliminary draft opinion for the secondary legislation. These public hearings will be held at four regional offices with the attendance of the labour sector stakeholders.

- (iii) Developments in secondary legislation. Since the approval of the constitutional reform, four proposals to reform the secondary legislation relating to labour justice<sup>2</sup> have been presented to the Senate. The first was presented on 7 December 2017 by Senators Tereso Medina and Isaiás González of the Institutional Revolutionary Party; the second was presented on 14 December 2017 by Senator Luis Sánchez, of the Democratic Revolution Party; the third was presented on 22 February 2018 by Senator María del Pilar Ortega, of the National Action Party; and the fourth was presented on 24 April 2018 by Senator Alejandro Encinas Rodríguez, an independent.

To continue the legislative process, the proposals were submitted to the Joint Commissions on Labour and Social Security; Equity and Gender; and Legislative Studies, within which the aforementioned public hearings for their discussion and subsequent approval will be held.

At the local level, nine states have modified their Constitutions to bring them into line with the Federal Constitution: (i) Campeche; (ii) Chiapas; (iii) Mexico State; (iv) Guanajuato; (v) Hidalgo; (vi) Morelos; (vii) Nuevo León; (viii) Quintana Roo; and (ix) Sonora. Furthermore, two states (Chihuahua and Hidalgo) have approved laws establishing conciliation centres.

- (iv) Impact of the constitutional reform and the establishment of the decentralized body. This is an historic labour reform, which has transformed the system for ensuring labour justice that has been in place for more than 100 years.

Regarding the establishment of the decentralized public body for conciliation in disputes under federal jurisdiction and the national register of trade union organizations and collective labour agreements, the Ministry of Labour and Social Welfare has devised a number of administrative, organizational, technological and logistical tools for its implementation.

As regards the establishment of labour courts, the Federal Judiciary has established the Unit for the Implementation of Labour Justice Reform with a budget of 324 million pesos. At the local level, in May 2017 the National Committee on High Courts and the Supreme Court of Justice agreed on the establishment of a labour committee to monitor the implementation of the reform.

### Part 3. Union representativeness and transparency

This section addresses the points raised by the CEACR in its observations and direct request to the Government of Mexico concerning the ITUC communication received on 1 September 2017, which refers to: (i) the large number of “employer protection agreements” and the complicity of the labour authorities in the registration of such agreements; (ii) legislative measures and practices to resolve what the ITUC refers to as the phenomenon of “protection unions and protection contracts” (protection agreements), including in relation to the registration of trade unions;

- (iii) the publication of trade union registrations and constitutions; and (iv) the application of the labour inspection protocol on free collective bargaining.

- (i) “Employer protection agreements”. We reiterate our concern at the fact that observations are being made based on generic allegations that do not refer to specific cases or provide objective details for suspecting the existence of a “customary” practice that undermines the right to freedom of association and collective bargaining, let alone for suspecting that the Government is complicit in encouraging that practice.

The Government of Mexico has continuously reported on the specific steps taken to guarantee trade union representativeness. These measures include: the constitutional reform of 2017 – which was welcomed by the CEACR – and its future implementation; the agreements issued by the National Conference of Labour Ministers (CONASETRA); and the issuing and application of the “Operational protocol on free collective bargaining”. The Government has reported on these measures at every opportunity.

It is important to recognize that, in cases concerning specific situations of alleged violations relating to the existence of “protection agreements”, the Government of Mexico has always provided relevant and timely information, carrying out the appropriate investigations and providing information that will help to ensure labour justice. This issue has been considered within the Committee on Freedom of Association, specifically in relation to Case No. 2694.

In this regard, the Committee on Freedom of Association, in its 382nd Report of June 2017 (paragraphs 128–130), decided not to pursue its examination of the alleged extensive practice of “employer protection collective agreements”. On the contrary, the Committee on Freedom of Association decided to focus exclusively on examining the specific allegations regarding individual sectors or unions and the specific situations in which the existence of protection agreements was alleged.

- (ii) Legislative and practical measures to address the issue of protection unions and protection agreements. With the aim of identifying instances of bogus agreements and checking that workers are made aware of collective agreements at their workplaces, a labour inspection protocol on free collective bargaining has been in use since 2016. This protocol allows labour inspectors to verify that collective agreements are being publicized and that labour relations conform to the agreed terms and conditions.

In legislative terms, attention should be drawn to the fact that, as part of the constitutional reform on labour justice, a paragraph has been added to part XVIII of article 123(A), ensuring protection for worker representation.

Furthermore, paragraph XXIIbis has been added to the same article to safeguard the principles of trade union representativeness, along with certainty in signing, registering and depositing collective agreements. This paragraph also ensures that workers are given an individual, free and secret vote when it comes to resolving disputes between trade unions, requesting the conclusion of collective agreements and electing trade union officials.

<sup>2</sup> Available at: [http://www.senado.gob.mx/sgsp/gaceta/63/3/2017-12-07-1/assets/documentos/Inic\\_Justicia-Laboral\\_07122017.pdf](http://www.senado.gob.mx/sgsp/gaceta/63/3/2017-12-07-1/assets/documentos/Inic_Justicia-Laboral_07122017.pdf); [http://www.senado.gob.mx/sgsp/gaceta/63/3/2017-12-14-1/assets/documentos/Inic\\_PRD\\_Ley\\_Amaparo\\_y\\_Ley\\_Trab.pdf](http://www.senado.gob.mx/sgsp/gaceta/63/3/2017-12-14-1/assets/documentos/Inic_PRD_Ley_Amaparo_y_Ley_Trab.pdf);

[http://www.senado.gob.mx/sgsp/gaceta/63/3/2018-02-22-1/assets/documentos/Inic\\_PAN\\_Justicia\\_Laboral.pdf](http://www.senado.gob.mx/sgsp/gaceta/63/3/2018-02-22-1/assets/documentos/Inic_PAN_Justicia_Laboral.pdf);  
[http://www.senado.gob.mx/sgsp/gaceta/63/3/2018-04-25-1/assets/documentos/Ini\\_Encinas\\_LFT.pdf](http://www.senado.gob.mx/sgsp/gaceta/63/3/2018-04-25-1/assets/documentos/Ini_Encinas_LFT.pdf).

- (iii) Publication of trade union registrations and constitutions. As a step forward, we can report that, by 30 April this year, information on 3,422 trade union organizations (unions, federations and confederations) registered with the federal authorities had been published through the “trade union consultation system”. To date, the system has recorded 254,512 consultations.
- With regard to registrations at local level, it is worth noting that the Conciliation and Arbitration Boards are meeting their obligations in terms of transparency through the various mechanisms provided for in section 124(V) of the General Act on Transparency and Access to Public Information. These obligations will rest with the decentralized public body following the adoption and entry into force of secondary legislation, in accordance with the provisions of the constitutional reform to the effect that their actions shall be governed, *inter alia*, by the principles of transparency and disclosure.
- (iv) Application of the labour inspection protocol on free collective bargaining. We can report that, from the date on which the protocol entered into force until April 2018, 196 inspections have been carried out resulting in 528 technical measures, benefiting 68,285 workers.

*Part 4. Legislative provisions and practical measures noted by the CEACR*

This section addresses the points raised in the CEACR’s comments to the Government of Mexico concerning: (i) trade union pluralism and the re-election of union officials; (ii) measures to amend paragraph II of section 372 of the Federal Labour Act; and (iii) information on the participation of foreign nationals in trade union executive committees.

- (i) With regard to trade union pluralism in Government offices and the re-election of union officials, the Government of Mexico reports that, from 2013 to the present, five reform initiatives have been submitted to the Congress of the Union concerning trade union pluralism, together with a further two on the re-election of union officials in civil service workers’ unions, but that so far no decision has been taken. However, it should be noted that the Federal Tribunal for Conciliation and Arbitration, guaranteeing trade union autonomy, has invariably granted accreditation when notified of any change in leadership.
- (ii) With regard to the comment on amending section 372 of the Federal Labour Act, the Government of Mexico reiterates that the prohibition on foreign nationals serving on trade union executive committees is not applied in practice. Moreover, no specific case of this has been confirmed and the Government is not aware of any complaint or claim in this regard. On the contrary, some trade union constitutions expressly recognize the possibility of foreign nationals serving on trade union executive committees.

In addition, before the Committee, a **Government representative** reaffirmed his country’s commitment to social dialogue and described the progress that had been achieved in relation to the requests made by the Committee of Experts. With reference to the allegations of violence against trade unionists in the education sector, in the context of the dispute that had occurred on 19 June 2016 in the municipality of Asunción Nochixtlán, Oaxaca, while regretting and condemning those events, he categorically denied that they constituted acts of violence against trade unionists and amounted to a violation of the Convention. Based on the information gathered by a special commission of the Senate of the Republic and the National Human Rights Commission, which had been published on 31 August 2016 and

17 October 2017, respectively, and regretting that this type of information had been used to attract the attention of the Committee, he emphasized that it was in practice a socio-political dispute, and not a trade union conflict, as neither of the two reports referred to above had noted any link between the acts of violence and any possible restriction on freedom of association, or the fact that the victims were members of a union. With regard to the constitutional reform of the system of labour justice, he welcomed the fact that in its report the Committee of Experts recognized the importance of the reform introduced in February 2017. It was indeed a historic transformation, as it established a new paradigm for labour justice in Mexico, developed through a broad process of consultation. As part of its implementation, it was progressing consistently at the local level in the states of the Republic, many of which had already amended their constitutions with a view to bringing them into conformity with the Federal Constitution, while two other states had adopted legislation for the establishment of their Conciliation Centres. With a view to developing secondary legislation in relation to labour justice, the Senate was examining four initiatives submitted by parliamentary groups with different ideological leanings, and particular attention was being given to ensuring that the secondary legislation was developed in a participatory and inclusive manner, with the social partners and civil society organizations. The Secretary of Labour and Social Welfare had commenced the development of nine forums for the establishment of federal and local decentralized public bodies. At the federal level, one institution would be responsible for the provision of conciliation services which workers and employers would be required to use prior to initiating labour procedures, with a view to the rapid settlement of disputes. The institution would also be responsible for the registration of unions, collective labour contracts and the related administrative procedures at the national level. The new constitutional mandate would also strengthen the Federal Judicial Authority and the Higher Courts of Justice of the states of the Republic, making it easier for them to resolve collective and individual labour disputes through the creation of labour tribunals. With a view to contributing to giving effect to the mandate of the constitutional reform, the Secretary of Labour had initiated a process of the analysis of the labour records of all the Federal and Local Conciliation and Arbitration Boards in each of the 32 states of the country. The Judicial Authority of the Federation, with a view to the creation of labour tribunals, had established the Unit for the Implementation of the Labour Justice Reform. For that purpose, it had been allocated a budget of 324 million pesos for 2018. At the local level, the National Commission for High and Supreme Courts of Justice had agreed to the establishment of a Labour Commission to follow up the implementation of the reform.

With reference to the observations made by the International Trade Union Confederation (ITUC) on 1 September 2017, according to which there were a high number of employers’ protection agreements or contracts and that they had their origins in the complicity of the labour authorities in their registration, the Government representative reiterated his concern at the fact that such observations were based on general allegations, and not on specific cases. He also emphasized the Government’s commitment to labour justice, based on the adoption of new laws and specific action intended to guarantee trade union representativity. He indicated that in cases in which indications had been provided of specific cases of alleged violations relating to the existence of so-called “protection contracts”, the Government had always acted in a cooperative manner, conducting the relevant investigations and providing information to contribute to labour justice. Recalling that the allega-

tions of the ITUC had been made in the context of the Committee on Freedom of Association, and particularly in relation to Case No. 2694, he reaffirmed the Government's will to continue providing information to the Committee on Freedom of Association in relation to allegations concerning specific situations. The Government would also provide updated information to the Committee of Experts on legislative developments with a view to giving effect to the constitutional reform, and on the practical measures taken to guarantee trade union representativity and free collective bargaining. With regard to the provisions respecting trade union transparency adopted under the reform of the Federal Labour Act in 2012, he indicated that, on 30 April 2018, the registration of 3,422 union organizations, including unions, federations and confederations, had been published in the "Trade Union Consultation System", and over half a million consultations had been reported. With a view to detecting false contracting practices and ensuring that workers were aware of the collective contract in their workplace, the Labour Inspection Protocol on Free Collective Bargaining had been implemented since 2016. The Protocol allowed labour inspectors to ensure that collective contracts had been published and that workers were aware of their content, and that the employment relationship was performed in accordance with the terms and conditions set out in the contract. In relation to the question of the possibility of trade union pluralism in state bodies and the possibility to re-elect trade union leaders, he indicated that since 2013 five reform initiatives had been submitted to the Congress of the Union in relation to trade union pluralism, as well as two initiatives relating to the re-election of trade union leaders in public service unions, of which three initiatives were under examination by the Congress of the Union. With regard to the last point in the observations of the Committee of Experts, in which the Government was requested to take measures to amend section 372 of the Federal Labour Act with a view to removing the prohibition on foreign nationals from being members of trade union executive bodies, he recalled that the prohibition was not applied in practice, as Mexican nationality was not a requirement for the registration of trade union executive bodies. Moreover, no specific case had been reported in that regard, and there had been no complaints or charges. Indeed, some union by-laws explicitly recognized the possibility for foreign nationals to be members of their executive bodies.

**The Worker members** stated that the repeated failure by the Government to comply with the Convention had led to the discussion of the case in the Committee on three occasions in recent years. During the most recent discussion in 2016, the Committee had called on the Government to enact the proposed reforms to the Constitution and the Federal Labour Act and to reinforce social dialogue through the adoption of complementary legislation. They recalled that their criticism had focused on protection contract unions, which were employer-dominated unions that had undermined the labour relations system in Mexico. Those unions negotiated "employer protection contracts", without the involvement or even knowledge of the workers that the union was supposed to represent. Those contracts fixed low wages and "protected" employers from having independent unions in the workplace. Tragically, that had meant that millions of Mexican workers had no effective means to defend their rights at work. Once the protection contract union was established, it was extremely difficult for workers to form an independent union. When workers did attempt to rid themselves of a protection contract union through a recount election, the employer, the protection contract union and the Government often colluded to intimidate the workers through delays, verbal threats, physical violence and dismissal. That situation had remained the same. As the Committee of Experts had noted, in February 2017, the

Government had enacted meaningful reforms to the Constitution. Those reforms addressed some of the key criticisms raised by the ILO and the global trade union movement and had given some hope for change. But as the Committee of Experts had also noted, the Government still had to enact secondary legislation. Unfortunately, the proposals that the Government had put forward undermined both the letter and spirit of the Constitution and the Convention. For much of 2017, the Government had worked behind closed doors with business leaders on amendments to labour law, ostensibly to give effect to the constitutional reform – without independent union leaders being consulted during that process. In early 2018, a bill had failed to pass in Congress, but the Government was trying to push through the same legislation during a special session of Congress in June 2018. While the Government had claimed that it was undertaking consultations, the only proposal under consideration remained the Bill rejected by Congress, which showed that the Government had capitulated to entrenched interests, including the protection contract union confederations, whose leaders had introduced the legislation in the Senate. Addressing their concerns point by point, the Workers members first referred to the Conciliation and Arbitration Boards (CABs) which for many years had been widely criticized for their inefficiency, political bias and corruption. The constitutional reform was proposed to abolish the CABs and: (i) transfer the legal functions of the CABs to the judicial branch, foreseeing a process of conciliation by "specialized and impartial" federal and local level conciliation centres before the referral of cases to the courts; and (ii) transfer the administrative functions of the CABs, such as union registration, to the new decentralized and autonomous federal entity whose president would be voted on by the Senate. The current bill before the Senate proposed to create: (i) the new Federal Institute of Labour Conciliation and Registration; and (ii) a new "Technical Council" which would have broad powers over the programme, budget and staff. While the autonomy of the Federal Institute could end the firm hold of the protection contract unions over the union registration process, collective bargaining and collective conflicts, the proposed tripartite control through the Technical Council would include the same protection contract unions that had perpetuated protection contracts through the CABs. Moreover, the Secretary of Labour had stated that the independent labour tribunals would not begin to operate until the CABs had resolved all pending cases. Their number was in the thousands and would take many years to clear. Independent unions would therefore continue to suffer under the existing corrupt system and would have to wait years before the promise of neutral labour justice would be realized. That undermined previous commitments to an early transition to the new constitutional arrangements on labour justice. Additional concerns related to the proposal in the Bill that an agreement would take automatic effect if the Federal Institute did not take a decision to register a collective agreement within 20 days. That would provide employers with a mechanism to register collective agreements that did not comply with new legal requirements. It would allow employers to continue colluding with "protection unions" of their own choosing rather than engaging in good-faith bargaining with independent unions.

The second problem with the draft legislation concerned the so-called *recuento* procedure. The Bill made it practically impossible for workers to replace unrepresentative unions through a ballot by imposing new evidentiary requirements which had to be satisfied through a lengthy administrative process before a date for a vote was even granted. That would make the process needlessly burdensome. As that procedure was the only means for workers to establish an independent union where an illegitimate union

already existed, the new process would ensure that undemocratic unions could continue to deny workers the representatives of their choice. As the new Institute would be controlled by employers and protection contract unions, workers also had good reason to be concerned that employers would retaliate and dismiss them. Thirdly, in Mexico the General Act on transparency and access to public information provided for the publication of trade union registration certificates and their statutes. Workers and the public could access information about unions, including their internal structure, leadership and any existing collective agreements. Such transparency was essential to ensure workers could access information about the entities that claimed to represent them, and any agreements those entities might have with employers. It was a vital tool in the fight against protection contract unions. The Government had reported that it had made progress in this area, claiming an 85 per cent compliance rate. If true, that would be a positive development. But the Bill would have the effect of significantly weakening those transparency provisions, including the requirement to disclose information about union registration and existing collective agreements, and would continue to deprive the vast majority of Mexican workers covered by collective agreements of the right to obtain a copy. Fourthly, under the constitutional reform, workers had to approve collective agreements by a secret ballot. That measure had been introduced to ensure agreements could not be signed without the consent or knowledge of the workers concerned. But the proposed implementing Bill would not require inspectors to verify that workers had approved the collective agreement by a secret ballot. Instead, the Bill contained a vague requirement that entities claiming to represent the workers should prove there was support, but failed to set out any specific criteria. The proposal also gave the Institute broad discretion to decide whether or not there was evidence. Those provisions were all the more worrying as current labour law provided that collective agreements were automatically renewed if neither party sought modifications. Those rules would apply equally to the protection contracts, which could thus evade the minimal requirements regarding representation. But the issue of protection contract unions and the flawed secondary legislation were not the only problems. As the Committee of Experts had once again highlighted, the prevalence of anti-union violence was a serious concern. And new acts of anti-union violence had occurred since the Committee of Experts had last met. In November 2017, mine workers had gone on strike to demand their right to join a legitimate and democratic union. Dozens of armed police had taken over the mine. An armed group had attacked the strikers and killed two trade unionists on mine property. In January 2018, a labour activist who had been travelling to meet the strikers had been beaten and threatened with further violence if he continued to advocate a new trade union and a new contract. He had been murdered later that month. Finally, the 2012 amendments to the Labour Act had greatly expanded the use of outsourcing, although the Act provided that companies could not outsource a worker who was assigned work that was a core function of the company. Although illegal, the Government had done nothing to stop such practices. The use of outsourcing was a common tactic to prevent workers from forming a union or to bust unions by replacing the workforce with contracted workers. The Worker members urged the Government to withdraw the existing proposal. As national elections were imminent, the next Government should decide that issue following consultations so that the views of all stakeholders were taken into consideration.

**The Employer members** recalled that the case had already been examined on three occasions, two of which were in 2015 and 2016, when emphasis had been placed on the pro-

gress that was being made by the Government with the expectation that the constitutional reform would be adopted. The reform had been completed, which had produced a change. The Conference Committee was examining the case of the application by Mexico of Convention No. 87, but the country had not ratified the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). There were aspects of the case that were related to freedom of association and the establishment of unions. Nevertheless, the Conference Committee, with reference to the observation of the Committee of Experts, needed to be careful in its examination not to provide guidance on an instrument that had not been ratified. The same applied to Articles 2 and 3 of the Convention, which were fairly general provisions, on which the Committee of Experts had entered into a series of details that could be considered to have gone beyond the scope of those provisions. Article 2 provided that workers, without distinction whatsoever and without previous authorization, had the right to establish and join organizations of their own choosing, subject only to the rules of the organization concerned. Article 3 provided that workers' organizations had the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programmes. That was the framework for the discussion of the case. In the first place, the complainant organizations in the present case were of an international nature, and were not the organizations of Mexican workers. It should therefore be borne in mind that their vision of the situation in the country might be broader than the manner in which the social partners acted at the domestic level, with particular reference to trade unions. With regard to the subject of public liberties and trade union rights, the Employer members rejected any action that endangered human life. Nevertheless, within the framework of the ILO, there needed to be a connection with freedom of association. In its response, the Government had indicated that two special commissions had found that the acts in question had no union origins, but were of a socio-political nature and involved the excessive use of force, which had been recognized and dealt with by the Government. As such, it was a case that, while deplorable from the viewpoint of human life, should not be examined in greater depth or detail by the Conference Committee, the Committee of Experts or any other ILO supervisory body.

Secondly, with regard to conciliation, arbitration and labour justice, the constitutional reform established that it would be the corresponding branch of the public authorities that would be responsible for a series of elements, for which reason the Committee of Experts had noted "with satisfaction" its adoption and entry into force. In that respect, it was important to recall the significance of "noting with satisfaction", which occurred fairly rarely and was of great relevance for the Organization. The Committee of Experts noted with satisfaction cases in which governments had taken measures through either the adoption of new legislation, an amendment to the existing legislation or a significant change in the national policy or practice. The Committee of Experts also expressed satisfaction when it was indicating to governments and the social partners that a particular matter had been resolved and that it could provide a model or example for other countries. The reform offered legal security for the following reasons: (1) labour justice would be imparted by bodies of the federal and local judicial authorities; (2) conciliation procedures would be more flexible and effective; (3) the federal conciliation body would be a decentralized institution; and (4) new legislation would be adopted on the procedures and the decentralized bodies of the conciliation service. As indicated by the Government representative, that was what was happening in Mexico, where the Congress was examining a series of legislative initiatives. It was undoubtedly

good for there to be consultations on all of those legislative changes. In the previous conclusions of the Conference Committee on the case, the call had been made to establish broad social dialogue on the subject. In that regard, the Government had provided information on the decision by Congress to open up participation through four regional fora with broad participation, and that the fora that had been adopted had been subject to widespread discussion. The Employer members trusted that the reforms would continue to be undertaken in an appropriate manner.

Thirdly, with reference to trade union representativity and protection contracts, they indicated that it was necessary to be very prudent. It was one thing to establish unions which could be considered to be protection unions, that is which enjoyed the prerogative of exclusive collective bargaining, but collective negotiations for protection were quite another matter. Reference should not be made to the latter subject, as it was typically covered by Convention No. 98, which had not been ratified by Mexico. Moreover, the Committee of Experts at the time had noted with interest a series of proposals in light of the amendment of the Federal Labour Act in 2012. In that regard, the Committee of Experts had requested the Government to indicate why it had not provided more detailed information. Although the Government had not replied on that point, and should do so in its second intervention, it had perhaps not done so because it had not ratified Convention No. 98. The Employer members emphasized that great care was needed with the approach adopted and did not agree with the views expressed by the Committee of Experts when it noted with concern the observations made by the ITUC on other matters raised in general terms, concerning which it would be interesting to be provided with greater detail, if indeed additional information pointed to a different conclusion. However, in the meantime, there were no grounds for a request for further information on the subject. With regard to the publication and registration of trade unions, the Government indicated that there was a new information system, which provided detailed figures of the number of unions in Mexico. The Government had also provided an adequate response in document D.10 to the request that had been made at the time. With reference to trade union pluralism and the re-election of union leaders, the Committee of Experts had referred to legislative matters which could be considered not to be in conformity with the Convention. Nevertheless, it was noted both in the comments of the Committee of Experts and the reply by the Government that the case law of the Supreme Court of Justice, and the practice followed, meant that the provisions in question were not applicable. The situation bore some similarity with the situation of obsolete ILO standards which had not been abrogated. Some standards had been abrogated the previous year, and others this year. And yet the Cartier Working Party had identified around 65 obsolete standards which were in force, but not applicable. Accordingly, the concept of applicability, which was entertained in the Organization, should also be taken into consideration in the case of member States, as the Government had said. There would be no violation of freedom of association if certain existing provisions were not applied, as recognized by the judicial authorities in Mexico. That had also been recognized by the Government, which had indicated that the freedom to elect trade union representatives, including foreign nationals, existed and that there had been no complaints or specific cases in that regard. The Government had also indicated that there were unions which recognized in their by-laws the possibility to elect foreign nationals as representatives. In that regard, the Employer members questioned the need to raise concerns in relation to legislation that was not applicable. If it was not applicable, the Committee could be certain that in Mexico that particular freedom was broadly permitted, in accordance with the

views of organizations such as the ITUC, IndustriALL and the Committee of Experts when it examined such cases. For that reason, the requests made concerning the number and positions of foreign nationals who were members of unions could be considered excessive, as the Government had already indicated that there had not been a single complaint. The subject had probably been raised for the sake of international observers, but there were no grounds for it in practice, as no difficulties had arisen in that regard. The Employer members considered that, in the analysis of the case, there were points that had been resolved and would have merited being noted with satisfaction. They were of the view that the policy adopted by the Government in its legislative changes was correct and that the expectations had been met on matters on which, a long time ago, the Committee had expressed concern, as the Committee on Freedom of Association had done in Case No. 2694.

**The Employer member of Mexico** expressed appreciation for the information provided by the Government on the issues raised by the Committee of Experts and, regretting the lack of objective information provided by the Worker members, said that his country was free of harassment and dismissals, that there were over 20 million workers in the formal economy, collective bargaining existed and, despite challenges, it enjoyed labour and social peace. The reform had been considered satisfactory by the Committee of Experts and had not generated any open opposition at the national level. In 2012, the Federal Labour Act had been amended and the constitutional reform had been undertaken between 2015 and 2017. Regulations were being examined in the Senate on the basis of various initiatives submitted by various groups with different views. In accordance with the constitutional framework, discussion and consultation forums had been organized and it had been agreed to hold public hearings, thereby engaging in social dialogue and complying with the call made by the Conference Committee in 2016. Moreover, complex and far-reaching issues had been included in relation to labour law, trade union transparency and collective bargaining, and secret ballots for workers. The changes that were under way required efforts to be made in the areas of legislation, the budget and infrastructure, and training and capacity building. The registration of trade unions and collective agreements would be the responsibility of a decentralized public authority headed by a person proposed by the executive authorities and approved by the Senate, thereby ensuring full independence. Similarly, conciliation bodies would be set up in federated bodies for the effective resolution of disputes, in accordance with the Convention. The replacement of conciliation and arbitration boards with tribunals under the judicial authorities was in line with a proposal made by the Conference Committee. The constitutional reform had set aside a period of one year, which had now passed, for regulations to be adopted. However, some elements had come into force the day after the promulgation of the reform, including the obligation to grant accreditation to workers' representatives for the purpose of concluding collective labour agreements and the provisions of Article 123(XXIIbis) of the Constitution. That showed that the procedures and requirements established in law to safeguard freedom of collective bargaining and the legitimate interests of workers and employers should guarantee: (a) the principles of the representativity of trade unions; and (b) certainty in the conclusion, registration and deposit of collective agreements. In addition, workers' ballots would be individual, free and secret for the resolution of disputes between trade unions, as well as requests to conclude collective agreements and the election of union officials. The judicial authorities and the reform process would abide by the established constitutional precepts. The situation should serve as an example for other countries and, although it would be desirable to conclude the legislative

process, its complexity meant that it was still a work in progress. The Government should be encouraged to finalize what remained pending and the achievements made should be recognized. The case should be recorded in the Committee's conclusions as a case of progress.

**The Worker member of Mexico** emphasized the importance of recalling the context in which Mexico's labour reforms were being discussed. It should be emphasized that two significant reforms had been made: the labour reform of 2012 and the constitutional reform that had entered into force in 2017. The latter was the result of a series of prior consultations carried out by the Centre for Economic Research and Education, at the explicit request of the federal executive authorities, involving legal experts, academics and a representative sample of civil society. However, in the absence of the participation of workers' organizations, which had not even been invited to participate, their views had not been taken into account. As result of the consultation, in April 2016, the Office of the President had submitted the corresponding legislative initiative, known as "day-to-day justice", to the Congress of the Union. It entailed substantial changes to the Constitution, particularly on labour matters. He recalled that, in his statement in 2016, he had rejected the reforms and expressed concern at various elements thereof: (a) the transfer of labour jurisdiction to the federal or local judicial authorities, thereby losing the social balance offered by tripartism; (b) the implementation of conciliation as a compulsory and prejudicial process through specialized independent conciliation centres; and (c) the establishment of a decentralized institution responsible for registering collective agreements and trade unions and performing conciliation functions at the federal level, with the head of the institution being appointed by the federal executive authorities. As the final outcome of the series of amendments, on 13 October 2016 the constitutional reform had been adopted unanimously, prompting an unprecedented sea change in Mexican labour law. The labour reform proposed most recently in Mexico was a consequence of that constitutional reform. Attention should be drawn to the consultations announced on 27 April 2018 by the Senate. Trade union organizations and their leaders had the role of moving in a responsible and informed way towards the new model of labour justice to give those they represented real legal certainty of the defence of their rights. In conclusion, he urged the Government to offer every guarantee that the Federal Labour Act would be the product of dialogue and agreement among the tripartite partners.

**Another Worker member of Mexico** recalled that the amendment to article 123 of the Constitution had entered into force on 24 February 2017. The reform took into account several recommendations. For example, the labour justice system was no longer in the hands of the executive authorities following the abolition of conciliation and arbitration boards and the establishment of labour courts. Mandatory conciliation had also been introduced prior to referral to labour courts. Similarly, a decentralized body had been established at the federal level which was responsible for ensuring conciliation, the registration of all collective labour agreements and trade unions, and all related administrative procedures. However, he was concerned by the delay in amending the Act implementing article 123, the deadline for which had been 24 February 2018. The deadline had expired without the Government having paid due attention to it, and there was therefore a great deal of uncertainty concerning the labour justice system and the current situation. In April 2018, the Senate had adopted an agreement with the social partners, although it had done so after the deadline. It was a matter of concern that the Government had not adopted the necessary measures to initiate the legislative amendment process. Finally, he called on the

new Government, which had been elected through a democratic and popular vote, to adopt the necessary measures to bring the labour legislation into conformity with the principles of the Convention and to ensure that effect was given to the observations of the Committee of Experts with a view to eliminating the malpractices affecting Mexican workers and bringing an end to the persecution of trade union leaders and the death of workers.

**Another Worker member of Mexico** indicated that, following almost 30 years of the implementation of the neoliberal policies of financial institutions such as the International Monetary Fund (IMF), World Bank (WB) and Trilateral Commission, the labour conditions of workers throughout the world had become more precarious, and Mexico was no exception. He denounced the abuse of outsourcing, which not only undermined the application of the Convention, but also the Mexican Constitution and human rights, as it negated the right to organize, collective bargaining and the right to strike. The national Constitution provided that Mexican nationals had the right to health, nutritious food, housing, culture, sport, education and socially useful work. Outsourcing violated those rights. There were national owners of micro, small and medium-sized enterprises who complied with all their obligations respecting work-related benefits and social security, but others evaded them. Such abuse caused social problems, which would only get worse in the near future, especially in the case of pensions since, if social security contributions were not paid, future generations would not have the right to housing, health or a decent pension. Outsourcing also involved processes being carried out in the name of another company to ensure that, in the case of a labour dispute, workers had no protection when claiming their legal entitlements.

**The Government member of Paraguay**, speaking on behalf of the vast majority of Latin American and Caribbean countries welcomed the information provided by the Government in recent years regarding the action taken and measures adopted to address the observations of the Committee of Experts. In 2016, the Committee of Experts had noted with satisfaction the adoption and entry into force of the constitutional reform, which established, among other measures, that labour justice was the responsibility of the judicial authorities, and was no longer dependent on the executive authorities. It also had the objective of strengthening conciliation machinery and the creation of an autonomous body responsible at the national level for the registration of collective agreements and trade unions. The Government had also provided information on the consultation processes and round tables that had been held with a view to harmonizing the legislation to give full effect to the constitutional reform, and particularly the approval by the Senate of the holding of public hearings to gather suggestions, observations and proposals from workers, employers, academics and civil society organizations on the draft secondary legislation. Taking into account the willingness expressed and the results achieved, she wished the Government every success in its ambitious reform process and in the historic transformation of the administration of labour justice.

**The Government member of Panama** endorsed the statement of the Government member of Paraguay and expressed appreciation of the efforts and interest demonstrated by the Government in continuously providing updated information on compliance with the Convention. Emphasis should be placed on the judicialization of labour procedures, which had been the responsibility of the executive authorities in Mexico. The observations of the Committee of Experts were relevant, as they assessed positively the progress made by the Government in terms of labour justice, which was in line with ILO principles. The transformation had been introduced taking into account the tripartite partners in the country, thereby demonstrating the

relevance of social dialogue as an essential tool for freedom of association and the pursuit of social justice. He reiterated his support for the Government in the process of ensuring continuous improvements, and emphasized the importance of ILO tripartism for the achievement of the common good.

**An observer representing the International Trade Union Confederation (ITUC)** said that in February 2017 a decree had been issued to amend article 123 of the Constitution with regard to labour justice, which was the most important development in the 100 years since the Constitution had been in force. In 2016, the Committee had offered technical assistance to the Government and had called on it to engage in social dialogue for the preparation of secondary legislation. However, the Government had failed to promote social dialogue and to request technical assistance. Consequently, the senators who were members of the Confederation of Workers of Mexico (CTM) and the Revolutionary Confederation of Rural Workers (CROC) had put forward a reform initiative, which had been considered unconstitutional and which would derogate from Mexican labour law, as it did not regulate all of the matters envisaged in the constitutional reform. The initiative had proposed to restore the false tripartism of the conciliation and arbitration boards and to grant judicial powers to decentralized administrative bodies, including hearing cases on the right to strike, for which only jurisdictional bodies were responsible in accordance with article 123(XX) of the Constitution. Furthermore, the Senate had also issued a draft decree to approve the initiative. The previous week, the Senate had called on the alleged social partners to give their opinion on the decree. In that way, other initiatives put forward by other senators for the appropriate regulation of the constitutional reform had not been considered. To achieve social justice and peace, it was necessary to replace the corrupt legislative process relating to the secondary reforms that was being followed by the Government.

**The Government member of Honduras** welcomed the action and measures adopted by the Government in the field of labour justice since February 2017 as part of the ongoing reform process. However, he expressed concern with regard to the cases that, despite not appearing to be violations of the Convention, could be considered acts of violence against trade unionists. Finally, he urged the Government to continue promoting new inter-institutional dialogue mechanisms, in accordance with the Convention and workers' fundamental rights, to guarantee respect for freedom of association in the country.

**The Worker member of Germany** stated that the progress referred to by the Government in the implementation of the Convention was merely progress on paper and that little had changed in practice. The constitution of independent unions and their work was alarmingly hampered by a fatal combination of: (i) an arbitrary registration procedure; (ii) the prevalence of protection contracts; and (iii) the absence of publication of both the registration of unions and the agreements concluded. The consultation and arbitration boards (CABs), which were still the competent authorities at the federal and state level, were not independent and impartial, as demonstrated by their composition, and were always finding new ways to obstruct the registration and work of independent unions. Protection contracts were negotiated without the knowledge of workers, in some cases including German companies, even before a plant had been built or a company had started its work. If a company was already in the hands of a so-called protection union or if a protection contract existed, the CABs had many opportunities to reject applications from independent unions. To enforce a real collective agreement against a "protection union" was practically impossible. The process was overshadowed by a lack of transparency, bureaucratic hurdles, lay-offs, threats, intimidation and violence. In order to

demonstrate progress towards compliance with the Convention, it was no longer sufficient for the Government to refer to lengthy reform processes, discussions between the various stakeholders and secondary legislation that had not yet come into force and which was designed to counteract the fundamental demands of the constitutional reform. She therefore called on the Government to comply fully with the findings of the ILO supervisory bodies and to that end: (i) to demonstrate, by means of concrete actions, how it ensured the swift and independent registration of trade unions; (ii) provide evidence of the publication of collective agreements, registration, recognition and other trade union statutes; (iii) explain in detail the specific measures taken to address all the problems arising in connection with the protection contracts (not only measures on paper); and (iv) consider a statutory obligation for employers to make the applicable collective agreement known in the workplace.

**The Government member of Algeria** expressed support for the Government's efforts to reform the labour justice system, strengthen conciliation bodies and promote the right to organize and collective bargaining. All the necessary measures and procedural guarantees had been adopted to ensure compliance with fundamental rights, including freedom of expression and association, and the powers of the labour inspection system had been strengthened. There was no evidence of violations of freedom of association. He welcomed the progress made in strengthening the existing national instruments to give full effect to the constitutional reform and hoped that the Committee would take into account the progress achieved.

**The Worker member of the United States** said that CABs impeded the freedom of association of workers. One example was the strike by the independent union of miners initiated in 2008, on the legality of which the federal CAB had never ruled. In 2013, a company union run by the owner of the mine had applied for collective bargaining rights and had occupied the mine in an effort to end the strike. Rather than protecting the strike, the CAB had accepted the illegal application of the company union, and had allowed elections in 2017, in which both the employer and company union had submitted identical lists of eligible voters to the CAB. The lists had included not only miners recruited by the company to vote in its favour, but also workers who should not have been eligible to vote (including retired miners, those who had received severance pay and even miners who had died). In spite of the irregularities (collusion between company union and the employer as evidenced by the identical lists, and the failure to demonstrate who was an active worker eligible to vote), the CAB had allowed the election, which the company union had won. In January 2018, however, a court had reversed the election and had forced the company union to abandon its claim for collective bargaining rights, finally offering some protection for the lawful strike by the independent union. That example demonstrated the problems with the CABs: (i) they were not impartial, and were actually biased against independent unions; and (ii) they had close ties with both protection unions and employers. At the time when the federal CAB had decided to allow the second election, the secretary of the board for collective matters was a person who had formerly been employed as an attorney for the company and was currently in that position again. In addition, workers had to wait years before being afforded protection of their freedom of association rights. As promised in the constitutional reform, the CABs had to be replaced by a labour justice system that was fully independent of the executive branch and allowed workers full freedom of association. Those changes had to occur before any renegotiated North American Free Trade Agreement (NAFTA) or other free trade agreements, or even Mexico itself, could comply with the Convention.

The Government member of Uruguay supported the statement made by the Government member of Paraguay and highlighted, among the measures adopted by the Government, the procedural labour reform of 2012 and the promotion of a reform process. The full implementation of such laws took time and generally required several amendments to achieve the intended objectives. The labour reform had led to a reduction of more than 60 per cent in the normal duration of labour proceedings, which represented a clear benefit for complainants, who had access to more rapid and efficient justice. However, some minor aspects of the reform still needed to be adjusted. It was reasonable to request an adequate time frame for its full adaptation and implementation. In that regard, and taking into account Uruguay's experience in that area, he offered technical cooperation to the Government and encouraged it to continue along the path of social dialogue.

The Worker member of Colombia criticized Mexico for the violations of freedom of association, especially those arising out of the existence of employer protection agreements or contracts. All of the ILO supervisory bodies agreed that employer protection contracts constituted a violation of rights. The gravity and repeated nature of those violations required drastic action by the ILO. The legal reform of 2012 and the constitutional reform of 2017, instead of eliminating a practice which in itself distorted trade unions and the objectives of bargaining, had reformed registration, publication, ballots and other provisions. Consequently, five years after the legal reform and 15 months after the constitutional reform, conciliation and arbitration boards were continuing to register protection unions and employer protection contracts. The Government needed to act on the recommendations and observations of the ILO supervisory bodies with regard to protection unions and employer protection contracts and stop such practices being possible through laws adopted following genuine and effective consultations with the representative organizations of workers and effective control by the authorities to prevent non-democratic trade unions and simulated negotiations.

Another Worker member of Colombia emphasized that all factors that restricted freedom of association, especially in relation to the Convention, were entirely unacceptable. Trade unionism free from any kind of pressure was crucial for a country's development. Consequently, he requested more detailed information on protection contracts from the social partners in Mexico. He also urged the Government, together with the trade unions and employers, to consult on the Federal Labour Act in order to avoid manipulative practices that were detrimental to the Convention.

The Government member of Brazil welcomed the progress made by the Government, as recognized in the report of the Committee of Experts, in the modernization of the administration of labour justice, as well as the support expressed by the Chamber of Deputies and the Senate for the constitutional reform. He also emphasized the legislative and practical measures adopted to resolve "the issue of protection unions and protection contracts" and highlighted the ambitious consultation processes and round-table meetings carried out by the Government to give full effect to the constitutional reform through secondary legislation. With regard to the representativity of trade unions and transparency, he indicated that observations had been made on the basis of general allegations that did not refer to specific cases. It was unacceptable for the supervisory bodies to make comments that were not objective. Furthermore, Mexico had not ratified Convention No. 98, so the Committee could not examine comments about the country in relation to that Convention. The discussions of the Committee should be limited to the technical aspects of the application of the Convention. In conclusion, he encouraged

the Government to continue pursuing its objectives of labour reform, in line with its international commitments.

The Worker member of Argentina noted that on several occasions the Mexican Government had provided information to the Committee on progress that had not been achieved in practice. The Federal Act on Government employees was an example of those delaying tactics. The Act had been adopted in 1963 and five years later the Committee of Experts had noted that the Government was reconsidering the aspects of the Act that were contrary to the Convention. Fifty years later, those aspects of the Act were still in force. The Government had noted that the provisions in question were not applicable under the case law of the Supreme Court of Justice. However, the findings of the Court did not mean that the sections of the Act that were contrary to the Convention had been repealed and workers continued to lodge complaints in that regard. That situation was a clear example of a persistent violation of the Convention. Violations of freedom of association also affected education workers who were combating the "education reform" that restricted freedom of association and bargaining. Those protesting against the reform were subject to repression, as had been the case in the state of Oaxaca in 2016. That repression had led to the death of ten people, the detention of 30 and 100 injuries. And yet, those acts were still unpunished, as was the case of the disappearance of 43 students from Ayotzinapa. The Government should take specific action to adapt national law and practice to the Convention. Furthermore, the Committee should urge the Government to cease its decades-old practices that violated freedom of association.

The Worker member of Paraguay noted that some of the recommendations of the Committee of Experts had been taken into account by the Government, while others had not. Mexico had undertaken constitutional reform in relation to labour, as a result of which the conciliation and arbitration boards had disappeared and labour courts had been established. However, the deadline to amend the Act regulating those bodies and courts had passed and the Mexican Congress had suspended the reform process to hold consultations with the partners. The process was not being implemented within the constitutional time frame. He recalled that the reforms needed to guarantee the representativity of trade unions and transparency in the conclusion, registration and deposit of collective labour agreements to ensure that they were concluded by organizations that genuinely represented the interests and rights of workers. Mechanisms were needed that facilitated the exercise of union activities and the right to strike. He therefore called on the Mexican Government and Congress to adopt, through dialogue with the most representative organizations of workers and employers, the necessary measures to bring the legislation into conformity with the principles set out in the Convention.

The Worker member of Canada regretted the widespread use of illegitimate collective bargaining agreements signed between an employer and an employer-dominated union with the blessing of the government authorities. Workers trying to organize independent and democratic trade unions were harassed, threatened and assassinated: in November 2017, Victor and Marcelino Shaunitla Peña had been murdered while participating in a work stoppage at a gold mine, refusing to join a union imposed upon them by the company. This had shone the spotlight on Mexico's corrupt and anti-democratic labour relations system of protection contracts. In January 2018, Quintin Salgado had been murdered after being threatened if he kept advocating a change of unions. There had been no investigation of these murders. Also in January 2018, after receiving threats from the corporate union, Eli Manuel Robelleo, a mine worker, had seen his house burned down. A few days later, another

worker, Monica Lopez, had been beaten and left unconscious. No investigations had been carried out. She recalled that rights of workers' organizations could only be exercised in a climate free from violence and that it was the responsibility of governments to ensure that this principle was respected. The free choice of workers to establish and join organizations was so fundamental to freedom of association as a whole that it could not be compromised by delays and simulated reforms. She called on the Government to reform and enforce the rule of law in order to protect workers' demands for democratic unions, better wages and working conditions, and health and safety at work. Mexico was under the obligation to change its law and practice in order to restore workers' rights, in compliance with the Convention, before any free trade agreement could be signed.

**An observer representing the International Transport Workers' Federation (ITF)** stated that protection contracts presented the most serious obstacle to the exercise of freedom of association in Mexico. The Conference Committee, the Committee of Experts and the Committee on Freedom of Association had all urged the Government to effectively abolish the protection contract system but there had been no real change. That system deprived workers of any right to safe working conditions, labour inspections, compensation or social security and was designed to dismantle genuine and democratic trade unionism. Unfortunately, this had been achieved in the road transport and port sectors. The constitutional reform required the enactment of secondary legislation. However, the proposed legislation undermined the spirit of this reform and contained numerous provisions that would negatively affect workers, including the amendment to section 388 of the Federal Labour Act. Unions representing workers in the aviation sector had been frustrated by protection unions that had claimed to represent all workers and sought to negotiate a single agreement. The proposed amendment to section 388 would exacerbate that problem in prohibiting professional unions from negotiating separate agreements with a common employer. That was inconsistent with the obligation to promote free and voluntary collective bargaining. The ILO supervisory bodies had made it clear that in order to satisfy trade union plurality where a single agreement policy was in place, minority or professional unions should at a minimum be able to conclude collective agreements on behalf of their members. That principle was particularly important in Mexico due to the impact of protection contracts. The speaker called on the Government to withdraw the proposed secondary legislation to bring its labour laws into conformity with the Convention.

**An observer representing IndustriALL Global Union** indicated that protection contracts had been a vital part of the state policy and economy for a long time. This model had spread to cover all industrial sectors: it guaranteed the lowest labour costs and prevented any negotiation with workers. Following the privatization of the energy and gas sectors, the concession and exploration contracts contained specific clauses mentioning the chosen union, thus depriving workers of any choice. Despite promises on the international scene, the Mexican Government had not done anything to eradicate these protection contracts. Every new investment announced, be it in the auto sector, energy, electronics, textile, comes with "the cherry on the cake", a protection contract already signed with the accomplice corporate unions, long before the plant was built and any worker appeared. The previous week, approximately 50 women workers in the textile sector had been dismissed for defending their rights: the management had said that there would be no other union than the one already in place in the plant. Only the official corporate unions could obtain a collective bargaining agreement: a request for union elections by the union "Mineros", an affiliate of IndustriALL,

had been blocked for 6 years by the government authorities, the company and the protection contract union. And even when it had won elections in a mining site in April 2016, the company and the protection contract union had refused to abide by the official ruling published and continued to occupy the union facilities. She concluded that the Government had the obligation to respect Mexican workers' rights and to implement freedom of association.

**An observer speaking on behalf of the Confederation of University Workers in the Americas (CONTUA)** said that there were persistent and serious government practices that were in violation of the Convention. Since 2015, the Committee had been asking the Government to resolve the issue of protection unions and to include the social partners in discussions on the subject. In 2017, the Committee had once again requested the Government to consult the social partners as serious concerns had been raised regarding the unclear measures that were being implemented. Again today, the Government needed to provide explanations to the Committee on why it was repeatedly failing to hold authentic, institutionalized and permanent tripartite consultations with the context of the transition process of the constitutional reform of the labour justice system, which was in violation of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). The obligation to hold tripartite consultations was the responsibility of the Government, which could not invoke national law to justify non-compliance with the Convention. Similarly, it could not claim to have organized consultations for the establishment of social dialogue with the most representative organizations of workers in view of the habitual, persistent and repeated corporative and anti-democratic trade union practices which were contrary to the interests of the workers. Consultations of that type did not reflect the real labour situation in Mexico. According to the official journal of the Senate, public hearings were to be held in May and June 2018, but in practice no public hearings were envisaged in the four regional offices. The hearings were supposed to contribute to the initiative submitted by the Government on 7 December 2017, through the CTM and the CROC, overlooking the other three legislative initiatives that had also been put forward, without any official measures being taken to convene the meeting. Proof of the Government's deceitful practices was to be found in the request made by the President of the National Union of Workers (UNT) and the Secretary-General of the Union of Workers of the National Autonomous University of Mexico (STUNAM) who, in May 2018, had requested the Senate to indicate the place, date and time of the public hearing on the preliminary draft decree on the labour justice system, to which no reply had yet been received. The initiative would bring back the false system of tripartism, as it proposed the establishment of a Federal Institute of Labour Conciliation and Registration, a government body that would be composed of the following 12 members: four Government representatives, four worker representatives and four employer representatives. The institute would therefore reaffirm total corporative control, as four of the 12 members would be from national workers' organizations, but only from those that were supposedly "most representative". In other words, the Government of Mexico was persisting in the reinforcement of a protectionist and undemocratic type of unionism, which favoured some sectors while excluding the representation of others, which was contrary to the fundamental principles of the ILO, and particularly the Convention. Such actions perpetuated a system that undermined the well-being of Mexican workers, through the promotion by force of law of practices that were in violation of freedom of association. Finally, he urged the Government to ratify Convention No. 98 immediately.

The Government representative emphasized that many of the interventions had focused on the process of labour reform. Although the part of the constitutional reform that had already been adopted involved responsibilities for the various actors, including the federal Government and state governments, it was also true that the implementation of the secondary legislation would require the adoption of texts to enable both the judicial authorities (in relation to labour justice) and the decentralized body and conciliation centres to fulfil their functions. That process was under examination by the Senate, through four initiatives, which had not been rejected at the parliamentary level. The decision of the Senate, at the petition of many groups in Mexico, had been opened up for consultation, not only through the work of the legislative commissions, but also through the holding of consultation meetings. The measures taken to convene such meetings were to be decided on by the Senate. Nevertheless, the Government was committed to holding tripartite consultations with a view to the preparation of the secondary legislation, as a minimum level of agreement needed to be achieved in respect of that legislation to carry out the reform under the best conditions. For that purpose, during the course of 2018, the Secretariat of Labour, under the leadership of the Secretary of Labour, had held over 91 meetings with organizations of employers and workers. The will of the Government and of the State was to develop consensus with workers, employers and civil society organizations on the most appropriate approaches to the labour reform, taking constantly into account the rights of workers. However, he recalled that another fundamental aspect of the discussion lay in the reiterated references to the existence of protection agreements or contracts. Mexico had been cooperative in the specific cases in which problems of that type had arisen. In that regard, he emphasized that in the constitutional reform the issue of the origins of protection contracts had been taken into consideration and their relation to the Federal Labour Act, thereby avoiding problems such as recourse to strike action through the use of extortion. With reference to the registration of unions, he indicated that, in contrast with the indications provided by participants in their interventions, the federal authorities were currently responding to applications for registration within three or four days, which had resulted in the greatest increase known in Mexico in the number of union associations. There was also an online system at the federal level which included over 3,400 registrations of associations. In conclusion, he gave thanks to the members of the Group of Latin American and Caribbean countries for the efforts that had been made, which offered an incentive to continue making progress and to try and achieve as much as possible, within the context of compliance with the provisions of the Convention.

The Workers members welcomed the willingness of the Government to work to bring its law and practice in line with the Convention and hoped that this would be translated into concrete action. It was nevertheless regrettable that the Government did not accept the serious shortcomings of its current regulations and legislative proposals with regard to the Convention. The numerous problems encountered were rooted in the protection contracts system. In response to the comments made by the Government that it had for many years submitted detailed information and evidence to the Committee of Experts and the Conference Committee, the current discussion had once again provided specific examples demonstrating the impact of protection contract unions. That system had for many years seriously impeded the exercise of freedom of association and the freedom to bargain collectively. They challenged the statement that the issue of protection contract unions did not fall within the scope of the Convention. In fact, that phenomenon was closely linked to both Conventions Nos 98 and 87. The existence of protection contract unions constituted an

obstacle to the establishment of free and independent unions. A member State was not in compliance with the Convention if it put in place or retained regulations which prevented workers from challenging the presence of protection contract unions and which restricted their ability to elect democratic and independent unions of their choice. The ability for workers to form and join a trade union of their choice and the ability of that trade union to represent, defend and promote the interests of its members through collective bargaining was at the heart of the Convention. The Government therefore needed to take all the necessary measures to put an end to the use of protection contracts. In that respect, they made a number of recommendations to the Government: (i) they invited the Government to submit information on the proposed legislation aimed at implementing the constitutional reform. It was essential for there to be consultation with all the social partners on that legislation, including independent trade unions. The Bill significantly affected the exercise of the right to freedom of association and its impact would be felt throughout the country and indeed the region; (ii) as the CABs had been incapable of guaranteeing freedom of association and the right to collective bargaining, they should be replaced by genuinely independent and impartial bodies to settle labour disputes and register unions and their collective agreements. The Government should also provide information on how it would guarantee the establishment of truly independent institutions, as well as the measures planned to ensure an efficient transition from the CABs to new independent bodies; (iii) the Government had to ensure that there was transparency and genuine access to information regarding the registration of trade union organizations and the collective agreements concluded. The Government should communicate any information in this respect; (iv) workers wishing to exercise their right to freedom of association and to collective bargaining had to be able to do so and, where appropriate, effectively and expeditiously challenge the validity of protection contract unions and the agreements they had negotiated; (v) they urged the Government to apply the existing law and ensure that outsourced workers were not used to interfere with the exercise of the right to freedom of association and the right to collective bargaining; (vi) the proposed legislation also removed basic safeguards concerning dismissals and redundancy. The Government had to protect workers from arbitrary dismissals and retaliation for their trade union activities. The same was true for collective redundancies; and (vii) the Government should explicitly repeal the restrictions on trade union pluralism and the free election of trade union leaders. Finally, they urged the Government to put an end to violence against trade unionists, including those engaging in social and political issues, which was part of their function as trade unionists, by ending the reign of impunity for those crimes. Those responsible, both the material and intellectual authors, had to be arrested and brought to justice. Failure to do so only further invited the use of violence, including murder, by some employers and their agents in industrial disputes. In order to comply with those recommendations, and given the significance of the issues being discussed, they urged the Government to seek technical assistance from the ILO on the draft legislation and to accept a direct contacts mission. This case should be included in a special paragraph of the Committee's report.

The Employer members thanked all those who had spoken during the discussion, which had been rich in information and diverse in opinions, thereby demonstrating the option of putting forward open and frank positions on the various aspects of the case. The additional responses provided by the Government had reaffirmed many of the points contained in its initial statement, and had also clarified points made previously by the Employer members. The positions of various Worker representatives reflected

a number of viewpoints and approaches which, as the Employers had noted previously, might go beyond the scope of the Convention. The Committee of Experts had referred in its observation to Case No. 2694 of the Committee on Freedom of Association. In its June 2017 report, the Committee on Freedom of Association had drawn a distinction between general issues and specific allegations. The general issues covered all the legislative aspects that were before the Committee of Experts and the Conference Committee, and which had indeed been discussed today. However, the specific aspects that might be connected with Convention No. 98 were being analysed by the Committee on Freedom of Association in a more detailed evaluation of many of the aspects that had been referred to today by the representatives of the different sides. Hence, neither the Conference Committee nor the Committee of Experts needed to address aspects relating to the principles of collective bargaining. For that reason, the subject of collective bargaining systems was not part of the discussion and should be completely excluded from the considerations and conclusions of the Conference Committee. The Government had referred to a labour inspection protocol on free collective bargaining, which enabled labour inspectors to perform many different duties and provided protection for many workers in Mexico. Moreover, the Government had referred to the trade union consultation system, indicating that it had received over 1 million visits and contained detailed information on over 3,400 union associations, which responded to the Committee's concerns regarding the registration and information system. The Government has also indicated that a decentralized public body was being established as part of the constitutional reform, which would include administrative, organizational, technological and logistical tools for its implementation. In addition, more than 91 meetings had been held with representatives of workers, employers, academics and associations of lawyers, as well as the public hearings decided upon by the Senate to give effect to the new legislation and the four legislative initiatives or proposals. A whole process of change was taking place through extensive social dialogue, as promoted by the ILO. The establishment of independent labour tribunals, with a specific budget for their operation, was all part of a process involving the implementation of clear and specific measures. The Government had responded repeatedly to the various concerns expressed by both the Committee of Experts and the Conference Committee. With regard to civil liberties and trade union rights, the Government had provided information from a number of independent bodies on various acts of violence that were unrelated to freedom of association, which meant that there was no need to provide further details. Consequently, with regard to the request by the Committee of Experts for the Government to provide comments on those acts of violence, it should be considered that the information had already been provided, and that no further information was required. Concerning the constitutional reform and the recommendation for the Government to take further measures and to hold tripartite consultations on the reform, the Employer members considered that it would be appropriate for the Government to include that subject in the report to be submitted under article 22 of the ILO Constitution, but not in an additional report or in one to be provided earlier than usual. The subject of representation and protection agreements or contracts would be analysed by the Committee on Freedom of Association, and the Government should refer to that Committee for further detail. The Employer members therefore considered that the conclusion concerning the possibility of the Government adopting measures for that purpose in conjunction with the social partners was a matter to be addressed by the Committee on Freedom of Association, not the Conference Committee. With reference to the publica-

tion of trade union registrations, the information system already existed and provided comprehensive information. The conclusion calling on the Government to continue providing information on compliance with its obligation to publish information on trade union registrations and constitutions was also not therefore indispensable. Finally, the Employer members considered that many issues relating to the legislative reform, in light of the Government's explanations and the case law, were no longer applicable and that the request by the Committee of Experts for the Government to take steps to amend the restrictive provisions of the Federal Act on State Employees was no longer required. Nor was it appropriate to call for measures to be taken to amend section 372 of the Federal Labour Act, which prohibited foreign nationals from being members of trade union executive bodies, in order to ensure that right was set out explicitly. The conclusions should therefore be aimed at ensuring the provision of additional information as part of the regular reporting in accordance with the general procedures relating to the supervision of any Convention. The Employer members considered that the case could be closed.

### Conclusions

**The Committee took note of the written and oral information made by the Government representative and the discussion that followed.**

**The Committee also noted the prior discussion of this case in the Committee, most recently in 2016.**

**Taking into account the Government's submissions and the discussion that followed, the Committee encouraged the Government to:**

- **continue to pursue further legislative action envisaged in the context of the Constitutional reform in continued consultation with the social partners at national level;**
- **ensure, in consultation with the social partners, that the secondary legislation required to enact the reforms to the Constitution and federal labour law are in conformity with the Convention;**
- **continue to fulfil its existing legal obligation to publish the registration and statutes of trade unions, as well as existing collective agreements; and**
- **ensure that trade unions are able to exercise their right to freedom of association in law and practice.**

**The Committee invited the Government to report in detail on the measures taken to implement these recommendations to the next meeting of the Committee of Experts in November 2018.**

The Government representative expressed appreciation to the Committee for the constructive and open dialogue that had taken place. She had listened particularly carefully to the comments made and issues raised during the debate and to the conclusions presented, which would be duly evaluated and taken into account by the authorities. She also reaffirmed the Government's commitment to fundamental principles and rights at work and to the promotion and attainment of decent work. Social dialogue was the best tool to identify actions that would ensure the continued application of fundamental principles at work, especially the principles laid down in the Convention. Mexico reiterated its commitment to social dialogue and to the ILO supervisory mechanisms which helped to strengthen that dialogue. To that end, it would respond to the requests for information promptly and appropriately.

### MYANMAR (ratification: 1955)

A Government representative indicated that the Government had set the following priorities for the country and the people: rule of law, the improvement of the socio-economic life of the people, national reconciliation and peace,

and amending the Constitution to build a democratic federal republic. Undoubtedly, the tasks were not easy in the face of various internal and external challenges. In dealing with such challenges, the Government had adopted a path consistent with the needs and situation of the country, while respecting the views and opinions of the international community and bearing in mind Myanmar's international responsibility. Improving the socio-economic life of the people, including workers, had always been high on the agenda. Labour law reform was well under way, and a culture of tripartite dialogue had been successfully introduced and developed. Progress made included upgrading skills, establishing the National Skills Standard Authority, opening migrant resource centres, and, for the first time in history, setting the minimum wage. In close cooperation with the ILO, considerable progress had been made in eliminating the practice of forced labour. A new chapter had opened for the workers with respect to their right to associate and organize. Since the adoption of the Labour Organization Law of 2011, many workers' and employers' organizations as well as three federations and one confederation were in place and functioning. In response to the request for information made by the Committee of Experts concerning the chapter on Rules and the corresponding chapter on Offences and Penalties, the speaker indicated that the Law on the Right to Peaceful Assembly and Peaceful Procession of 2016 allowed for a wider democratic space for all Myanmar citizens, including workers, in their exercise of freedom of association. It also allowed them to assemble and hold a procession without prior permission by providing a 48-hour notice to the relevant authority. Penalties for offences had also been reduced substantially, for instance for holding a procession without notice. Directives, rules and regulations were being developed to implement the Law on the Right to Peaceful Assembly and Peaceful Procession in its letter and spirit. In the meantime, its section 26 provided that rules, notifications, orders, directives and procedures issued under the previous version of the law might continue to apply in so far as they were not contrary to the 2016 version. The Labour Organization Law and the Settlement of Labour Disputes Law of 2012 were currently being reviewed and their amendment was under consideration in close consultation and cooperation with all stakeholders including workers, employers, members of Parliament, and ILO experts. In fact, the ILO had been involved in developing the draft text since the beginning of the process, and the Government would continue informing the Committee on the progress made in the labour law reform. With regard to the Labour Organization Law, the Government had constantly sought the outcomes of discussions among the social partners, as well as comments, views and suggestions of labour federations, employer organizations, the Union of Myanmar Federation of Chamber of Commerce and Industry, and the ILO, and had taken them into consideration in the review process. The question of the 10 per cent membership requirement and the impact of the pyramidal structure formed part of the Government's considerations under the labour law reform process. The requirements for the eligibility to trade union office set out in the Rules to the Labour Organization Law sought to preserve local ownership, and to capture adequate and genuine representation of workers in the body which would be entrusted to promote and protect the interest of workers. Disputes in the special economic zones (SEZs) were settled by respective Management Committees in accordance with Chapter 16 "Matters relating to Labour" of the Special Economic Zone Law of 2014 (SEZ Law). A labour officer from the Ministry of Labour, Immigration and Population (MOLIP) was attached to such committees, and provided advice and guidelines in the dispute settlement process. If no settlement was reached within the Management Committee, such dispute would be

settled pursuant to the Settlement of Labour Disputes Law, although the SEZ Law currently referred to the repealed Trade Disputes Act. The right to freedom of association in Myanmar continued to be strengthened. With the political will of the Government, close tripartite cooperation, technical assistance of the ILO and the support of the international partners, the speaker was confident that workers and employers would increasingly be able to enjoy their fundamental rights, and that such progress would eventually lead to decent work and sustainable development.

**The Worker members** recalled the circumstances under which the case of Myanmar had last been discussed in the Committee in 2011 and considered that much had changed since then: the Labour Organization Law and the implementation regulations had been enacted; independent unions had been allowed to form and carry out activities for the first time in decades; the Federation of Trade Unions of Burma (FTUB) had returned home from exile, had begun to organize thousands of workers and obtained registration as the Confederation of Trade Unions of Myanmar (CTUM); and trade unionists had been released from prison and had continued their union activities. However, despite such important steps, the situation for unionists was deteriorating and many serious issues remained. Although unions had welcomed the Government's decision to amend the Labour Organization Law and the Settlement of Labour Disputes Law, a draft of the Labour Organization Law prepared by the MOLIP failed to address most of the concerns raised by the Committee of Experts and the International Trade Union Confederation (ITUC) and was worse than existing laws in several respects. Furthermore, completed applications for union registration had been denied for arbitrary reasons or on the basis of unpublished Government directives. In some cases, the police had violated workers' civil liberties, including through physical harassment or arrest, in response to the exercise of trade union rights, including strikes. Workers attempting to organize were routinely fired with impunity due to a broken dispute resolution system, and blacklisting was a common practice in the industrial zones. With regard to legislation, they stated that since the Government had ignored much of the technical advice of the ILO, the Labour Organization Law restricted the fundamental rights of workers' and employers' organizations, as had been repeatedly confirmed by the Committee of Experts. The following concerns were raised: the minimum membership requirement of 30 workers to form a basic labour organization combined with the additional support of 10 per cent of the workplace was too high, particularly in large workplaces; a requirement for labour organizations at all levels to be composed only of workers of the same trade or activity had limited the ability of unions to determine their own membership, and a narrow interpretation of the terms "trade" and "activity" had led to narrowly defined unions; union structure was strictly organized and mirrored the administrative structures of the Government leading to workers being unable to form unions that corresponded to their needs; burdensome requirements for the formation of higher-level organizations; restrictions on the eligibility of executive committee members who must be Myanmar citizens or foreigners legally residing in the country for at least five years, 21 years of age, and workers in the relevant trade or activity for at least six months; a prohibition on strikes without first proceeding through the steps of the dispute resolution mechanisms thus limiting strikes to industrial disputes and prohibiting sympathy strikes and strikes over economic and social policy; and a list of workplaces in the law where a 500-yard perimeter must be respected, which could render ineffective the strike by locating it far from the employer. While the Government had initiated a process to reform the Labour Organization Law and the Settlement of Labour Disputes Law, the numerous tripartite meetings over the past

year and a half had been superficial, had not led to meaningful progress, and it was clear from the Government's statements and its draft proposals that it had no intention of addressing workers' concerns or complying with the Convention. Although a later draft of the Labour Organization Law withdrew the minimum membership number to form a union, it failed to address many other concerns and created several new problems. In particular, the draft excluded informal economy workers, which would lead to the dissolution of the majority of unions in the country (unions of self-employed agricultural workers); provided that there could be no more than three basic unions in a trade; kept the rigid trade union structure, and established overly high minimum numbers to form higher level unions; provided for "acknowledgment" of trade unions instead of registration, which would only last two years and would have to be renewed; created new and illegitimate reasons for the chief registrar to deregister unions; and included a new and expansive provision on interfering with or obstructing workers from coming to work which could be easily used to frustrate strikes. The Government must therefore engage in a meaningful process of consultations with workers and employers and should request the ILO to provide detailed comments on the drafts to assist it in developing amendments that would bring the laws into compliance with the Convention.

With regard to registration, it was stated that despite clear rules about registration requirements, registrar officials had denied complete applications for arbitrary reasons, referring in some cases to "directives" from the Ministry which contained additional registration requirements, without however providing them to the unions and claiming that they were not public. According to unionists, the directives required, for instance: all executive committee members to submit their curriculum vitae; all union members to submit photocopies of identification cards (many workers were unable to obtain government-issued identification cards); and the union to obtain a letter from the employer acknowledging that it had informed the management of its intent to register, thus giving employers the ability to veto the union's registration by withholding the letter. More recently, unions had reported a supposed requirement to obtain signatures and photocopies of identification cards from at least 10 per cent of the workforce who were not union members so as to show their support for union formation, thus distorting section 4 of the Labour Organization Law (itself in violation of the Convention) and giving non-union members a veto. Such new and secret requirements clearly frustrated what should be a simple, administrative process. The Government must prohibit registrars from requesting anything beyond the Labour Organization Law and its regulations, and if the abovementioned directives did in fact exist, they should be withdrawn immediately. Turning to the issue of strikes, the Worker members noted that in addition to the obvious flaws in the legal framework governing strikes, workers had been unable to exercise their right to strike freely, and had often faced dismissal, harassment and lawsuits for raising workplace concerns. For example, a strike had been staged by union members at a sock factory in Industrial Zone 3 in January 2018 after the employer's refusal to reach a collective agreement which had responded to the union's demands. Even though the arbitration body to which the dispute had been submitted had ordered the employer to sign the agreement and negotiate over the remaining issues, the employer had dismissed the 48 workers involved in the strike, filed a lawsuit against 13 of the strike leaders and subsequently dismissed another 25 workers. In other cases, workers had been arrested or threatened with legal proceedings for their role in strikes or had reported threats by the police, security guards or employer-hired thugs, some-

times leading to serious injuries. In most cases, law enforcement officers took no action in response to such attacks, complaints submitted to the police were often not accepted and such an approach had become a normalized way of dealing with unions. Concerning deregistration, the Worker members had been informed that labour officials in some areas had ordered union leaders to report to their offices every Sunday, as failure to do so could result in the union's de-registration. Such a requirement constituted serious interference in trade union activity and would infringe upon workers' ability to conduct union activities, and deregistration in those circumstances would constitute an extremely serious violation of freedom of association.

**The Employer members** recalled that the fundamental Convention had been ratified by Myanmar in 1955, and that its application had been the subject of 18 discussions in the Conference Committee and 26 observations by the Committee of Experts. Myanmar was in the process of re-establishing a democratic system of government after many years of military rule. As part of the process, legislation had been adopted on a range of issues within the purview of the Convention, for instance the Law on the Right to Peaceful Assembly and Peaceful Procession. Since the advances were relatively new, there had been limited ability to assess their effectiveness and compliance with the Convention, as reflected in the report of the Committee of Experts. Nonetheless, the Employer members noted that the Committee of Experts had raised the following issues bearing the potential for breaches to occur: (i) one possibility that the chapter on Rules and the corresponding chapter on Offences and Penalties of the Law on the Right to Peaceful Assembly and Peaceful Procession could allow for serious restrictions on the right of organizations to carry out their activities without interference, as contemplated by Article 3 of the Convention; (ii) the lack of information on the labour law reform process seeking to address potentially onerous and non-compliant requirements for the establishment of trade unions, restrictive eligibility criteria for union officials and a residency threshold for foreign workers to be able to join a union; and (iii) a lack of guaranteed coverage of the Convention for workers in SEZs. In that regard, the Employer members observed that the Government had assured the Committee of Experts that its new Law on the Right to Peaceful Assembly and Peaceful Procession was in full conformity with the Convention, requiring only 24-hour advance notification and repealing sanction provisions. However, they noted that the Committee of Experts continued to express the concern that the law might still permit serious restrictions on the right of organizations to conduct their activities without interference. With respect to the labour law reform process, a draft law to amend the Settlement of Labour Disputes Law had been discussed with the tripartite partners at the Labour Law Reform Technical Working Group in July 2017. While noting the Government's indication that it was reviewing the penalties in the draft law and drafting amendments, the Employer members also noted the concerns of the social partners over the lack of information from the Government about the process and over instances of resistance to making amendments. It had led to fears that the result might be worse than the current situation, in particular in view of the Government's reluctance to grant informal workers the right to organize, despite the fact that thousands had already formed unions under the Labour Organization Law.

Furthermore, the Committee of Experts had expressed concern over threshold requirements for unions to have 30 members as well as 10 per cent affiliation in the same trade or activity before being able to establish a basic labour organization, the eligibility requirement for union officials to have been working in the same trade or activity for six months and the requirement for foreign workers to be resident in the country for five years to be able to join a

union. Subject to the caveat that certain threshold criteria were appropriate, for instance the basic criteria to establish any incorporated body, the Employer members endorsed the latest request formulated by the Committee of Experts in that regard, since dual or overly restrictive criteria could have the effect of inhibiting the freedom to form and join organizations and to elect representatives as provided in Article 3 of the Convention. Emphasizing also that the Convention applied equally to workers' and employers' organizations, they suggested that unions should not be treated differently to employers' organizations with respect to the freedom to establish organizations. The Employer members further recalled the 2015 Government's statement, which recognized that the right to strike was a matter for national regulation. With respect to SEZs, concerns had been expressed around the fact that dispute procedures for workers in SEZs were more cumbersome than for other workers, and that labour inspector powers had been delegated to SEZ management bodies. In response, the Government had indicated that the labour inspectorate was permitted to coordinate and cooperate with SEZ management to have jurisdiction, and that the Labour Organization Law could be enforced in SEZs. The Employer members echoed the request of the Committee of Experts that the Government take the necessary steps to ensure that SEZ workers were treated in the same way as other workers as well as provide information on the actual practice of dispute settlement and the results of labour inspectorate activities in SEZs. The Employer members believed that the current situation in Myanmar could be described as one of concern that things might go wrong rather than of certainty that things had gone wrong. In many ways, Myanmar was standing at a new beginning, which rendered the task of establishing labour laws in conformity with international standards all the larger. It was time to consider carefully and thoughtfully how the future should look with respect to labour relations, using a careful and highly consultative approach that involved all the social partners and took into account independent expert advice from the ILO when appropriate. They noted that, in February 2018, the ILO had briefed Parliament and the tripartite constituents on the application of international labour standards in Myanmar, with a view to gathering support for the development of a strategic approach on promoting international labour standards for the upcoming Decent Work Country Programme. The subsequently developed proposals were now under consideration. In conclusion, in the Employer members' view, nothing was too late at the present juncture. It was the right moment for the Government to take heed of the concerns expressed by the Committee of Experts and the Conference Committee, and to collaborate with the social partners in the development of a sound platform for the conduct of labour relations. The Employer members therefore urged the Government: (i) to continue to avail itself of the expertise and technical assistance of the ILO with a view to completing the development and introduction of labour laws in line with the explicit standards and guarantees set out in the Convention; (ii) to consult with the social partners with the aim of ensuring that workers were able to elect their officers freely as envisaged by Article 3 of the Convention; (iii) to apply the Convention without distinction between workers' and employers' organizations; and (iv) to provide information, as soon as it was available, on the steps taken to ensure that SEZ workers were treated in the same way as other workers as well as on the actual practice of dispute settlement and the results of the labour inspectorate activities in SEZs.

**The Worker member of Myanmar** expressed the hope that with the significant changes recently implemented, including the enactment of the Labour Organization Law, Myanmar would enter a new era, where workers would enjoy

their trade union rights in full freedom and would be included in the economic and social development of the country. Workers were still struggling for the development of an independent and strong labour movement, and organizing in the country remained severely hindered by major shortcomings in the legislation and the lack of an enabling environment. The Labour Organization Law contained numerous provisions that hindered union formation and registration by setting excessive requirements and thresholds. It also interfered with the right of workers' organizations to elect their officers freely and to formulate their programmes and activities. In practice, trade union density remained extremely low, and workers were deprived of their fundamental right to organize and defend their interests. In the absence of protection against anti-union discrimination, many workers who had formed or joined labour unions had subsequently been dismissed or subjected to other forms of reprisal by their employers. Furthermore, workers and unions were prohibited from taking industrial action. The Labour Organization Law required that a majority of workers voted for strike action to be undertaken, a threshold that excessively restricted the exercise of industrial action. In addition, permission from the relevant federation to go on strike was required, which was a severe infringement of unions' right to organize their activities freely. Even when a strike action was staged, its impact was severely hampered by the 500-yard picketing restriction, as demonstrations were prohibited within 500 yards from hospitals, schools, religious buildings, airports, railways, bus terminals, ports or diplomatic missions and military or police installations.

The 2018 series of amendments to the Law on the Right to Peaceful Assembly and Peaceful Procession, as passed by the Upper House, had been denounced by labour and human rights organizations. Among the many contentious provisions, a new section provided that anyone who supported a protest either financially, materially or through other means would be deemed in breach of national security, the rule of law, public order, or public moral, and could face up to three-year imprisonment and a fine. Such a vague formulation could be used by the authorities to curb industrial action and suppress unions. The previous law had already been used to arrest and jail students, farmers, journalists and other activists. The Committee of Experts had repeatedly emphasized the need to bring the national legislation into full conformity with the principles and rights enshrined in the Convention; but the Government had failed to take into account the concerns raised. In fact, the amendments proposed by the Government to the Labour Organization Law and the Settlement of Labour Disputes Law would further restrict freedom of association and trade union rights. The last draft proposal maintained a strict control over the formation of unions, which would only be "acknowledged" and not registered, and also increased the powers of the chief registrar to deregister unions. Myanmar had been undergoing a major political transformation, while opening the country to investments which fostered economic development. It was crucial to ensure that workers were included from the start in the process of structuring the economic change in the country, and a solid labour movement led by independent and strong unions was therefore necessary. Such changes could only be achieved in an environment conducive to the exercise of the right to freedom of association. The current legislative framework highly restricted trade union rights, and it appeared that the draft amendments proposed by the Government would not improve the situation. To implement the decision of the ILO Governing Body urging the Government to further engage in the process of the labour law reform to promote freedom of association through tripartite dialogue, it was important that the ILO renew the related project and provide support to all the tripartite partners. In

conclusion, she urged the Government to engage in a meaningful and constructive process of consultations with workers and employers, and to amend the current labour laws in a way that would guarantee to all workers the right to freedom of association and the right to organize freely.

**The Employer member of Myanmar** highlighted the significant growth of the private sector over the last five years. The private sector of Myanmar was a major contributor to the gross domestic product (GDP) of the country. Over the past years, the country had experienced a steady GDP growth pattern (5.9 per cent in 2016; 6.4 per cent in 2017; and a 6.8 per cent forecast for 2018). The growth constituted evidence of employment creation, productivity output and harmonized co-operation between employers and workers. In recent years, hundreds of thousands of new jobs had been created by the private sector. In the labour-intensive manufacturing sector alone, the jobs created had doubled from 2013 (approximately 200,000) to date (over 400,000). Moreover, according to the 2017 Annual Labour Force Survey, child labour participation in the workforce had decreased significantly, thanks to the tripartite partners. Recently, the Government had developed the Myanmar Sustainable Development Plan, in line with the national economic policy as well as the Sustainable Development Goals (SDGs), which aimed at ensuring inclusive and sustained growth of the country and its people. In that context, the private sector had been identified as a prominent contributor to the development of the country. She considered that the Labour Organization Law, which provided for the establishment of labour organizations as well as their rights and responsibilities, was in line with the Convention. In her view, the country knew best the needs of the society based on the culture and customs of the country, and the Conference Committee should not be micro-managing national legislation. After all, Article 8 of the Convention clearly stated that, in exercising the rights provided for in the Convention, workers and employers and their respective organizations, like other persons or organized collectivities, should respect the law of the land. The speaker indicated that employers, workers and the Government had been meeting for the tenth time since 2015 during the National Tripartite Dialogue Forum, openly discussing the needed reforms of the laws, based on reality and practice. The Government's proposed revision to the Labour Organization Law included a new chapter on the formation of employers' organizations, which represented a positive step. To date, there was only one township-level employers' organization and one employer federation in the whole country.

Regarding the Committee of Experts' observations on penalties, she noted that the issue should not be limited to penalty levels and penalties against employers. The lack of significant penalties to deter illegal activities of unions had a significant, negative impact on industrial peace in Myanmar. While noting the right of workers under national law to engage in legal industrial action, she stated that union members had repeatedly carried out strikes using illegal tactics, such as fully blocking the entrance to factories, in violation of national law and international best practice. Such actions inevitably had resulted in physical confrontation, including instances where unionists had assaulted factory management and other non-union workers. Violations of the Labour Organization Law and regulations on strikes were also observed. She called on the Government to devise, through tripartite dialogue, ways and solutions to deter such actions, or else industrial relations and the rule of law would be undermined. The anarchy currently characterizing industrial action was not in accordance with national law and not conducive to positive labour relations. Illegal industrial action was detrimental to current and potential foreign investment and could negatively affect job creation. Moreover, she denounced the repeated calls by

national trade unions during labour law reform meetings for prison sentences against employers for minor, administrative labour law infractions, contrary to the recommendations of the ILO supervisory bodies. A punitive system of labour relations would be unhelpful to the promotion of harmonious labour relations. Furthermore, she highlighted the lack of employer confidence in the arbitration system. Although it was created for collective disputes and even though the law stated clearly that individual cases were for the competent courts, the Government insisted on sending individual cases to the arbitration system (currently over 80 per cent of the total number of cases). Tripartite dialogue on establishing a proper dispute resolution system had taken place but results remained uncertain. Arbitrators were not required to have a legal background and, at the conciliation and first arbitration phase, members of unions and employers' organizations could act as conciliator or arbitrator themselves. The lack of knowledge and conflicts of interest often yielded verdicts that were clearly against the law and undermined employer confidence in the arbitration system. Lastly, she indicated that, under the Factories Act, only two types of businesses were regulated: continuous work where the law allowed for 48 working hours in a week (eight industries) and non-continuous work with 44 hours per week (all other industries). Such rigid working hours were not in tune with the flexibility needs of the newly developed industries (such as the security service, oil and gas, garment, and food processing industry) and rendered them uncompetitive. In conclusion, she emphasized that, for a young democracy like Myanmar, the journey was long, and it would undoubtedly take time to get where all stakeholders wanted to be. The social partners needed to work together constructively.

**The Government member of Bulgaria** speaking on behalf of the European Union (EU) and its Member States, as well as Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro, Norway and Serbia, attached great importance to the respect, protection and fulfilment of human rights, including freedom of association of workers and employers and the right to organize, and recognized the important role played by the ILO in developing, promoting and supervising international labour standards. The EU and its Member States were engaged in the promotion of the universal ratification and implementation of the eight fundamental Conventions. The speaker welcomed the positive steps made by the Government to improve labour rights in a number of areas. The ILO's involvement was also welcomed, particularly with respect to the recent development of a Decent Work Country Programme outline which included freedom of association as a priority. It should be implemented swiftly. Together with the Governments of Denmark, Japan and the United States, as well as with the ILO, the EU had actively provided support for the Myanmar Labour Rights Initiative to Promote Fundamental Labour Rights and Practices, notably through funding the last Stakeholders' Forum which had taken place in Nay Pyi Taw on 17 January 2018 to discuss the progress and challenges in labour market reforms including labour law reform. In view of the constructive dialogue on the way forward during the event, the speaker reiterated the need for the Government to continue its efforts to bring national law in line with international labour standards, to foster tripartite dialogue, and to ensure freedom of association. Noting with interest that tripartite dialogue was being strengthened through the National Tripartite Dialogue Forum, she encouraged the Government to finalize the Labour Organization Law in consultation with the social partners. Observing that the first draft amendment to the Settlement of Labour Disputes Law had been discussed on the basis of tripartite consultations in July 2017, she encouraged the Government to move forward with the reform pro-

cess in close consultation with the social partners. With reference to the concerns raised about some provisions in the Rules to the Labour Organization Law which included restrictions on eligibility to trade union office, and a requirement for the affiliation of 10 per cent of the workers in order to establish a basic labour organization, she requested the Government to take measures to amend the Rules to ensure that workers were able to elect their officers freely, and to form and join organizations of their own choosing. Lastly, the Government was requested to ensure that the rights under the Convention were also guaranteed in SEZs, where specific laws might apply. The EU would remain committed to close and constructive engagement and partnership with the Government.

**The Government member of Thailand** speaking on behalf of the Association of Southeast Asian Nations (ASEAN), recognized the positive developments in the country, including the demographic reform process, and noted with appreciation the information provided by the Government. The ILO had provided technical assistance on the promotion and protection of labour rights, and tangible results had been achieved in that regard. Moreover, the Decent Work Country Programme outline endorsed by the national tripartite body would be implemented. He called upon the ILO to recognize the abovementioned positive developments.

**An observer representing the IndustriALL Global Union** emphasized that the Labour Organization Law deprived workers of their right to establish and join organizations of their own choosing. Section 4 of the Labour Organization Law imposed restrictions on the structure of trade unions, required that workers worked in the same trade or activity to form a union, and set strict requirements to form higher-level organizations. With respect to the restrictions related to the structure of trade unions, section 4 of the Labour Organization Law required unions to strictly follow the administrative structure of the country. Specifically, unions could only be formed as: (i) basic level unions that covered a single workplace; (ii) township level unions which brought together unions in the same township; (iii) regional or state-level unions, comprised of township unions; (iv) federations formed of state-level unions; and (v) confederations. Under that scheme, it was impossible for example to create an enterprise-based union, if the employer was in more than one township. Instead, each workplace of that employer would have a separate union. It was also impossible to form an industry or occupational union at the national level, without having created intermediate structures such as township and state-level unions. This pyramidal structure did not serve the interests of workers or employers. The requirement that workers be in the “same trade or activity” to form a union, created silos from bottom to top. As a result, unions could not be formed among workers in similar or even unrelated “trades or activities”. Moreover, registrars had narrowly interpreted the law and regulations. For example, workers in the transport sector had been forced to form separate unions for truck drivers, train drivers, inland waterways, taxis, etc. It had led to the creation of basic township unions of workers from the same township performing the same task. With regard to higher level organizations, township unions could only form a state-level union of workers performing the same task. Similarly, federations were made up of state-level unions of workers performing the same activities. There could be no structure representing workers of different trades or activities. The Committee on Freedom of Association had held that any restriction, either direct or indirect, on the right of unions to establish and join associations of unions belonging to the same or different trades, on a regional basis, would not be in conformity with the principles of freedom of association. Finally, she urged the Government to rethink the system, together with the unions, so as

to ensure respect for the workers’ right to freedom of association.

**The Government member of Switzerland** supported the statement made by the EU. Regarding the right to peaceful assembly and demonstration, he encouraged the Government to make amendments reducing restrictions on the right to assembly and welcomed the consultations with the social partners led by the Government with regard to the Settlement of Labour Disputes Law. Labour relations based on a smoothly functioning social partnership and confidence in social dialogue were a key factor for sustainable economic development. Freedom of association and protection of the right to organize and collective bargaining formed part of the foundations of a democracy and laid the groundwork for negotiations between the social partners in other areas. He therefore called on the Government to consider ratifying the other fundamental Conventions. He encouraged the Government to take the necessary steps to ensure that the new Law on the Right to Peaceful Assembly and Peaceful Procession was fully aligned with the provisions of the Convention and that the process of labour legislation reform was undertaken in collaboration with the social partners and conformed to international standards. Offering his Government’s expertise regarding the involvement of the social partners in important reforms, he expressed support for ILO cooperation projects in Myanmar that aimed to improve social dialogue in business.

**The Worker member of Japan** drew attention to the increasing discrimination against union leaders in Myanmar, which made it difficult for unions to organize or conduct activities and went against the core ILO principles of freedom of association and the right to organize. She reminded the Government of the Decision taken on the follow-up to the resolution concerning remaining measures on the subject of Myanmar taken by the ILO Governing Body in March 2018, in which the Government had been urged to engage in the process of labour law reform to promote freedom of association through genuine and effective tripartite dialogue and in line with international labour standards. The reality of the trade union situation was bleak. Although the formation of unions had been progressing rapidly since the Labour Organization Law’s enactment, so had cases of union-busting and discrimination against trade union leaders, in clear violation of the Convention. Since 2017, the CTU had reported 29 cases of unfair dismissal as a result of trade union organizing that had led to the termination of 3,424 union leaders and members. In many cases, the Arbitration Council had ordered their reinstatement; but to no avail. Moreover, multiple problems surrounded the dispute process: the arbitration process was time-consuming; fines provided by the Labour Organization Law for non-compliance with the Arbitration Council decisions were so low (amounting to US\$750) that employers often opted to disregard them; employers’ failure to enforce agreements concluded with unions went unpunished, and as a result, many unfair dismissal cases reached the court as individual cases. In an environment where legal enforcement was weak and collective bargaining non-existent, workers could be subjected to criminal punishment for industrial actions. She requested the Government to take concrete measures to guarantee freedom of association, including the amendment of the Labour Organization Law and the Settlement of Labour Disputes Law, in order to protect trade union activists from employers’ discriminatory treatment and dismissals.

**The Government member of the Bolivarian Republic of Venezuela** welcomed the fact that the Government had reaffirmed its commitment to guaranteeing labour rights set within the context of political and economic changes in the country. Under the Labour Organization Law, trade unions and federations were being set up and registered increasingly more often. That trend should continue, given the commitment that the Government had made. In addition, a

process of reforming labour legislation was under way on the basis of tripartite consultations. In that regard, he encouraged the Government to strengthen relations with social partners. The Committee should therefore take note of all the positive aspects arising from the clarifications provided, as well as of the Government's goodwill, and should adopt objective and balanced conclusions. The Government would then be able to consider and assess those conclusions as it applied to the Convention.

**An observer representing Building and Wood Workers International (BWI)** speaking on behalf of the Building and Wood Workers Federation of Myanmar, stressed that the unions in the construction sector were discriminated against and referred to the specific situation of two unions. First, a union created in a Special Economic Zone had been denied its registration application on the ground that a special order from the Ministry of Labour, Immigration and Population had been issued to deny registrations from unions in the construction sector. Officers of the Ministry had argued that the country was not ready for the registration of unions in the informal economy. The second case concerned the denial of a union's registration on the ground that the applicants had not been employed by the company for more than six months. The requirement was impossible to meet in the construction sector where work was intermittent and informal. In conclusion, he urged the Government to end discrimination against unions in the construction sector, and to stop using arguments such as informality and intermittence of the work to deny registrations. In particular, the legal requirement of the six months of service had to be lifted.

**The Government member of the United States** indicated that although union density remained low, since the 2011 enactment of the Labour Organization Law, more than 2,400 basic labour organizations had been registered at various levels specified in the law. Still, according to the ILO Liaison Officer, restrictions on freedom of association continued in both law and practice. The Government and the social partners had committed to reform the Labour Organization Law and the Settlement of Labour Disputes Law of 2012, and a Technical Working Group on Labour Law Reform had been established and convened to hold tripartite consultations on potential amendments. However, the amendments circulated by the Government in September 2017, while lifting some restrictions on the formation of workers' and employers' organizations, would not address the issue of lowering the minimum membership requirements for basic labour organizations and removing the eligibility requirements for executive committee members. Furthermore, the following issues were also raised: the slowing down of the registration rate of trade unions; the imposition of registration requirements not set out in the law by some local labour offices, thus frustrating trade union registration; reprisals against workers during and after union formation, as well as the lack of penalties against violating employers; the low number of registered employers' organizations (27 basic employers' organizations, one township organization and one employers' federation); and low organizational density amongst employers, partly caused by structural restrictions in the law, that inhibited the growth of strong industrial relations in the country. The Government was therefore urged to take full advantage of the tripartite consultative process on labour law reform to bring the laws into compliance with the Convention, in full consultation with the social partners, and in particular to: reduce the minimum membership threshold; remove eligibility requirements for executive committee membership; protect workers from unfair labour practices during trade union formation, including by prohibiting all forms of retaliation; revise the tiered structural requirements so that both workers' and employers' organizations could form and federate more freely; and ensure that penalties for non-

compliance with the law were sufficiently dissuasive, including by explicitly prohibiting non-compliance with Arbitration Council decisions. To conclude, he urged the Government to enact legal reforms through tripartite consultations and encouraged the tripartite partners to avail themselves of ILO technical assistance in that regard.

**The Worker member of the Republic of Korea** speaking also on behalf of the Australian Council of Trade Unions and the Canadian Labour Congress, clarified that procedures for dispute settlement within the SEZs were more cumbersome because, although required by the SEZ Law, no procedure had been established for parties in a dispute to notify the Management Committee so that it could mediate. SEZs aimed to attract foreign investment, and the law offered incentives for export-oriented businesses. Many Korean companies were operating in the SEZs, and although no concrete information was available about working conditions, due to a denial of access for trade unionists, the numerous cases of violations by Korean companies of labour law and of freedom of association indicated that SEZs must be given special attention. For instance, in November 2017, unionized workers in a Yangon sock factory had gone on a 21-day strike to obtain the employer's respect for labour law; the employer had not only disregarded the regional arbitration body's award, but had also dismissed 73 workers and filed a lawsuit against 13 union leaders for leading the strike. In another instance at a wig factory, the arbitration body had ordered the reinstatement of the union president and a central committee member who had been dismissed; instead the employer had dismissed 60 union members and threatened to sue the workers for defamation and unlawful strike. The Government of the Republic of Korea had recently announced that, under its New Southern Policy, it would tighten economic ties with ASEAN countries, including Myanmar. She expressed concern that increased Korean investment would prove very harmful for Myanmar's workers and would undermine fundamental labour rights. The ILO principles were clear: all workers should enjoy fundamental labour rights, including those working in SEZs. She urged the Government to take all necessary measures to fully guarantee rights enshrined in the Convention to workers in SEZs, and to ensure that the SEZ Law did not interfere with the application of other laws.

**The Worker member of Turkey** stated that in March 2018, the Upper House had approved amendments to the Law on the Right to Peaceful Assembly and Peaceful Procession which would include: a potential three-year jail term for anybody deemed to have supported, financially or otherwise, a protest that had the intention to "disrupt national security, rule of law, public order or public morals"; and a new obligation for those seeking permission to hold a rally to inform the relevant local authorities of how much money would be used to fund the gathering and who would fund it. Thousands of people had protested against the proposed changes, and some parliamentarians had considered that they would diminish protection for the rights of workers, farmers, ethnic groups, as well as the rights of citizens to protest against corruption. If adopted, the amendments would stifle freedom of expression and peaceful assembly and would mark a significant shrinking of democratic space in the country. The Government must therefore repeal or amend the Law. The right to free assembly and the right to strike were inalienable rights for workers and their families, including those that had been displaced. However, in practice, the Labour Organization Law had weakened the trade union movement, and support was therefore expressed for the call by the Worker members and the CTUM to amend the Labour Organization Law to ensure its compliance with the Convention on the right to strike. He also expressed solidarity with the Worker member of

Myanmar regarding the goal to ensure that the right to organize was fully protected.

**The Government representative** indicated that he had carefully listened to all concerns, views and suggestions raised during the discussion, which would be brought back to the capital for due consideration with a view to ensuring better compliance with the Convention. The Convention had been ratified in 1955, but the Labour Organization Law had been adopted in 2011. Since then, more than 20,000 employers' and workers' organizations had been established. More organizations would mean more collective bargaining. As Myanmar continued to improve the Law on the Right to Peaceful Assembly and Peaceful Procession, it was heartening to note that tripartite spirit, which was the hallmark of the Committee, was taking root and developing in Myanmar. That should be viewed as progress. Based on a tripartite spirit, three Technical Working Groups relating to a Decent Work Country Programme, labour law reform and communication had been established. All suggestions received in the Committee would be discussed by the Labour Law Reform Technical Working Group. Three Stakeholder Forums on Labour Law Reform had also been held in 2015, 2016 and 2018, thanks to the Governments of Denmark, Japan and the United States, as well as the ILO. Local and international partners had participated to exchange views and experiences, and the forums had produced the intended outputs. The Labour Law Reform Technical Working Group and tripartite participants were constantly interacting. The achievements so far could be seen as a glass half empty or half full. A lot had been done compared to the labour law situation in the past, but more needed to be done for gradual progress towards compliance with the Convention. For that purpose, assistance from the international partners and technical cooperation from the ILO would be necessary with a view to achieving compliance with the Convention.

**The Employer members** indicated that fixing a threshold per se did not amount to a violation regarding the right to establish organizations. Many countries fixed thresholds for establishing organizations, and some even aligned the thresholds with those for forming enterprises. Many interventions had underlined, however, the cumbersome nature of the process of establishing organizations in Myanmar, due to additional and unnecessary thresholds. In that context, the Employer members also drew attention to the need to ensure equality between workers' organizations and employers' organizations as far as conditions for the establishment of organizations were concerned. On the other hand, the right of workers to establish organizations of their own choosing also involved the risk of creating a multitude of scattered unions, which would give rise to serious problems and would entail the need for a better organization of the trade union movement. In that regard, the Government must be mindful of lessons that could be learned from others. Furthermore, the Employer members stated that many interventions had referred to repressive activities concerning strikes, although the gatherings rather amounted to public protests. They wished to emphasize that the Law on the Right to Peaceful Assembly and Peaceful Procession was a general civil law applicable to all and not only to trade unions, whereas the Labour Organization Law and the Settlement of Labour Disputes Law were of a distinct nature and genuinely belonged to the area of labour legislation. The Employer members urged the Government to take heed of all requests related to labour legislation and the SEZs. In their view, Myanmar was still at the beginning of the implementation process. There were concerns, but as yet, nothing was broken to the extent that it could not be fixed. Social dialogue was the way forward, and Myanmar had the platform to succeed in this regard.

**The Worker members** stated, in reply to some of the comments made, that the question of trade union plurality was

a challenge for workers in many countries, as there were different models and different solutions, but it was for the workers to decide on their own form of organization. The issue of the Law on the Right to Peaceful Assembly and Peaceful Procession was a question for democracy, democratic space and social movement, and organized labour unions formed part of it. They further indicated that starting in 2012, interest in investment in Myanmar had grown considerably, largely because the country had been (and continued to be) the world's next low-cost manufacturing hub, with wages among the lowest in Asia. At the time, workers had warned that, in the absence of a demonstrated commitment to the rule of law and coherence in economic and social policy, there had been no guarantee that the generated employment would constitute decent work. Indeed, interest in foreign investment had waned, which was partly due to the poor legal environment for social dialogue and the absence of coherent labour relations policies and of the rule of law, particularly for workers. Since both employers and workers had agreed that the dispute settlement system was broken, more tripartite social dialogue was needed as the law was being reformulated. In March 2018, trade associations representing the major United States apparel and footwear brands had sent an urgent letter to the State Counsellor explaining that the potential to initiate, maintain, and expand business relationships in Myanmar would be greatly enhanced by the ability to engage with workers who enjoyed freedom of association and collective bargaining, and the ability to address any grievances through predictable, transparent channels, enforced by the Government, that had the confidence of all stakeholders. The brands had noted, however, that the existing labour laws were not fit for that purpose and that the Government had so far failed to enforce even those flawed laws. They had further found that factory managers had routinely intimidated workers, had urged them not to form unions and had called the police during work stoppages as an intimidation tactic to break strikes. Rather than following a high road development strategy, it would appear that Myanmar was racing to the bottom. The Worker members had expected much more from the Government. However, if it pursued truly authentic social dialogue that could be seen in results, put in place the proper laws and invested in developing a mature industrial relations strategy, Myanmar could still distinguish itself and attract more and more responsible businesses. Consequently, the Government was requested to: engage in meaningful dialogue with Worker and Employer representatives to ensure that the Labour Organization Law and the Settlement of Labour Disputes Law complied with the Convention; ensure that workers' and employers' organizations were able to register through a simple, administrative process – any directives containing additional requirements to those contained in the Labour Organization Law and its Rules should be withdrawn immediately, and all registrar officials should be instructed not to request any such additional documentation; ensure that workers were able to carry out their trade union activities without threat of violence or other violations of their civil liberties by the police or private security; address the shortcomings in law and practice regarding labour rights in the SEZs; accept a technical mission as soon as possible to develop an industrial relations system based on freedom of association and collective bargaining, including to review all drafts of the Labour Organization Law and Settlement of Labour Disputes Law; recommend amendments consistent with the Convention; and inform the Committee of Experts at its next session on the progress made in the implementation of the Convention in law and practice.

## Conclusions

The Committee took note of the oral statements made by the Government representative and the discussion that followed.

The Committee regretted the absence of progress with respect to the long-awaited legal framework in which workers and employers may freely exercise their rights under the Convention.

Taking into account the Government's submissions and the discussion that followed, the Committee urged the Government to:

- ensure that the Labour Organization Law and the Settlement of Labour Disputes Law are brought into full compliance with Convention No. 87 by availing itself of ILO technical assistance during the legislative reform process;
- ensure that workers are able to carry out their trade union activities without threat of violence or other violations of their civil liberties by police or private security;
- ensure that the registration of workers' and employers' organizations is not subject to unreasonable requirements to guarantee that the right to join or establish organizations of their own choosing is not hindered in practice;
- ensure that applications for union registration are acted upon expeditiously and are not denied unless they fail to meet clear and objective criteria set forth in the law; and
- bring the labour legislation in Special Economic Zones (SEZs) into conformity with Convention No. 87, with full consultation of the social partners.

The Committee urged the Government to accept a direct contacts mission before the next International Labour Conference and to report on progress made on the above mentioned recommendations to the Committee of Experts for its meeting in November 2018.

The Government representative took the opportunity to thank his country's international partners which had engaged in the discussions and expressed gratitude for their readiness to provide assistance to Myanmar in its efforts to ensure compliance with the Convention. He further indicated his Government's intention to work closely with the ILO in order to advance with the Convention's implementation as completely as possible and as quickly as possible.

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## Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

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### BRAZIL (ratification: 1952)

The Government has provided the following written information.

In its report to the 107th Session (May–June) of the International Labour Convention, issued last February, the Committee of Experts on the Application of Conventions and Recommendations (CEACR), commenting out of the regular reporting cycle, referred to articles 611-A (prevalence of collective bargaining over legislation), 442-B (self-employment) and 444, single paragraph (relationship between individual contracts and collective agreements) of the Labour Code as amended by Law 13467 (2017).

#### *Labour reform in Brazil: Context and objectives*

- The previous Brazilian labour legislation, which dated back to 1943, went through some changes over the years, but needed to be updated in order to address requirements of the economy of the twenty-first century.
- The intervention of labour courts cancelling clauses agreed in collective bargaining led to frequent complaints by trade unions. In this context, ABC metalworkers' unions, which are the cradle of the Brazilian

trade union movement, proposed in 2011 the adoption of the Collective Bargaining Agreement with Specific Purpose (ACE), aiming at the prevalence of the collective bargaining over the law, having as the only limitation the rights enshrined in article 7 of the Federal Constitution, precisely the aspect that the labour reform has implemented.

- Labour reform (Law 13467; entry into force in November 2017) stems from many years of discussions regarding challenges of the Brazilian labour market, shortcomings of the labour legislation and concerns about the functioning of the labour justice system.
- Such issues became particularly pressing in a context of deep economic recession: In 2016, unemployment rose to 11.3 per cent – the highest since modern records commenced in 1992 – an increase of 82 per cent since 2012. Other relevant factors impacting the labour market include: 44 per cent of participation of informal jobs in the total amount of jobs, while 60 per cent among unskilled workers; high degree of judicialization; lowest labour productivity since the seventies (near 1 per cent per year); high turnover of labour; underuse of collective bargaining and lack of legal certainty for its implementation.
- Inclusive, comprehensive and extensive consultation with social partners is a key feature of labour reform in Brazil. The proposal of modernizing labour legislation was elaborated after a series of debates organized by the Ministry of Labour and by the Chief of Staff of the Presidency in December 2016, with the participation of representatives of trade unions and employers.
- Subsequently, during the legislative process in 2017, 17 public hearings, seven regional seminars and over 40 meetings with interested stakeholders took place in Parliament and in different states, leading to the approval of the Bill by a significant majority at the Chamber of Representatives and at the Federal Senate.
- Labour reform seeks to provide more flexibility, increased labour productivity, legal certainty and rationality to both labour market and legal system, with enhanced safeguards against breaches of the law and full respect of fundamental principles and rights at work.
- A central aspect of labour reform in Brazil is the strengthening of Conventions and collective agreements between unions and employers, aiming at the possibility for each category to negotiate, collectively, the best terms to reconcile employment quality and increase of productivity, without affecting the rights of workers.

#### *CEACR – Mandate and reporting cycles*

- As consistently stated in CEACR reports, the mandate of the Committee refers to the application of Conventions “in law and practice” through an impartial analysis.
- The assessment of the Brazilian case by the CEACR fails to meet that mandate, and minimal fairness requirements, on many accounts.
- The CEACR offered no explanation for the exceptional measure of breaking the cycle and prematurely commenting on the reform before the Government's due report on the application of Convention No. 98; moreover, the wider context of Brazil's reform has not been taken into account at all.
- Clearly, there has not been sufficient time for an evaluation of all relevant aspects of the implementation of the new Brazilian legislation. At the time the Committee met in November 2017, Law 13467 had entered into force a few days earlier.

## Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Brazil (ratification: 1952)

- Additional time would have been required to allow for an adequate and balanced understanding of the effective legal framework, including high court decisions, and its impact on the labour market.
- Respecting regular reporting cycles would have facilitated a comprehensive evaluation, in 2019–20, of the reform’s application of Convention No. 98 principles. Brazil presented its last report on Convention No. 98 in 2016 and its subsequent reporting obligation would normally fall on 1 September 2019. The CEACR would thus publish comments in February 2020 and any possible CAS discussion would only take place at the 109th Session of the ILC (2020).

### *Relationship between Labour Law and Collective Agreements (Article 611-A of Law 13467)*

- According to the experts, article 611-A, despite safeguards contained in article 611-B of the Labour Code, breaches “the general objective of Conventions Nos 98 and 154 and the Labour Relations (Public Service) Convention, 1978 (No. 151)”, which “is to promote collective bargaining with a view to agreeing on terms and conditions of employment that are more favourable than those already established by law” [..].
- The analysis by the experts is seriously flawed by the complete absence of efforts to refer to the ordinary meaning of the text of the relevant Convention No. 98, as required in international law.
- In this respect, it should be stressed that nothing in the text of Article 4 of Convention No. 98 or any other agreed language by tripartite bodies indicates that collective bargaining is limited to more favourable conditions than “those already established by the law”: Article 4: “Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilization of machinery for voluntary negotiation between employers or employers’ organizations and workers’ organizations, with a view to the regulation of terms and conditions of employment by means of collective agreements.”
- On the contrary, the spirit of Article 4 and the Convention as a whole, according to recommendations of the Committee on Freedom of Association, censors limitation of the scope of negotiations and invalidation of collective agreements’ by courts and executive authorities.
- In that same vein, the ILO Policy Guide on Collective Bargaining (2015) states: “The collective bargaining framework needs to give the negotiating parties full latitude to decide the subjects they wish to include on their bargaining agenda. Measures taken to restrict the scope of negotiable issues are generally considered by the ILO’s supervisory bodies to be incompatible with international labour standards and principles on the right to collective bargaining.”
- In addition, the first part of the text of Article 4 expressly relates measures to promote voluntary negotiations to “appropriate national conditions” – a term with both legal and practical connotations, requiring due considerations of the complexity of the situation on the ground before any conclusion is drawn (once again, the CEACR report is completely silent in an essential aspect for the correct interpretation of the relevant obligations under Convention No. 98).
- In this line of thought, it would be paramount to assess the context of the Brazilian reform and the wider framework of fundamental principles and rights at work enshrined in the Brazilian Constitution of 1988 (the breadth and detail of constitutional labour rights are unique features of our legal system). Relevant constitutional provisions, article 611-B of the new

legislation (excluding about 30 fundamental workers’ rights from negotiation) and all legal remedies available in Brazil ensure thus a system of safeguards that ought to be considered in any thorough examination of the application of Convention No. 98 in law and practice (an examination that is completely absent in the CEACR report).

- In robust and well developed systems of labour rights, such as the Brazilian one, the Committee’s interpretation of Article 4 would amount to a severe, erroneous limitation of the scope of collective bargaining, against the text and the spirit of Convention No. 98.
- The reference to the “*travaux préparatoires*” of Convention No. 154 (of 1981) is another serious legal flaw in the analysis undertaken by CEACR. In no way would the “*travaux*” be an appropriate ground for restricting the outcome of collective bargaining:
  - (i) As a subsequent Convention, it cannot determine the meaning intended by the members who participated in the setting of Convention No. 98 (of 1949) nor those who later ratified it (Brazil ratified Convention No. 98 in 1952, 29 years before the adoption of Convention No. 154).
  - (ii) According to the Vienna Convention on the Law of Treaties recourse to the “*travaux*” consists in a supplementary form of interpretation, subordinate to the ordinary meaning, and to be used either to confirm the text of the very treaty under interpretation (i.e. Convention No. 154, and not another one, let alone a pre-existent one, such as Convention No. 98) or in cases of ambiguity and obscurity of that text.
  - (iii) If, for the sake of argument, one were to consider Convention No. 154, one should give precedence to the text of Article 9 of that instrument, rather than its “*travaux préparatoires*”: “This Convention does not revise any existing Convention or Recommendation.”
  - (iv) Even when considering such “*travaux*” one should read its full text (Report IV(1) of the 67th Session of the ILC – 1981), particularly paragraphs 58 and 65. One shall note that the discussion was more nuanced: a prohibition of outcomes that could derogate from provisions of the law was not even considered and, in any case, no party envisioned the specific legal clause contained in the Brazilian legislation.

### *Relationship between individual contracts and collective agreements (Article 444, single paragraph, Law 13467)*

- The Committee also “recalls that legislative provisions which allow individual contracts of employment to contain clauses contrary to those contained in the applicable collective agreements (although it is always possible for individual contracts of employment to contain clauses that are more favourable to the workers) are contrary to the obligation to promote collective bargaining, as set out in Article 4 of the Convention”.
- It should be recalled that Article 4 of Convention No. 98 does not refer to individual contracts of employment.
- The possibility established in article 444 (not 442, as wrongly recorded at the report) of the amended labour legislation is only applicable to a small proportion of the Brazilian population (0.25 per cent) at the very top layer of income, and with a higher level degree, who are generally employed in positions of management.

*Independent contractors (Article 442-B of Law 13467)*

- The Committee also states that “the Convention applies to all workers, with the sole possible exception of the police and the armed forces (Article 5) and public servants engaged in the administration of the State (Article 6)”.
- The new text of article 442-B (not 444-B, as wrongly recorded at the report) simply clarifies the legal status of the independent contractor (“*autônomo*”, in Portuguese).
- Contrary to what the experts conclude, nothing in that provision contradicts Convention No. 98: if the contractor does not hold a subordinate position vis-à-vis his or her contracting party, he or she will not be deemed an employee. Moreover, article 511 has not been amended by the new legislation and thus independent contractors (“*trabalhadores autônomos*”, in Portuguese) can still be organized in trade unions.

*Committee on the Application of Standards (CAS)*

- According to the CEACR’s own comments, Brazil has until 1 September 2018, to submit its full report on the application of Convention No. 98, so as to respond to the social partners’ and the Committee’s observations.
- As we have advocated, the limited time and resources of CAS should be devoted to serious cases. Thus, Brazil’s inclusion on the “short list” of the CAS amounts to passing judgment on the Brazilian situation before hearing the Government, in breach of the most basic standards of due process.
- In comparative analysis of other cases and comparable situations, the CEACR has not used incisive language in relation to Brazil. While expressions such as “deep concern”, “deep regret”, “urges” and “firmly urges [various courses of action]”, “persistence and gravity of allegations” are relatively widespread in the report, none of them have been applied to the Brazilian case. These expressions indicate a clear sense of seriousness and/or urgency, which should be duly taken into consideration by the social partners in drafting the long and short lists.

*Conclusions*

- By failing to take into account the application of Conventions in practice and in the national context, the observations of the experts, at best, are premature, and contradict the Committee’s own mandate. In addition, they propose a legally flawed interpretation of Convention No. 98 that departs from the ordinary meaning of the text of the instrument.
- It also departs from consistent recommendations of the Committee on Freedom of Association and technical texts of the ILO itself.
- There is no reason whatsoever to assume, as suggested by the experts, that the new labour legislation in Brazil would discourage collective bargaining. Workers retain the ability and option, in a voluntary negotiation, to prefer legal provisions wherever they are deemed more favourable than the terms proposed by the other party.
- Conversely, revising relevant articles of the Labour Code with the modifications introduced by the labour reform (or law 13467/2017), as the Committee suggests, would discourage negotiations, as it would allow the judiciary to review and annul collective agreements, as has happened recently, and significantly reduce the scope of what can be negotiated, which would have negative effects on the labour market.
- In fact, labour reform has consecrated a formula that reconciles free and voluntary negotiations with the

protection of workers’ rights (many of them enshrined in our Constitution). It is worth noting that the very same principle (prevalence of negotiation over legislation), as introduced in the Labour Code, had also been a claim by metalworkers’ unions in the state of São Paulo in 2011, in proposing the Collective Bargaining Agreement with Specific Purpose (ACE).

- By providing legal certainty and reliability to collective bargaining, without unprotecting workers, the labour reform effectively abides by and promotes Convention No. 98, in line with our international obligations.
- It is important to emphasize that in no way are workers unprotected under Brazilian new legislation. Labour unions can freely negotiate the issues that interest them and still remain covered by the provisions of the Labour Code in all other issues not negotiated or agreed to in collective bargaining. Brazil’s legal protection system and constitutional guarantees ensure a high level of protection in any scenario. Besides, the collective negotiation process itself ensures that the workers’ best interest is reflected on the final agreements: first, by the bargaining power of its union, which must be representative; by the legal requirement that the collective agreement be approved by a general assembly of the category and, finally, by the system of judicial control exercised by the Labour Prosecutor’s Office and the Labour Courts.
- Brazil has shown continuous willingness to foster social dialogue throughout and beyond the process leading to the adoption of the labour reform. In June 2017, the Ministry of Labour created the National Labour Council to discuss all pressing issues of the world of work, and from October onwards the standing orders of the Council were agreed to by tripartite constituency, rendering them fully operational.
- Finally, it is important to note that since the entry into force of the Brazilian labour reform, there have been a number of legal actions filed in the Supreme Court claiming the unconstitutionality of the new provisions, but none of them are related to the issues brought to the attention of the CEACR. Instead, most of them had to do with the end of trade union’s compulsory contribution.
- Brazil is ready to continue in conversation with social partners and civil society on all aspects of our legislation.

In addition, before the Committee, a **Government representative**, Minister of Labour, regretted that the case was being discussed for political considerations. That could have a negative impact on the quality of the system, and Brazil had always supported the strengthening of the ILO supervisory system. Brazil was a founding member of the ILO and had ratified 97 Conventions, 80 of which were in force. It was one of the States most exposed to the supervisory system. Its performance in the context of the ILO supervisory mechanisms was exemplary. Each year, the Government submitted all reports due, demonstrating the full implementation of the instruments ratified. In addition, the Tripartite Commission on International Relations, where ILO standards and their application were widely discussed, in full implementation of the social dialogue promoted by the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), met periodically. With all those credentials, and with no reason to justify the urgency of such an examination, it was difficult to understand why the Committee of Experts, not fulfilling its mandate to examine the application of ILO instruments in law and in practice, did not wait for the regular reporting cycle to examine Act No. 13.467/17. Concerning some important aspects, that law was examined prematurely a few days after its entry into force. The analysis was conducted with such

excessive speed that the provisions of the legislation examined were swapped. Because the country had committed to the ILO and its system of standards supervision, the biased, partial and non-technical treatment of the case caused great discomfort. The ILO was captured in a political game that combined partisan motivations and corporatist interests. Workers were not impaired by Brazil's modernization, but only those unions dependent on the State and lacking real commitment to workers. Out of the more than two dozen of "Direct Actions of Unconstitutionality" (judicial review proceedings) proposed in the Federal Supreme Court against several points of the reform, none dealt with the points analysed by the Committee of Experts. Two-thirds of them dealt with the end of the union tax, which was a very controversial measure not questioned by the Brazilian Unions in their submissions to the Committee of Experts. That measure brought Brazil closer to the practice of the vast majority of the countries in the world and promoted the autonomy and independence of trade unions, established in the Convention. He affirmed that questioning this measure would expose the fragility of the whole case raised by union confederations (*centrais sindicais*). The reform abolished a provision which was created in the 1940s by a government that wanted to keep trade unions under control. The Committee of Experts stated that the possibility, by means of collective bargaining, of derogations to the rights and protections afforded to workers by the labour legislation would discourage collective bargaining and would therefore be contrary to the objectives of the Convention. He regretted that the Committee of Experts seemed to have endorsed the political thesis that the reform would lead to precarious work. However, that could be possible only if trade unions would voluntarily agree to the terms of an agreement less favourable than the existing legal provisions; if labour inspection did not function; if labour judicial bodies did not exist; and if the Federal Constitution was torn apart. The Committee of Experts omitted to consider that trade unions were not obliged to agree to conditions less favourable than those defined by law. Negotiation without the possibility of reciprocal concessions, only conferring advantages to one party, would not offer the other party any incentive to negotiate. It was a basic principle of any negotiation to have concessions from each side. In a country like Brazil, with extremely broad and detailed labour legislation, restricting collective bargaining only to points not covered by legislation or above legal provisions would reduce their range and scope of application in an irrational way. That would be contrary to the Convention as it established that governments had to promote negotiations as comprehensively as possible, as recognized in the ILO Handbook on the subject and reaffirmed repeatedly in recurrent recommendations of the Committee on Freedom of Association. The Committee of Experts did not refer to a broad set of labour rights that had been granted constitutional protection in the Brazilian legal system and could not be revoked by any reform, not even by a constitutional reform. Those rights were included in Act No. 13.467/2017. Eighty ILO Conventions in force were part of the legal system in Brazil and were not affected by the reform. In the General Survey of 2018, the Committee of Experts recognized that constitutional protection guaranteed to those rights in Brazil was an example to emulate. Those rights were not subject to derogation and had been expressly excluded from the possibility of any negotiation. That proved that the aim of the reform was not to revoke any right but, by consolidating them, to guarantee as much space as possible for collective bargaining, thus implementing the Convention more effectively. The Committee neglected to mention that, in the past, it was common that the judiciary in Brazil would make void labour clauses of collective agreements or entire agreements, without any objective legal reasoning. That created legal uncertainty

and discouraged collective bargaining. Collective bargaining could be effectively fostered, as advocated by the ILO, only by granting force of law to collective bargaining and protecting the autonomy of the parties, through the primacy of the negotiated over the legislated. It was surprising that union leaders questioned that point, since the law incorporated a proposal originally made in 2011 by one of the largest and strongest unions in the country, the ABC metalworkers union of São Paulo. It was alleged that the primacy of the negotiated over the legislated opened the possibility for unions to negotiate to the disadvantage of the workers. However, that was not the experience of collective bargaining in Brazil. Studies showed that in 2016, the year of a strong economic crisis, in more than half of the collective agreements, unions negotiated wage increases above inflation, while the vast majority succeeded in securing job preservation at a time when layoffs were high. Trade unions in Brazil had already integrated the provisions contained in the new legislation into their collective agreements. Collective bargaining had not been discouraged with the new legislation. He stated that when practical analysis belied the theories that best served political interests, some deemed best to ignore practice and cling to theories. In addition to the constitutional guarantees, workers were protected by the system of registration of collective agreements by the Ministry of Labour, which required proof that the agreement was approved by a representative assembly of the category; by the labour inspection system, composed of professionals able to identify and administratively combat fraud and violations; by the labour prosecutor's office, a unique institution that could bring a lawsuit when it perceived non-compliance with legal precepts, as it had done; and by the labour judicial system, with specialized professionals who, in 2017, before the new law entered into force, received more than 4 million new lawsuits. The Committee of Experts did not mention that in Brazil there were 17,509 registered union entities and many had done very little for their constituency. It was not difficult to understand why there were so many, differently from the rest of the world. Since it benefited from a mandatory tax, in order to exist a union did not have to be representative or defend the workers' interests. The income guaranteed by the State, which in 2017 reached more than 4 billion reais (or US\$1.25 billion), provided a sufficient reason for its existence, in a clear distortion of the values that should guide and justify workers' organizations. Labour reform ended the state of affairs while unions would have to work much more and workers and employers as a whole would benefit. For that reason, the same reform that favoured collective bargaining, also promoted union independence, which was at the heart of the Convention.

It was clear that there were no technical reasons why the case of Brazil should be examined by the Committee at this time and it was regrettable that the ILO had been politically manipulated. This was possible through political bargaining kept in secret rather than on technical merits. Hasty and technically flawed analyses could be sufficient to expose a country, if political interests so required, and force it to provide clarification to the Committee. In an election year, the process was described as inquisitorial in the Brazilian press, regardless of the country's commitment to fulfilling its obligations. Such a system did not meet the demands and challenges of the world of work, nor the expectations placed in the ILO. With the ILO approaching its first centenary, the time had come to reform the system so as to make it more consistent with the world of work and with democratic and inclusive principles, such as the due process of law, which was required of all agencies of the UN system. For many years, GRULAC had denounced this state of affairs and had been solemnly ignored. The time had come to start listening, because otherwise the system of standards supervision would run the grave risk of losing

credibility, and thereby become irrelevant. In a tripartite organization, it was astonishing that there was nothing tripartite in the regular system of standards supervision. Unlike other agencies, governments had no role in the selection of the Committee of Experts' members or in the definition of working methods. Unlike other agencies, there was no real universal method of supervision. It was always the same group of countries that allegedly failed to respect commitments. That situation privileged selectivity against transparency and universality. He reiterated the lack of consensus in the current working methods of the Committee. If the level of compliance and support for ILO instruments was to be increased, the perspectives of governments had to be included in selecting the lists of cases, to meet technical criteria; in the drafting of conclusions, to be effectively implemented; and in working methods in general, to be honoured. The composition of the Committee of Experts had to be revised to reflect the diversity and technical quality expected. The criteria for selecting the lists of cases to examine had to be re-examined in order to ensure that decisions were exclusively of a technical nature. Brazil had a keen interest in continuing the debate with the social actors in order to improve its labour legislation and it was prepared to do so. He expressed its continuous commitment to the obligations undertaken with the ILO and reiterated that the modernization of the legislation did not violate any Convention. On the contrary, Act No. 13.467/2017 promoted and strengthened collective bargaining, giving full effect to the Convention. He urged a profound change in the supervisory system before it was too late and expressed the readiness of his Government to participate in good faith in a collective effort to improve the supervisory system for all.

The Worker members noted that it was the first time in 20 years that the Committee was discussing the application of the Convention in Brazil. Noting that the country had been on a steady path towards social progress and a global leader in this regard, they were therefore deeply disappointed by the regressive legislative steps undertaken, which would have the effect of dismantling collective bargaining rights and the strong industrial relations tradition built over the past two decades. In 2016, Brazilian trade unions had already transmitted information to the Committee of Experts to report the severe shortcomings and flaws of the bills which were before Congress at that time. Considering that the introduction of a general possibility of lowering through collective bargaining the protection established for workers in the legislation would have a strong dissuasive effect on the exercise of the right to collective bargaining and could contribute to undermining its legitimacy in the long term, the Committee of Experts had requested the Government to take these comments into account during the examination of the bills. Even if it had not discussed by the Conference Committee in 2017, Brazil had been listed on the preliminary list of cases. Despite these warning signals, the Government had adopted the problematic amendments on 13 July 2017, without taking into account the comments of the Committee of Experts. Both social partners had provided their views on the legislative reform, which was passed before the 2017 session of the Committee of Experts. The Worker members therefore did not agree that this case, which had a history within the supervisory system, had been dealt with prematurely by the Committee of Experts. They also strongly disagreed with the criticism related to the treatment of the case outside of the regular reporting cycle. Recalling that the criteria for breaking the reporting cycle were reproduced every year in the General Report of the Committee of Experts, they considered that the case of Brazil met the criteria that observations referring to legislative proposals or draft laws may be examined by that Committee even in the absence of a reply from the Government. The development of a mechanism to

break the reporting cycle enjoyed tripartite support. It had been introduced as a safeguard when the Governing Body had extended the reporting cycle for certain types of Conventions to ensure that effective supervision of the application of ratified Conventions was maintained. They would never accept that an individual case would be used to attack the well-recognized and supported impartiality and independence of the Committee of Experts. The Worker members were deeply concerned that the far-reaching legislative amendments, which were introduced hastily and without prior genuine and meaningful consultation, would effectively result in the dismantling of the collective bargaining framework in Brazil and undermine the rights of workers. With reference to the Government's statement that the legislation had been elaborated after a series of debates organized by the Government in December 2016, with the participation of representatives of trade unions and employers, they wished to remind the Government that "debates" could not be a substitute for genuine and effective consultations and that the most representative trade unions were not part of these debates. Moreover, the draft Bill had only seven articles at that time, whereas the law, as enacted, was very extensive, with more than 100 articles. In addition, the Labour Relations Council, which was the official tripartite body where ILO matters were discussed, had not been convened after April 2016. When the new National Labour Council was created on 1 June 2017, the Bill had already been approved in the lower house.

They considered that the amendments ran counter to the objective and spirit of the Convention. New section 611A of the Consolidation of Labour Laws (CLT), which established as a general principle that collective agreements prevailed over the legislation and that collective agreements, negotiated by workplace delegations at the enterprise level, prevailed over collective agreements, made it possible through collective bargaining not to give effect to the protective provisions of the legislation. While Act No. 13.467/2017 contained a list of subjects in respect of which collective bargaining prevailed over the law, that list included many aspects of the employment relationship, such as working-time arrangements. Since that list was merely illustrative, it could be broadly extended by the parties. The sole limit to these deviations was a closed list of rights referred to in section 611B, which contained 30 rights, enshrined in article 7 of the Federal Constitution of Brazil. Moreover, section 611A specified that the absence of compensatory measures was not a reason for the clauses of collective agreements to be found void, even where they derogated from the rights set out in the law. The Worker members wished to recall that the overall aim of Article 4 of the Convention was the promotion of good faith collective bargaining with a view to reaching an agreement on terms and conditions of employment that were more favourable than those envisaged in law. By allowing for less favourable derogations in collective agreements on virtually all subjects of the employment relationship, the Government deprived workers of their fundamental right to collective bargaining and failed to ensure the effective realization of a minimum set of rights which would apply equally to all workers in Brazil. Moreover, new section 444 of the CLT, which stated that workers who had a higher education diploma and received a wage that was at least two times higher than the ceiling for benefits from the general social security scheme may agree to derogate from the provisions of the legislation and collective agreements in their individual contracts of employment, was not in conformity with Article 4 of the Convention and with the Collective Agreements Recommendation, 1951 (No. 91), which laid down the principle of the binding effects of collective agreements and their primacy over individual contracts of employment where the latter were less favourable. In addition, by expanding the definition of autonomous workers

who did not enjoy the right to organize and bargain collectively to include workers who were engaged exclusively and permanently for an enterprise, new section 442B of the CLT diluted the collective representation of workers through misclassification. The Worker members were deeply concerned by the profound and broad-reaching changes implemented by the legislative reform which eroded collective bargaining rights previously guaranteed to workers. With reference to the Government's argument that the reform had been necessary due to the overall context of economic recession, they noted that even though the number of collective agreements had decreased by 29 per cent since the adoption of the reform, the economic situation in the country had not improved. Unemployment and the informality rate had even risen. No country had ever achieved sustainable economic progress by depriving workers of their fundamental rights. Reiterating their deep concern with the retrograde practices in a country which used to be championing fundamental rights at work, they called on the Government to urgently take the necessary steps in order to reform the legislation and to bring it into line with the Convention before any further harm was inflicted on the workers of Brazil.

The Employer members expressed concern with the observation adopted by the Committee of Experts on the application of the Convention by Brazil. While recognizing the authority of the Committee of Experts to examine a situation outside of the regular reporting cycle, in exceptional cases, they were concerned with the exercise of this discretion in the present case. While one national trade union had criticized the labour reform, the national employers' organization had sent information to express satisfaction at the modernization of the outdated labour relations system. Moreover, despite the fact that it had not received a response from the Government to the diverging opinions of the social partners, the Committee of Experts had adopted an observation, only a few days after the labour law reform had come into effect. In addition, 2017 had not been a reporting year on the Convention for Brazil, which was up to date with its reporting obligations. In view of the lack of information on the position of the Government, a direct request might have been the more appropriate first step in the examination of the situation. In view of the sensitivity of the case, they regretted that its discussion by the Conference Committee was based on incomplete information. The Committee was therefore not in a position to examine the case in a proper and balanced manner. Examining the case in the regular cycle would have allowed a comprehensive evaluation of the impact of the reforms on the application of the Convention, both in law and in practice. The Employer members had taken careful note of the Government's statement. Additional information was necessary to fully understand the labour law reform.

The Employer members noted that the labour law reform established as a general principle that collective agreements prevailed over national legislation, except for the constitutional rights referred to in section 611B of the CLT. In that respect, the Committee of Experts had observed that the general objective of the Convention was to promote collective bargaining with a view to agreeing on terms and conditions of employment that were more favourable than those already established by law. The Employer members recalled the requirements of Article 4 of the Convention which provided that member States must take measures to encourage and promote the full development and utilization of machinery for voluntary negotiation between employers or employers' organizations and workers' organizations, with a view to the regulation of terms and conditions of employment by means of collective agreements. In their view, there was no absolute requirement that the outcome of collective bargaining must be on terms and conditions that would be more favourable than those established

by law. A mechanism that allowed for the prevailing effect of collective agreements promoted in law the principle of collective bargaining. It might create an incentive for additional voluntary collective bargaining. It was not yet possible to analyse the effect of the system in practice and therefore not possible to know at this stage whether this mechanism would undermine the principle of collective bargaining. In order to allow a complete examination of the conformity of the reform with the Convention, the Employer members encouraged the Government to provide information in its next report on the operation of sections 611A and 611B of the CLT, in law and in practice. The analysis must take into account the extensive rights of workers enshrined in the Constitution and referred to in section 611B which concerned 30 areas of protection, including the right to unemployment insurance, minimum wage, paid weekly rest and vacation, maternity and paternity leave, occupational safety and health and freedom of association. It was of concern that the full list of protected rights was not included in the observation adopted by the Committee of Experts. With respect to the issue of the relationship between individual contracts of employment and collective agreements, the Committee of Experts had noted that workers who had a higher education diploma and received a wage that was at least two times higher than the ceiling for benefits from the general social security would be able to derogate from the provisions of the legislation and collective agreements and accords in their individual contracts of employment. In that respect, the Employer members noted that it was not possible to have a full and informed discussion on the impact of such a provision in law and practice and to assess compliance with the Convention without further information from the Government and the social partners. In their view, the issue of the prevalence of individual contracts over the national legislation was not within the scope of application of the Convention. Finally, regarding the extension of the definition of autonomous workers and its effect on the exclusion of workers from trade union rights, they noted that it was not possible to have a full and informed discussion without appropriate information and requested the Government to send its comments on the observations from the trade unions for examination by the Committee of Experts.

The Worker member of Brazil, speaking on behalf of the Brazilian trade union associations, congratulated the Committee of Experts on the quality of its work, which had made it an unmistakable point of reference in discussions on labour relations. He maintained that the technical knowledge and impartiality of the Committee of Experts should not be called into question merely because their comments were unfavourable to a particular side. The function of the Committee of Experts was vital in guiding debates and creating the necessary balance within the Organization; as such, attacks on the Committee of Experts were tantamount to an attack on the Organization itself. The seriousness of the violations engendered by Act No. 13.467 was reflected in the stern comments of the Committee of Experts. The new legislation constituted the most serious attack on workers' trade union rights in the entire history of Brazil. The discussion in the Conference Committee was not new, as in 2001 the Government had attempted to pass an act that would enable the rights provided in law to be restricted through collective bargaining. In 2002, in reply to a query from the CUT of Brazil, the International Labour Standards Department of the ILO had confirmed that making it possible to disregard the rights laid down in law through collective bargaining breached Conventions Nos 98 and 154. The process that had culminated in the adoption of the Labour Reform of July 2017 had been notable for the utter failure to consult either workers' representatives or representatives of other sectors in-

volved in the world of work, such as the National Association of Labour Judges, the Office of the Public Prosecutor for Labour Law or the Association of Labour Lawyers. The new Act furthered the general weakening of the whole system of worker protection, undermining freedom of association and the right of workers to use legal channels to present their claims and imposing a heavy financial burden on those who did so. In that regard, he condemned any practice intended to persecute labour magistrates who, in applying the new Act, had followed a different legal approach. On the pretext of modernizing labour relations, the new Act represented a return to a judicial position that had been superseded many years previously. That position was based on entirely free bargaining and assumed that the parties in labour relations enjoyed the same bargaining power. The backward step became obvious if one bore in mind that the Act allowed individual bargaining to derogate from the application of collective agreements, in violation of Article 4 of the Convention. Furthermore, on the grounds of tackling informal work, the new Act legalized various forms of precarious work and allowed pregnant women and breastfeeding mothers to work in unhealthy workplaces. The reform had not only failed to create the promised jobs, it had actually resulted in higher rates of unemployment. When the Act had come into force, the unemployment rate had stood at 12.2 per cent; by April 2018, however, according to data from the Official Institute of the Brazilian State (IBGE), it was 13.1 per cent, equivalent to 13.7 million people out of work. If that figure was combined with the number of potential workers who had stopped looking for work (7.8 million) and the number of people underemployed (6.2 million), it gave a total of 27.7 million Brazilians outside the labour market (24.7 per cent of the economically active population). The Government's stance – that the new Act helped to promote collective bargaining – was far removed from reality. A study by the Economic Research Institute of the University of São Paulo had observed a fall of 34 per cent in the number of collective agreements signed in the first few months of 2018. Under the new Act, collective bargaining took precedence over legislation, including when better conditions were provided in law; an enterprise agreement took precedence over collective agreements, and individual agreements could exclude workers from the protection offered by existing agreements, in clear breach of the Convention. The reform had hit trade unions hard, in that it had put an end to the existing funding model without offering any alternative. Union assemblies were also prevented from approving rates for dues and contributions to maintain their activities, again in breach of the Convention. It was impossible to strengthen collective bargaining by weakening trade unions. He concluded by requesting the repeal of the new Act, given that it took away rights, attacked trade unions, promoted individual bargaining at the expense of collective bargaining, and distanced the country from the Decent Work Agenda.

**The Employer member of Brazil** said that there was no legal basis to justify calling Brazil to appear before the Committee to provide clarifications regarding collective bargaining. In failing to observe the regular reporting cycle established for examining the Convention, the Committee of Experts had prejudged the application of it, on the basis of a superficial, abstract analysis of the new Act which took no account of the results of its specific application without being based on any data, or facts, in the quick manner from the text of a recent legislation (applied since only six months). Here the discussion was not technical but political and ideological. Brazil was one of the countries which had ratified the most ILO Conventions and where labour rights had constitutional status. Labour reform did not abolish or modify those labour rights. The new Act simply allowed workers and employers, if they so desired, to establish

standards relating to work routines, which were valid for a set time. There were no grounds for claiming that, as a result of the reform, collective bargaining nullified the applicable legislation, particularly since the existing legislation had to be applied when no agreement was reached in collective bargaining. It was clear that Act No. 13.647, contrary to what had been claimed, did not undermine the Convention but strengthened its objectives in the framework of Brazilian labour legislation, ensuring that collective instruments could be adopted taking account of current working and production procedures, without interference from the State. In 2015, the Constitutional Court of Brazil recognized the key role of collective bargaining as a mechanism for adapting labour standards to different sectors of the economy and economic situations. In that regard, the labour reform simply confirmed the central objective of the Convention to promote voluntary negotiation, expressly providing that workers' rights, as established in the Federal Constitution, could not be suppressed or reduced by means of negotiation. Such rights included those detailed by the Employer spokesperson. The new Act sought to establish an environment conducive to collective bargaining by providing the social partners with legal certainty so that they could renew dialogue on issues where negotiation was fraught with uncertainty since it often resulted in cancellation by the labour justice system, even though it was indeed the will of the parties. The workers had not suffered harm as a result of the reform, contrary to what was being claimed by certain unions who were calling for the restoration of the mandatory union tax without providing their members with the services due in return. Existing national remedies had not been used before turning to the ILO. Indeed, the trade union confederations had only gone to the Constitutional Court to demand the trade union tax and not to allege supposed violations of the Constitution or Convention. The labour reform was necessary to boost collective bargaining and modernize a law that dated back to the early 1940s. The new Act, which was the result of a democratic process involving numerous public hearings and the adoption in the National Congress by a large majority, did not undermine the Convention but protected collective bargaining from external interference; it consolidated an effective mechanism for tackling economic problems; it harmonized the legislation with that of other ILO member States and sought to achieve a balance between freedom of negotiation and the principle of worker protection. It was a matter for concern that the ILO could consider that negotiation was only valid if it contained terms and conditions of employment more favourable than those established by the law, in particular because such a notion resulted from a broad interpretation of the Convention, which, if adopted, would end up being binding on all 165 countries that had ratified the instrument. Any changes to the rules of the game established by the Convention should not be permitted. Recalling that only a few years ago his country was regarded as a benchmark for the Committee, he trusted that impartiality and the institutional role of the ILO would prevail in the discussion of the case, on the basis of tripartism and the absence of any political or ideological interests, and requested that in its Conclusions, the Committee took into consideration that collective bargaining should be free and spontaneous, as proposed in the text of the Convention.

**The Government member of Paraguay**, speaking on behalf of a significant majority of the group of Latin American and Caribbean countries (GRULAC), reiterated her deep concern regarding the working methods adopted by the Conference Committee, which did not involve tripartite consensus. Furthermore, several aspects of the Committee of Experts' comments raised questions. With regard to the interruption of the regular cycle, in which no report had been produced by the Government, she considered that the existence of criteria in that regard illustrated the need to

justify the decision to break the cycle. Referring to the mandate of the Committee of Experts reflected in its General Survey, which indicated that the opinions of the Committee of Experts were not binding and which took into account the application of the Conventions “in law and practice ...”, while cognizant of different national realities and legal systems”, she expressed regret that, in the case of Brazil, sufficient time had not been granted to evaluate the complexity of the labour reform, which should be examined in its entirety and in terms of its practical repercussions and its interpretation by the courts. In that regard, no consideration had been given to the extensive role of the labour rights contained in the Brazilian Federal Constitution. In the case of Brazil, it was necessary to take into account not only the Constitution but also the specialized system of labour justice, including the labour inspectorate, which was independent of the Government, the fact that labour inspection personnel had the status of employees with state careers, and the maintenance of the framework of the CLT. She reiterated her commitment to promoting collective bargaining and to upholding the principle contained in Article 4 of the Convention. The ordinary meaning of the Article was clear, including the reference to “national conditions”.

**The Government member of Panama** drew attention to the model for tripartite social dialogue roundtables set up in the country to harmonize the legal system with the ILO Conventions and Recommendations. He also emphasized the crucial nature of the technical assistance provided by the ILO International Labour Standards Department. However, he noted with concern the regulatory methods used to determine the inclusion of Brazil in the list of cases to be examined by the Conference Committee, such as the fact that the Committee of Experts had broken the normal cycle and made comments without receiving a report from the Government. Reaffirming the Government’s commitment to the supervisory bodies, he highlighted the need to adopt working methods that had been duly agreed by all constituents.

**The Worker member of Portugal** considered that the labour legislation reform adopted by the Brazilian Government followed the matrix of reforms that had occurred in Spain, Portugal and Greece which, since 2009, had led to social regression for workers in southern Europe to levels of several decades earlier. Under the pretext of making labour relations more flexible, increasing employment, ending labour market fragmentation and enhancing collective bargaining, the “troika”, consisting of the International Monetary Fund (IMF), the European Commission (EC), the European Central Bank (ECB), and the Governments had imposed labour law reforms on workers, allowing for collective bargaining to be carried out by informal organizations, eliminating the principle of favourability, increasing hours of work and lowering overtime pay. Such changes had had dire consequences for workers, with labour incomes dropping, unemployment rates reaching figures never seen before, rising from under 10 per cent to over 20 per cent in less than two years, forcing hundreds of thousands of workers, mainly young people, to look for work in other countries. He thus considered that the central objective of these labour legislation reforms had been to cut workers’ and pensioners’ incomes. The reform that was being imposed on the Brazilian workers followed the same matrix, grounds and aims. By mandating that an individual contract of employment could stipulate lower terms and conditions than those set by law or by collective agreements; by permitting that collective bargaining could be engaged in without the participation of trade unions; and by allowing the development of precarious employment relations, the labour reform would lead to an increase in precarious work and to labour market segmentation, instead of

combating them. The Government’s labour reform undermined workers’ fundamental rights enshrined in the ILO core Conventions and was in violation of the Convention, since it allowed for collective bargaining without the participation of trade unions and to set aside collective labour agreements by individual contracts. He therefore urged the Government to accept ILO technical assistance to align labour legislation with the international instruments to which they were bound and to respect the indispensable role of the Committee of Experts in ensuring that ILO Conventions were effective.

**The Government member of India** appreciated the efforts and the positive steps taken by the Government to reform its labour laws with a view to providing legal certainty and reliability to collective bargaining, in consultation with the social partners and in accordance with the Constitution of the country and its international obligations. Countries should not be included in the preliminary or final list of cases before the end of the reporting cycle and without following due process and for other reasons than the technical merits of a case. A genuine and constructive tripartism was *sine qua non* for an effective and credible ILO supervisory mechanism. In fulfilling its labour-related obligations, the Committee should fully support the Government.

**The Worker member of Italy** stated that the Government had been implementing a series of reforms in Act No. 13.467/2017 in breach of fundamental principles of the ILO. No consultation with the social partners had been held, no public debate had accompanied the discussion and the Act, which took away the set of existing guarantee, had been approved in record time. Neoliberal policies enacted in a unilateral way had the effect of job insecurity and precariousness. The so-called “innovation” had only entailed the worsening of working conditions and the denial of trade union rights, undermining collective bargaining mechanisms. Act No. 13.467/2017 allowed for collective agreements to worsen the conditions provided for in the law. For millions of Brazilian workers the reforms meant an increase in inequality in one of the most unequal industrialized countries. The criteria and procedure for breaking the reporting cycle of the examination of cases by the Committee of Experts provided for safeguards to ensure the effective supervision of the application of ratified Conventions. That possibility not only strengthened the supervisory system of the ILO, but also ensured that time-sensitive issues, including matters of life and death or fundamental human rights were appropriately addressed. She urged the Government to amend the legislation so as to bring it into line with the Convention.

**The Government member of the Russian Federation** welcomed the information provided by the Government representative on the merits of the issue, as well as on its procedural aspects. The speaker shared many of the concerns expressed, in particular in relation to the decision to examine this case outside of the regular reporting cycle. Additional explanations regarding the reasons for that decision were needed. When considering the implementation of ILO Conventions, it was important to take into account both law enforcement practice and the general context conditioned by the peculiarities of the legal system of the country concerned. Since the reform had just been adopted, it was necessary to give the Government time to work before making unambiguous conclusions. The speaker believed that there was room for improvement in the working methods of the Committee. The concrete proposals made in this respect deserved a comprehensive study. Given that the Committee was central to ensuring consistent and strict compliance with international labour standards, it must rely on the full trust of governments, workers and employers.

**The Worker member of Pakistan** recalled that the mandate of the Committee of Experts was clearly spelt out in

its General Report. It was vital for the Conference Committee to recall that the legitimacy and rationality of the Committee of Experts' work was based on its impartiality, experience and expertise. It was on that basis that over the years, exceptional cases had been identified and the reporting cycle broken, when allegations had been sufficiently substantiated and there was an urgent need to address the situation. In addition, observations referring to legislative proposals or draft laws could be examined by the Committee of Experts in the absence of a reply from the Government when it could be of assistance to the country. Therefore, the speaker considered that the Committee of Experts had acted within its mandate and in line with the criteria for breaking the reporting cycle, as the right to organize and to bargain collectively was a fundamental human right that risked being eroded by the enactment of Act No. 13.467/2017.

**The Employer member of Colombia** noted that the labour reform in Brazil was a product of extensive discussions carried out with the social partners over more than 20 years. It was a question of regulations adopted to improve labour relations in Brazil, as the legislation was aligned with new realities, always on the basis of collective bargaining. The labour reform aimed to establish more favourable conditions for competitiveness, productivity and socio-economic development, while ensuring respect for fundamental labour rights and decent work. He considered that the impact of the reform had been assessed prematurely; a reasonable timeframe for implementation was necessary to reach accurate and substantive conclusions. The Brazilian labour reform did not authorize the repeal of labour legislation through collective bargaining, as had been reported. The changes focused on securing both the outcome of agreements between workers and employers and the scope of collective bargaining. The new labour regulations did not deprive workers of their labour rights and guarantees and did not breach Convention No. 98 or Convention No. 154. The existing labour legislation protected collective bargaining, consolidated an effective and much-needed mechanism to tackle economic problems and provided employers and workers with better opportunities to negotiate, without violating the labour rights enshrined in the Constitution. With regard to the regulation of autonomous employment, the speaker noted that the new legislation clearly defined who were considered autonomous workers as well as the criteria for identifying them. Self-employed or autonomous workers were governed by different standards to those of employees but in both categories decent work was a requirement. The fact that autonomous workers were not in an employment relationship and were therefore not covered by labour legislation did not mean that trade union rights were restricted.

**The Worker member of Argentina** noted that, according to a recent study submitted to the United Nations Human Rights Council, over 130 countries had introduced pro-austerity policy reforms and labour standards in recent years, and the deregulation of the labour market did not favour growth or employment. Conversely, a growing number of studies confirmed that labour standards had a positive economic impact on both productivity and innovation. The labour reform in Brazil made outsourcing and subcontracting more widespread. It therefore reduced wages, weakened trade unions and collective bargaining, and favoured major multinational corporations. Increased informality and precariousness led to greater inequality. The new legislation abolished the concept of the working day by creating intermittent work; eliminated remedies available to workers to file complaints before the labour courts; allowed for pregnant women to be employed in insalubrious working conditions; and eliminated funding for trade unions, which had a serious impact on the existence of unions and of collective bargaining. By prescribing "negotiations" between

employers and workers, without the presence of a trade union, it allowed for the imposition of inferior conditions to those of a collective agreement. Furthermore, the new Act represented an attack on the core standards of the ILO and was a regressive measure that could not be considered as an acceptable response to the economic and financial crises. It was necessary to create sustainable economies, with social protection, secure jobs and decent salaries both in Brazil and throughout the entire American continent.

**The Government member of Honduras** expressed his concern at the interruption of the regular reporting cycle. He trusted that the Government would make progress in fostering collective bargaining through the adoption of the appropriate measures to allow for the use of free and voluntary bargaining processes and collective agreements that regulated conditions of work.

**The Worker member of the United States**, speaking also on behalf of the Worker member of Canada, stated that stable labour market institutions, social dialogue and collective bargaining were being dismantled in Brazil. In November 2017, the amendments to the CLT had come into force reducing workers' capacity to defend their rights and to negotiate improved wages and conditions. The changes permitted unions and individuals to negotiate agreements that lowered wages and conditions while increasing precarious work. Contrary to the concept of collective bargaining, employers and workers could negotiate agreements that lowered standards below what was provided for in legislation. As indicated in the report of the Committee of Experts, Act No. 13.467/2017 was not based on negotiation, but on the abdication of rights on a wide range of issues. The changes to the CLT had created a new category of exclusive autonomous workers and denied an employment relationship even when a worker had been engaged exclusively and permanently by one firm. Such workers were denied freedom of association and collective bargaining rights, and this had resulted in atomized labour relations. The first three months of the new regime had seen a nearly 3,000 per cent increase in the number of stable employment relationships dissolved, mostly concerning low-wage positions held by workers without the higher education supposed to afford them greater individual bargaining power. The changes opened more workers to precarious work and unions would no longer receive a stable contribution from those they represented. In March 2018, unions had received approximately 20 per cent of what they had in March 2017. In the first quarter of 2018, the total number of collective agreements had fallen by 29 per cent over the same period in 2017. In 2018, there had been 1,000 fewer collective agreements than there had been over the six previous years. Unemployment, informality and precarious work had increased in the same period. Brazil was experiencing extreme polarization exacerbated by the deliberate dismantling of social dialogue and mature industrial relations. Labour law reform should not mean abandoning ILO standards. A different path could lead to broadly shared income growth and progress.

**The Government member of Bangladesh** commended the Government of Brazil for holding a series of discussions with the representatives of trade unions and employers in reforming the CLT that had entered into force in November 2017. Inclusive, comprehensive and extensive consultation with the social partners was key in reforming any legislation concerning labour rights. One of the main aspects of labour reform in Brazil was the strengthening of collective agreements between unions and employers aimed at the possibility for each to negotiate collectively without affecting the rights of workers. Additional time was needed for understanding the impact of the law on the labour market, as it was still in its initial stage of implementation. He supported the view that the reporting cycle should not be bro-

ken and comments issued before a report was due and submitted, and agreed with the Government representative's statement with regard to the reform of the ILO supervisory mechanism. He concluded by underlining the importance of objectivity, transparency, neutrality and impartiality in the work of the Committee through the use of tripartism in all decision-making processes, including for the establishment of the final list of cases and the consideration of conclusions.

**The Worker member of the United Kingdom** stated that the labour law reforms adopted in Brazil in July 2017 were in contravention of the Convention. The reform had deregulated more than 120 labour standards, including safeguards protecting pregnant women from working with toxic substances, rules on dismissal and equal pay laws. It had also dismantled the collective bargaining system, including by permitting collective agreements to displace statutory standards. The stated goal of the reforms had been to increase flexibility, reduce unemployment and regularize the informal economy. However, unemployment levels in Brazil had remained high with a growing informal economy and a rise in precarious forms of work. Workers in insecure work were deterred from joining trade unions for fear of victimization or job loss. The reforms had also permitted educated workers to enter into individualized contracts which opted out of collectively agreed pay and conditions. As the Committee of Experts had noted, that was a clear violation of the Convention. The speaker called on the Government of Brazil to reform its national legislation and to restore trade union rights, in line with the Convention.

**The Government member of Mexico** noted with interest the extensive consultation process that had led to the adoption of a legislative reform seeking to provide more flexibility, higher labour productivity, legal certainty and rationality in both the labour market and the legal system. Highlighting his concern regarding the unwarranted break in the regular reporting cycle, he considered that the reform processes needed to be evaluated holistically, taking into account the context in which they were developed and other practical measures that contributed to the development of an effective legal framework aligned with fundamental principles and rights.

**The Worker member of Colombia** stated that the reform delegitimized the objective of collective bargaining, which was to improve working conditions, by allowing collective agreements or accords to undermine the minimum standards established by law. The restriction on the duration of collective agreements or accords to a maximum of two years, in accordance with section 614 of the new provisions, and the prohibition of the continued legal effect of agreements and accords, curtailed the parties' scope of action and contravened the Convention. He strongly rejected the possibility for workers to negotiate working conditions outside of collective bargaining or agree to being excluded from the application of agreements or conventions, either individually or collectively, without the participation of trade unions.

**Another Worker member of Colombia** expressed deep regret at the Government's non-observance of the Convention and voiced his solidarity with the Brazilian trade union confederations.

**The Government member of China** shared the concerns expressed regarding the working methods of the Committee. The Committee was at the heart of the ILO supervisory system and its working methods could be improved. There was a lack of transparency in the selection of individual cases, which should be based on objective, fair and transparent criteria, and not on political considerations, in compliance with the established ILO procedures. Governments that were required to appear before the Committee should be informed of the final list in advance, in order to have ample time to prepare. The recommendations made by the

Committee should reflect tripartite consensus. Governments should fully enjoy the right to information and the right to participate in the process of examining individual cases. Further, capacity building and technical assistance should be provided by the ILO to the Government concerned.

**The Worker member of Paraguay** drew attention to the fact that the labour reform in Brazil made work more precarious, weakened collective bargaining and social dialogue and attacked the trade union movement. The reform had been approved during one of the worst moments of political and institutional crisis in Brazil's history, without dialogue with the workers and trade unions. It would result in the business community being able to carry out mass dismissals, without needing to hold discussions with the trade union. As well as limiting trade union representation, the reform deprived the Brazilian trade union movement of its principal sources of funding. Recalling that in recent years the Brazilian trade union confederations had been denouncing anti-union practices and the proposed reforms that had recently been implemented, he expressed his support for the discussion on this case of violation of the Convention.

**The Worker member of Uruguay** expressed his solidarity with the Brazilian trade union confederations regarding the effects of the new Act, which had increased unemployment and poverty and had led to a decline in living conditions in the country. Regarding the need to wait for the Government to send its report, he maintained that the need to comply with the provisions of the Convention was more important than the reporting obligation. In the Southern Cone region, the MERCOSUR Social and Labour Declaration, a tripartite tool that protected workers' rights, had been concluded following extensive debates between the social partners but the labour reform in Brazil sought to impose formulas from the 1990s to deregulate labour relations.

**An observer representing the World Organization of Workers (WOW)** indicated that the Brazilian labour reform violated the right to organize, as established in the Brazilian Constitution and in Articles 3 and 4 of the Convention. The labour reform regulated employment contracts between workers and employers on an individual and private basis, without the participation of trade unions, which made workers vulnerable and put them in an extremely dangerous situation. Such disregard for trade unions and for collective bargaining allowed employers to carry out collective dismissals. In recent years, Brazilian worker organizations had been speaking out against anti-union practices. It could be a step backwards for trade unions as an institution worldwide if different countries were allowed to attack freedom of association and collective bargaining.

**The Worker member of the Bolivarian Republic of Venezuela** considered that the Brazilian labour reform, which permitted negotiations that undermined workers' rights, was a step backwards because it left workers without protection and violated the Convention. It also allowed trade union membership to be terminated if the worker earned a wage that was at least two times higher than the ceiling for benefits from the general social security scheme. That could weaken the strength and unity of trade unions. In addition, the reform established the concept of an exclusively autonomous worker, which violated the right to organize and to collective bargaining.

**The Employer member of Mexico** emphasized that the ILO recognized collective bargaining as one of the main means of freely and voluntarily establishing labour conditions and other regulations through representatives appointed for the purpose. Collective bargaining was a binding instrument that placed an obligation on parties and ensured legal certainty. Unfortunately, before the labour reform in Brazil, collective agreements were continually subject to interference by the authorities which annulled them

on a recurring basis. The labour reform recognized and gave priority to collective bargaining within the framework of the Constitution, which established several fundamental rights that were inalienable.

**The Employer member of Guatemala** thought that the new legislation responded to the need to strengthen collective bargaining, under the terms set out in Article 4 of the Convention. The fact that the workers' rights enshrined in the Constitution were the basis for negotiation was a strong guarantee of protection. Before the new legislation had come into force, a Constitutional Court judgment had expressly acknowledged the important role of collective bargaining as a mechanism to adapt labour standards to different sectors of the economy and different economic conditions. He underlined the fact that, before the reform, government interference in the form of annulling terms agreed between the parties had been fiercely criticized and subject to complaints from Brazilian workers and employers. In 2011, a major trade union in Brazil had proposed the adoption of a collective agreement with the specific objective of ensuring that collective bargaining took precedence over the legislation. The reform allowed those who did not want to engage in collective bargaining to enjoy the protection of the legal system; those who did would have the opportunity to adapt legislation to better suit their circumstances, without prejudice to the considerable guarantees enshrined in the Constitution.

**The Worker member of Chile** pointed out that, in many aspects, Brazilian legislation on freedom of association had been exemplary before the adoption of Act No. 13.467. He noted with concern the recent Act reforming the CLT, which was affecting compliance with the Convention. He observed with great concern that, in the name of allegedly defending employment, investment and economic growth, the country had resorted to the classic formula of denying workers their rights, thus violating the provisions of the Convention. He recalled that inequality was the most significant challenge of the century and possibly in the history of humanity, and that collective bargaining, with strong trade union protagonists, could contribute to establishing a path towards equitable and comprehensive growth that would also allow for such inequality to be reduced. To that end, the Committee should urge the Government to comply with the Convention, by revising the aspects of Act No. 13.467 that were not in line with it, with the aim of promoting free and voluntary collective bargaining and sustainable development goals.

**The Employer member of Spain** said that the reform of Brazil's labour legislation had highlighted the fact that collective negotiation took precedence over ordinary law, which, because it was so rigid, had left workers and employers very little room for manoeuvre prior to the reform, leading to many disputes. Modernizing labour law had strengthened collective bargaining, in line with the Convention. Enterprises and workers, represented by the unions, could negotiate and agree working conditions suited to the specific reality of different sectors, regions and enterprises. He emphasized that the law did not make collective bargaining compulsory; it was based on the independence and free will of the parties.

**An observer representing the Latin American Association of Labour Lawyers** highlighted the seriousness of the case and its importance for the effective enforcement of the ILO supervisory system. She emphasized the role of collective negotiation as a mechanism for redressing the inequalities present in the relationship between an employer and a worker. The need for international minimum standards was based on that premise. International standards were also a result of negotiation processes and took precedence over national law when it was less favourable to workers. The Brazilian labour reform that provided that individual agreements prevailed over collective agreements represented a

serious and unacceptable regression in terms of social rights, which had an impact in many countries, including in Latin America.

**The Employer member of Uruguay** drew attention to the practice of initiating labour court proceedings in the region, which impaired collective bargaining and business management. The practice was bolstered by an inadequate legal framework. The Brazilian labour reform sought to find solutions in cases of abuse, giving assurance to all social partners on the implications of agreements.

**The Government member of Egypt** noted the information provided by the Government representative on measures taken to comply with the Convention. She welcomed the efforts made to strengthen its labour legislation and bolster collective bargaining. She called on the Government to pursue its efforts to fully respect the Convention, and to avail itself of ILO technical assistance in that respect.

**The Employer member of Chile** considered that the Committee of Experts had interrupted the reporting cycle without any explanation, in order to carry out a hurried evaluation of Act No. 13.467. It was clear that insufficient time had been allocated to evaluate the impact of the legislation in a serious and responsible manner. The comments of the Committee of Experts gave the Convention an interpretation that was not reflected in its Articles, as they considered that the general objective of promoting collective bargaining implied reaching an agreement on labour terms and conditions that were more favourable than those established in the legislation. Furthermore, such comments did not highlight the scope and detail of the labour rights provided for in the Brazilian Constitution, or all of the legal remedies available for workers to safeguard their rights. Article 4 of the Convention did not envisage any restriction on collective bargaining in the sense that it could only establish conditions that were more favourable than those laid down by the legislation. Quite to the contrary, it expressly provided for the possibility of adopting measures that were appropriate to national conditions. In a changing world, and in the face of new forms of employment, it was important for laws to safeguard the freedom of the parties to adapt to change and modernization.

**The Government member of Angola**, highlighting the ties of friendship between the two countries, supported Brazil's statement and considered that the Brazilian delegation's oral statement indicated that the Government had fulfilled its obligations.

**The Employer member of Greece** indicated that there had been a methodological error in the data on unemployment and informality in Brazil which had been referred to during the discussion. This was misleading the Committee. The relevant indicators released in May 2018 by the Brazilian Institute of Geography and Statistics made it clear that when the seasonality of economic activity was accounted for, the unemployment rate in Brazil had been reduced in 2018 as compared to the same period of 2017, since the unemployment rate was reduced by 0.7 per cent repeating the trend recorded in the mobile quarter from January to March 2018. Furthermore, it was too early for an assessment of the new legislation as it had still not been fully implemented. The speaker considered that the labour reform had potential for growth in formal and quality jobs.

**An observer representing Public Services International (PSI)** stated that she was also speaking on behalf of Education International (EI), IndustriALL Global Union and the International Transport Federation (ITF). The possibility, by means of collective bargaining, to derogate from statutory minimum rights breached the fundamental objective of the Convention, as well as Conventions Nos 151 and 154. The speaker rejected the Government's assertion that the Committee of Experts had erred in its interpretation, and expressed support for that Committee's interpretation of Article 4 of the Convention and its technical comments.

The new section 611A of the CLT that allowed collective bargaining agreements to reduce the rights and protections afforded by labour legislation could have catastrophic consequences for workers and trade unions. In the aviation and maritime sectors, such derogations could interfere and reduce sector-specific safety standards, including protections derived from technical ILO Conventions. The safeguards contained in section 611B of the CLT were not sufficient. It was also possible that collective bargaining would derogate from the application of ILO Conventions. A recent decision by the Superior Labour Court had contradicted the claim that the reform was a modernization of the labour legislation aimed at strengthening negotiations and unions. The Court had recently ruled on the illegality of a strike of oil workers and established a substantial daily fine for unions that had failed to suspend the strike. That created a hostile environment that was not conducive to mature social dialogue. In December 2017, the President had vetoed Law No. 3831, regulating collective bargaining in the public administration, which was an affront to Brazilian civil servants, particularly as Brazil had ratified Convention No. 151. Law No. 3831 had been built by consensus in the bipartite Chamber of Government and Public Servants of the Ministry of Labour and Employment and had been approved unanimously in the Federal Senate and the Chamber of Deputies of Brazil. The labour reform also had direct consequences for the education sector relating to the privatization of secondary education and the minimum salary of teachers. Contrary to what had been indicated by the Employer member of Brazil, Act No. 13.467/2017 had not been preceded by a broad process of discussion. Brazilian trade unions had merely been informed of the proposed amendments. The ILO supervisory bodies had said that it was imperative that full and frank consultations take place on any question or proposed legislation affecting trade union and collective bargaining rights. Comprehensive labour law reform, in consultation with all social partners, was therefore necessary to bring the Brazil's legislation into conformity with the Convention.

The Government representative appreciated the leadership, firmness and serenity of the Chairperson in conducting the work of the Committee and expressed his gratitude to the countries and speakers who had expressed their support to Brazil and to the importance of improving the supervisory system for greater predictability, transparency and real tripartism. The Government had come prepared to dialogue and had presented technical arguments to prove the full consistency of the labour reform with ILO standards. The discussion had reinforced the belief that the debate on the reform was premature and he reaffirmed his concern about the improper use of the mechanism to serve other purposes than the mandate and objectives of the Organization, which should remain technical, impartial and objective in order to keep its effectiveness and legitimacy. He then reacted to some of the points brought forward in the discussion, reiterating that the labour reform was the result of many years of discussions on labour market challenges in Brazil due to the shortcomings of the labour legislation and to the malfunction of the labour courts. Such discussions had become even more urgent, in a context of hard economic crisis in recent years. The year 2016 had witnessed the highest unemployment rate ever recorded since the beginning of the series, in 1992, and an 82 per cent increase in the unemployment rate since 2012. The crisis had not been generated by the Government, which could not be held responsible for it, but the reform was part of the solution and was already producing results. Between January and April 2018, more than 310,000 formal jobs had been created, the largest volume in the previous five years. Although statistics had been presented to criticize the modernization of labour in Brazil, when comparing the quarter from February to April 2018 with the same period

from 2017, the unemployment rate had fallen 0.7 percentage points, repeating the trend recorded in the mobile quarter of January to March 2018, compared to the same quarter of 2017, when the reduction had been of 0.6 percentage points. He rejected claims that the reform made rights precarious. He affirmed that the reform was fighting informality, the worst form of precariousness, and allowed for new forms of employment with all the legal guarantees and constitutional rights, namely as it had increased by almost eight times the amount of the fine applied to companies failing to register their workers. With regard to article 444 of the CLT, the Committee of Experts' observation had no grounds as the Convention did not refer to individual contracts; moreover, Act No. 13.467/2017 only foresaw the application of such provision in exceptional cases, for workers with a higher education degree and with incomes at least two times higher than the ceiling for benefits of social security. The legal provision aimed at stimulating negotiations to best address the particular situation of such workers, usually not foreseen in collective agreements. While the previous legislation had already allowed for the differential treatment of those workers, the labour reform had set objective criteria for ensuring the provision would only apply to those with negotiation capacity, without prejudice to their rights. The reform had not weakened the unions, as the union contribution had not been eliminated and could still be deducted with the agreement of the worker or company. To promote the independence of trade unions from state funding, in line with the Convention, the obligation of every worker to contribute to a trade union had been abolished, but Brazilian unions could still rely on other sources of financing permitted by law. He also rejected that the reform had taken place without consulting workers, as a series of debates had been organized by the previous Minister of Labour, who had met in December 2016 the six main trade union confederations (*centrais sindicais*) and representatives of the major employers' confederations, to discuss the proposal prepared by the Ministry of Labour, which had subsequently been forwarded to the National Congress. During the legislative process in 2017, 17 public hearings, seven regional seminars and more than 40 meetings with interested stakeholders had been held in Parliament and in different States, leading to the approval of the Bill by a significant majority in Congress and later in the Senate. The labour reform Bill had received 1,340 amendments, one of the largest numbers in the entire history of the Brazilian Parliament. Of the 452 amendments accepted, 62 had been authored by opposition parliamentarians. Amendment number 150, which had been accepted, proposed the possibility to bargain collectively on daily hours of work, within the constitutional limits, the protection against unjustified dismissal in the event of reduction of hours of work and/or salary among other measures related to the strengthening of collective bargaining. The author of the amendment had underlined that it "resulted from the valuable contribution of the combative National Confederation of Commerce Workers (CNTC)", demonstrating the effective participation and acceptance of suggestions from workers. With regard to representation in the workplace, it had been a historical demand of the Brazilian trade union movement, foreseen for nearly 30 years in article 11 of the Constitution and regulated by the labour reform, in line with the provisions of ILO Convention No. 135. Workers' representatives in the company did not compete with the mandate of the unions. The number of collective agreements had been dropping since 2016, which suggested that it was more related to the effects of the economic crisis than to the labour reform. In addition, the same study quoted by the workers' representative indicated that there had been a qualitative change in the agreements signed, which evidenced the expansion of the scope of bargaining

and the concern to improve the representation at the workplace. Concerning pregnant women, the new rule had been designed to prevent discrimination in hiring women; it had been formulated by health workers' unions and defended by the female Congressional Caucus, and guaranteed the protection of maternal and infant health. Regulatory Standard No. 15 had a broad definition of an unhealthy workplace which included, for example, hospitals and airports, and the rule remained the protection of pregnant women. A 12-hour working day was only permitted if followed by 36 hours of compulsory rest, which, at the end of the week and month, represented less hours worked with no reduction in wages. The Committee of Experts had also made a serious mistake by considering that the law excluded the possibility of independent contractors to form unions and engage in collective bargaining. That was provided for in article 511, which dealt with trade union organizations and had not been altered by the new law. The purpose of article 442B was simply greater conceptual clarity and certainty about the elements that characterized the employment relationship, in line with ILO Recommendation No. 198, and as defined by article 3 of the CLT, unchanged by the reform. The Government representative rejected the Committee of Experts' comment that the Convention should apply to autonomous workers, since it did not provide a definition of "worker" for the purposes of application of the Convention, and the new legislation did not change the characterization of employment already present in the CLT. The Government had worked constructively and in respect for the common interest of all members of the Committee despite the shortcomings of the current process. He reiterated the call for all members to engage in an urgent, collective and effectively tripartite effort to reform the standards supervisory system.

**The Employer members** expressed appreciation for the detailed information provided by the Government representative, including with regard to the consultations that had taken place in connection with the labour law reform, and on the nature of the reform. Certain aspects of the discussion in the Committee had fallen outside the appropriate scope of the discussion on the application of the Convention. The Employer members were not able to conclude that Brazil was in violation of its obligations under the Convention as a result of the labour law reform. Modernizing labour law could be a difficult process leading to change and uncertainty. The discussion of the case had been premature. Article 4 of the Convention required the Government to encourage and promote voluntary negotiation between employers and workers' organizations, with a view to the regulation of terms and conditions of employment by means of collective agreements. That obligation should guide the consideration given to the information provided by the Government. With respect to the labour law reform, a mechanism that allowed collective agreements to prevail over provisions of law could be seen as promoting collective bargaining in law, by extending the scope of collective bargaining while also ensuring that the floor of rights in the Constitution remained respected. It could not constitute a violation of the obligation to promote voluntary bargaining in law. There was also no information available to support the assertion that the reform constituted a violation of the Convention in practice. There had been no objective assessment of the impact of the reform on the labour market and on collective bargaining. Evidence was therefore required in order to assess the impact it had had on the social partners' ability to engage in collective bargaining. The issue of the relationship between individual contracts and collective agreements could be further examined by taking into account the Employer members' view that workers also had contractual freedom and could not be bound by a collective agreement against their will. The issue of an individual contract prevailing

over national legislation was not within the scope of the application of the Convention. Certain other issues that had been raised during the discussion, such as maternity protection, were also not within the appropriate scope of the discussion. The Employer members encouraged the Government to provide information on the content and application of the labour law reform, in particular with respect to the extent to which the collective bargaining partners had made use of the possibility of negotiating collective agreements which workers had made use of the possibility to adopt individual contracts prevailing over collective agreements. The Employer members noted the Government's indication that the views of the Committee of Experts on autonomous or self-employed workers had been inaccurate. Accordingly, more information on the effect of the extension of the definition of an autonomous worker should be provided by the Government, as well as information on the impact it had had on the ability of those workers to represent their interests. The Employer members concluded by encouraging the Government's continued commitment to international labour standards, in cooperation and consultation with the national workers' and employers' organizations.

**The Worker members** expressed their deep disappointment at the remarks of the Government representative describing trade unions as political instruments, which would have done little to advance the rights of workers. The right to freedom of association was a prerequisite for the right to organize and bargain collectively. Regarding remarks on the ability of the Committee of Experts to assess Brazilian legislation taking into account the context of the country, they recalled that members of the Committee of Experts were appointed by the ILO Governing Body and that they were eminent legal experts from all regions of the world. They reiterated their deep respect for the work of that Committee. They also recalled that document D.1 on the working methods of the Conference Committee had been adopted by unanimous tripartite consensus. Governments had ample opportunity to participate in the Conference Committee and to complement the information included in the report of the Committee of Experts. They stressed that, as recalled in the preparatory work to Convention No. 154, collective bargaining was a process intended to improve the protection of workers provided for by law. As recognized in the ILO Constitution, in the Declaration of Philadelphia, in the 1998 Declaration on Fundamental Principles and Rights at Work and in the 2008 Social Justice Declaration, collective bargaining contributed to the establishment of just and equitable working conditions and other benefits, and thereby to social peace. That could not mean going below statutory minimum protections. That principle was well supported throughout many jurisdictions. For example, the Court of Justice of the European Union had established that collective bargaining agreements fell outside the scope of competition law provided that those agreements seek to adopt measures to improve conditions of work and employment. The European Court had even extended this principle in order to protect the right of workers who were falsely classified as self-employed to bargain collectively. The Worker members were deeply worried about the extensive and structural reform of the collective bargaining system adopted in 2017 and its grave consequences on the enjoyment and realization of the fundamental right to collective bargaining for workers in the country. In undertaking that reform, the Government had failed to duly take into account prior comments of the Committee of Experts in this regard. The social partners had merely been informed of those permanent and far-reaching changes, which would effectively lead to the breakdown of industrial relations. A comprehensive legislative reform process had to be undertaken in order to reverse the devastating

**Right to Organise and Collective Bargaining Convention, 1949 (No. 98)**  
*Greece (ratification: 1962)*

changes made. The Government should ensure that the legislation was in full conformity with Article 4 of the Convention. The legislative provisions with respect to the general possibility, by means of collective bargaining, to reduce the rights and protections afforded by the labour legislation for workers, had to be revoked. Moreover, the provisions permitting individual derogations from the law and from collective agreements for workers with a higher education diploma and earnings above a certain limit had to be repealed. The definition of an autonomous worker had to be revised to ensure that misclassified workers were not excluded from their right to organize and to bargain collectively. Given the absence of effective tripartite consultations during the legislative reform process, the Worker members urged the Government to engage the social partners in genuine negotiations within the framework of the national tripartite body. In this regard, they called on the Government to avail itself of ILO technical assistance in order to develop a time-bound roadmap for legislative reform. The Government should also accept a direct contacts mission before the next International Labour Conference in order to assess progress made. Finally, they believed that it was crucial that the case be included in a special paragraph of the report.

**Conclusions**

**The Committee took note of the written and oral information provided by the Government representative and the discussion that followed.**

**Taking into account the fact that the Committee of Experts examined this case outside of the regular reporting cycle, considering the Government's oral submissions to the Committee regarding the labour law reform and its compliance with its obligations under Convention No. 98, and the discussion that followed, the Committee recommends the Government to:**

- **provide information and analysis on the application of the principles of free and voluntary collective bargaining in the new labour law reform; and**
- **provide information on the tripartite consultations with the social partners regarding the labour law reform.**

**The Committee requests the Government to provide this information to the Committee of Experts before its November 2018 session.**

The Government representative noted that a clear majority of Committee members had undeniably expressed criticism for the working methods of the Committee of Experts on the Brazilian case. He urged the Committee of Experts and the Conference Committee to give full consideration to this important fact. The examination of the Brazilian case was in breach of the most basic principles of due process. A system allowing for this to happen, with no effective checks and balances, failed the purposes and objectives of the ILO. It also impaired the necessary strong and shared perception by member states and social partners that the system should function in a fair and equitable way, based on the technical merits of the cases. The system had failed on all those accounts. Its reform was a matter of urgency and necessity for the good of the Organization. His Government had presented robust arguments on the relevance and timeliness of the labour law modernization, which was creating more jobs, formalizing important sectors of the economy, preserving labour rights and promoting collective bargaining in full compliance with the country's international obligations and in particular Convention No. 98. While thanking the majority of the Committee for their parliamentary behaviour, the speaker regretted that some members had passed judgement on issues that had no bearing on the work of the Committee. This was yet another example of the politicization of the Committee which should not be accepted. His country rejected any attacks on its institutions. Over the last two years, Brazil had faced a

political crisis and an economic recession. It had implemented important economic and labour reforms, enacted key legislation and promoted positive change. Democracy was alive, civil society was vibrant, political debate was in full force, the rule of law was in place and strong and the judiciary remained fully independent. As to the conclusions agreed solely by the social partners, of which he had just been informed, they were yet another example of the flawed working methods of the Committee which lacked tripartite consensus. If information on the case was incomplete, this was not due to a lack of political engagement on behalf of his Government. It was rather a matter of reality imposing itself as the reform was only six months old and facts could not and, above all, should not be fabricated. Concerning the reference to consultations, the focus of the discussion should be the application of Convention No. 98 and any issue pertaining to other conventions should evidently be dealt with according to the relevant reporting cycles. The speaker concluded by indicating that his Government would examine the text of the conclusions that had just been submitted to him and, if appropriate, provide a response in due course.

**GREECE (ratification: 1962)**

A Government representative, Minister of Labour, Social Security and Social Solidarity, stated that the late submission of the country's report had been due to human resources constraints and administrative changes at the Ministry of Labour pursuant to ILO recommendations, under the ongoing technical assistance project on labour administration. Nevertheless, the Government had managed to submit all reports requested under article 22 of the ILO Constitution for 2017, along with the report requested under article 19 and all questionnaires on the preparation of the items of the present session of the Conference, as well as the country's response to the Committee of Experts' comments regarding the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), due in 2018. She emphasized that the current Government had promoted collective bargaining and fostered social dialogue. The restoration of two key principles of collective bargaining (the extension principle and the principle of favourability) had been set as a top priority by the Ministry of Labour, since those had been suspended by the previous government in 2011. Indeed, the Government had set collective labour rights at the epicentre of its growth strategy, in order for workers to pursue, through negotiations, a fair share of the wealth produced. The Government had been involved in long and tough negotiations with its creditors, namely the European Institutions and the International Monetary Fund (IMF), who strongly believed that a coordinated system of collective bargaining would hinder the country's return to growth and prevent unemployment from dropping. Finally, the Government's persistence to restore the system of collective bargaining had been successful, after many months of negotiations. Legislation, entering into force in August 2018, had already been adopted, restoring the two abovementioned fundamental principles. The speaker considered that, even more important than the legislation itself, was the political mobilization that had taken place on the issue in 2017, and during the negotiations with the country's creditors for the need to restore the collective bargaining system. Under the second round of negotiations, labour market issues had been strongly debated, due to efforts to address the points raised by the Committee of Experts. The Government had been supported by the International Trade Union Confederation (ITUC), the European Trade Union Confederation (ETUC), several members of the European Parliament, the President of the European Commission and the ILO. The issue of collective bargaining had become emblematic, identified as part of the core of the European

social model and it was therefore surprising that, after such efforts, the Government had been called upon to provide explanations for the violation of the Convention. For the past eight years, Greece had been under successive Economic Adjustment Programmes, a funding package from the Troika, consisting of the European Commission, the European Central Bank (ECB) and the IMF. As part of the conditions for receiving funding, the country had signed a Memoranda of Understanding (MoU) with the above creditors, under the terms of undertaking specific legislative, economic and political reforms. The reform package had been applied from 2010 to 2014 and aimed at reducing labour costs, not only by wage cuts, but also by imposing general restrictions on labour rights. In order to achieve the required internal devaluation, a number of severe measures had been adopted during that period, dismantling core elements of the Greek employment protection system. The result was severe deregulation of the labour market and of the legal framework, leading to violations of the Convention. More specifically, the reforms adopted in 2011 had led to the abolition of the extension and favourability principles, as well as to limitations on the time extension and after-effect of collective agreements. As a result, collective bargaining had stopped being a reality in the country. Bargaining coordination had dropped, earning inequality and low-pay incidence had increased significantly. At the same time, bargaining coverage had declined from approximately 85 per cent to less than 30 per cent of the workforce. Individual contracts without the protection of collective bargaining had been the largest share of the working population's employment reality. Accordingly, real annual salaries had decreased by 18 per cent and part-time work rose by 28 per cent. However, those policies had not been able to effectively contain rising unemployment, which had reached 27.9 per cent in general and around 60 per cent among the youth. The Greek system of collective bargaining had experienced a "disorganized decentralization". Trust among the social partners, and between the social partners and the State had been considerably and negatively affected. That had been the reality that the Government had tried to reverse, in 2015, when a change of paradigm had taken place in Greece with a new Government focused on social rights. The new Government's objective had been to alleviate the major humanitarian crisis that had led to the collapse of the Greek society between 2010 and 2014, and to pursue the recovery of the economy by reducing the high unemployment rate and empowering the workforce. The above negotiations had indeed resulted in the restoration of the extension of collective agreements and the favourability principle. As already noted, the restoration of those principles had been legislated since May 2017 and would enter into force in August 2018. The last technical details had been agreed upon with the social partners recently, leaving no doubt that collective bargaining would be reinstated in the country in August 2018.

Moving on to the issue regarding the arbitration system in Greece, she recalled that arbitration had always been a part of the Greek legal framework for resolving collective disputes. Article 22, paragraph 2, of the Greek Constitution provided that the general working conditions shall be determined by law, supplemented by collective agreements, and when free collective bargaining failed, by rules determined by arbitration. Since 1990, that system had been entrusted to an autonomous organization called Organization for Mediation and Arbitration (OMED), governed fully by the social partners. The Government was aware that the Committee of Experts had stated many times that the right of unilateral recourse to arbitration had not been considered compatible with the Convention. Nonetheless, the specific requirements of the Greek Constitution, as well as the repeated rulings of the Greek Supreme Courts, had to be respected by the Government. The Supreme Courts had ruled

that the Convention's provisions and guidelines had already been implemented through the provisions of the Greek Constitution for free bargaining and arbitration and that there was no issue with respect to compatibility. In 2012, when the former Government had tried to abolish the unilateral recourse to compulsory arbitration, the full plenary of the Council of State had cancelled, in 2014, the abolition, ruling that it contradicted the provisions of the Greek Constitution. Furthermore, according to ruling No. 2307/2014 in Greece: (a) the establishment of an arbitration system was a constitutional obligation; (b) unilateral recourse to arbitration was also a constitutional right; and (c) the scope of arbitral decisions should cover all issues that could be negotiated during collective bargaining and could not be limited only to the determination of wages. Pursuant to those constitutional obligations, the existing legal framework provided that the right of unilateral recourse to arbitration was only given to either party when: (i) the other party refused to participate in the mediation process; or (ii) after the submission of the mediator's proposal. That meant that the right could only be exercised when all possibilities for free negotiations had been exhausted. In addition, a number of other provisions also restricted the role of arbitration in order to foster free collective bargaining, such as the establishment of a second degree arbitration (on appeal). That appeal would be examined by a five-member Commission, consisting of two arbitrators, two Supreme Court judges (from the Council of State and Areios Pagos) and one Counsellor of the Legal Council of the State. Moreover, mediators' proposals as well as arbitral decisions had to be fully justified and documented. Further, the judicial control of arbitral decisions had been increased and strengthened. Finally, in light of the provisions of the Convention, as well as the requirements of the Greek Constitution, the Government had recently initiated a tripartite dialogue on the basis of an independent expert's study on mediation and arbitration in collective bargaining. Following the tripartite dialogue, the Ministry of Labour was planning to introduce further amendments to arbitration, with a view to further enhancing free bargaining and good-faith negotiations between the parties and strengthening the mediation procedure. Through such amendments to the mediation procedure, free collective bargaining was expected to be further enhanced and arbitration would be limited to playing a supplementary role, in line with the Committee of Experts' recommendations, while preserving the constitutional particularities of Greece. She concluded by emphasizing the importance that the current Government gave to collective bargaining and to social dialogue. Under extremely hard conditions, the Government was reinstating a coordinated system of collective bargaining and guaranteeing the necessary legal requirements to foster social dialogue.

**The Worker members** regretted that the Government had failed to discharge its reporting obligations, which was a sine qua non condition for the effective monitoring of the application of ILO standards. Referring to the observation of the Committee of Experts, they recalled that, bearing in mind that small enterprises were in the majority in the Greek labour market, abandoning the favourability principle (Act No. 3845/2010), taken together with the possibility for "associations of persons" to conclude a collective agreement at enterprise level, even if the association was not a trade union (Act No. 4024/2011), had seriously detrimental effects for the whole basis of collective bargaining in the country. The figures cited in the report of the Committee of Experts were enlightening in that respect: of the 409 collective agreements concluded in 2013, 218 had been concluded by associations of persons and only 191 by trade unions. The right to collective bargaining guaranteed in Article 4 of the Convention was a right intended for workers' organizations, and it was clear that associations

of persons were not workers' organizations in the proper sense. When the Committee of Experts had made observations previously, the Government had explained that an association of persons was created independently of the total number of workers and for a specific period of time; that three-fifths of workers at the enterprise level at least were required to create such an association; and that those workers were protected against anti-union dismissal and could take strike action. The Worker members did not consider those explanations very convincing. Admittedly, Collective Agreements Recommendation, 1951 (No. 91), provided that, in the absence of workers' organizations, the representatives of the workers duly elected and authorized by them in accordance with national laws and regulations could conclude collective agreements. However, the preparatory work for that Recommendation showed that the possibility had been included so as to take into account the situation in countries where trade unions were not sufficiently well developed and to ensure that the principles set out in the Recommendation could be applied in those countries. Greece was certainly not a country where trade unions were insufficiently well developed, and its national legislation provided that the representation of workers in small and medium-sized enterprises (SMEs) was through sectoral unions. They also referred to the Collective Bargaining Convention, 1981 (No. 154), ratified by Greece, Article 3(2) of which provided that appropriate measures shall be taken, wherever necessary, to ensure that the existence of non-union representatives was not used to undermine the position of the workers' organizations concerned. There were three consequences of that: (i) ILO principles and standards implied that States were required to promote and develop collective bargaining; (ii) such bargaining must be carried out at a level that allowed the participation of workers' organizations; and (iii) the fact of providing in law that enterprise-level agreements could derogate from sectoral and national agreements, in a context where trade unions were not present at the enterprise level, constituted a violation of ILO Conventions and Recommendations.

They underlined that the Committee on Freedom of Association had observed, in cases concerning Spain and Greece, that "the elaboration of procedures systematically favouring decentralized bargaining of exclusionary provisions that are less favourable than the provisions at a higher level can lead to a global destabilization of collective bargaining machinery and of workers' and employers' organizations and constitutes in this regard a weakening of freedom of association and collective bargaining contrary to the principles of Conventions Nos 87 and 98". It was therefore the responsibility of the Government to take the appropriate measures for the effective promotion of the right to collective bargaining with workers' organizations. Regarding recourse to the compulsory arbitration procedure, they considered that the nature of the current system had the effect of strengthening the position of employers by allowing them not to participate in the dispute settlement procedures. The Government was therefore requested, in the response it would provide to the decision of the Council of State deeming the suppression of the unilateral recourse to arbitration unconstitutional, to adopt an approach consistent with the restoration of effective collective bargaining machinery. With respect to the issue of protection against anti-union dismissal raised in the Committee of Expert's observation, they considered that it fell within the scope of the implementation of flexible forms of work (flexibility in the power of enterprise management to terminate full-time employment contracts, the unilateral imposition of reduced working hours, the longer period for the authorized use of temporary agency work, the extension of the probationary period and of the maximum period for fixed-term contracts). All those measures made work-

ers more vulnerable to unfair practices and unjustified dismissal. It was therefore necessary for measures to be taken to ensure that workers benefited from adequate protection against discriminatory practices that undermined their trade union rights. In conclusion, they noted that the question of the decentralization of collective bargaining and the role played by associations was not only the responsibility of the Government. They were conditional measures, or diktats, imposed on Greece since 2010 in the negotiations with the European Commission, the European Central Bank and the IMF. It should be noted that the completion of the adjustment programme in no way implied the end of the conditional measures imposed by the creditors, who had reaffirmed that Greece would remain under strict surveillance. The examination of the case offered an opportunity for the Worker members to recall that the logic of austerity, with all its dramatic consequences on workers and societies, was incompatible with the fundamental standards and principles of the ILO.

**The Employer members** stated that they shared the concern of the Worker members and of the Committee of Experts that the Government had not submitted a report to the Committee of Experts in time for that Committee to fully consider the issue. That limited the Conference Committee's ability to consider recent information. The Convention required that measures appropriate to national conditions be taken to encourage and promote the full development and utilization of machinery for voluntary negotiation between employers or employers' organizations and workers' organizations, with a view to the regulation of terms and conditions of employment by means of collective agreements. Referring to the decision of the Council of State on the unconstitutionality of the provision in Act No. 4046 of 14 February 2012 providing for the suppression of unilateral recourse to compulsory arbitration, the Employer members indicated that the Government appeared to be encouraging the use of compulsory arbitration as a replacement for voluntary negotiation. The Committee of Experts had noted the issues raised by the Hellenic Federation of Enterprises and Industries (SEV) and its concern regarding the Government's insistence in keeping regulations allowing unilateral recourse to compulsory arbitration to circumvent collective bargaining. The Employer members expressed their concern that no response had been provided to the concerns raised by the SEV. The Employer members expressed surprise that the Government had indicated that one of its top priorities was the restoration of a collective bargaining system, as the Government had also indicated that arbitration had always been a part of the Greek legal system, even if the Committee of Experts had made numerous observations that a system of compulsory arbitration did not meet the obligation under the Convention. The Government had stated that it considered the decision of the Council of State in light of the Greek Constitution. The Government's statement appeared to imply that it had discharged its obligations under the Convention, as a result of recent amendments, and that the onus then fell on workers' and employers' organizations. Compulsory arbitration had a distortionary impact on the labour market and could materially affect the outcome of negotiations. In 1978, the mission report of the International Programme for the Improvement of Working Conditions and the Environment (PIACT) concerning Greece had stated that systematic recourse to compulsory arbitration resulted not only in excluding the establishment of a tradition of dialogue between the social partners, but also in deterring the labour organizations from designing policy. The prediction that systematic recourse to compulsory arbitration would stifle collective bargaining had been accurate.

The Employer members disagreed with the Worker members' assertion that the status quo favoured employers

in the country. However, they agreed that the Government should reinstate effective collective bargaining mechanisms. Legislative provisions that allowed either party to unilaterally request compulsory arbitration for the settlement of a dispute or collective agreement did not promote voluntary collective bargaining, stifled collective bargaining and were contrary to the Convention. The Employer members urged the Government to ensure that neither a decision of a national court nor any legislative amendments imposed compulsory arbitration for the settlement of disputes or collective agreements as the normal course. They further called on the Government to discuss the existing arbitration system with the social partners with a view to achieving compliance with international labour standards. Full and robust social dialogue with workers' and employers' organizations at the national level was necessary to resolve the concerns identified on the use of compulsory arbitration, including its scope. Lastly, the Employer members called on the Government to take immediate measures in that respect and to provide a full report on the measures taken to the Committee of Experts in advance of its session in 2018.

**The Worker member of Greece** expressed appreciation for the support provided by the ILO in supervising compliance with labour standards and providing technical assistance and noted that the Government had not resolved human resources issues in the country leading to non-compliance with its ILO reporting obligations. Collective bargaining destabilized by repeated statutory limitations had still not been effectively restituted and the significant interventions in the voluntary nature of collective bargaining and in the principle of the inviolability of freely concluded collective agreements, raised by the Committee on Freedom of Association, had not been effectively addressed. A number of issues were at stake, including the statutory infringement to set the minimum wage at poverty levels and further reduce it for young workers; the evisceration of the National General Collective Agreement (NGCA) by removing the right of its signatory social partners to bargain collectively; erosion of sectoral collective bargaining; annulment of fundamental principles protecting terms of pay and work, such as the extension of collective agreements and the favourability principle; and conferral to non-elected associations of persons the ability to conclude binding enterprise-level agreements. Those measures had deprived the social partners of the fundamental right and means to advance and defend their economic and social interests, resulting in a decline in collective bargaining coverage from over 80 per cent of the workforce to just over 30 per cent. Furthermore, successive measures had wiped out remaining institutional safeguards that had been ensuring a level playing field in labour markets, bearing upon collective dismissals, pension cuts and the right to strike, and the authorities had ignored the strong appeal by the Committee on Freedom of Association to review, with the social partners, all the contested measures and their impact. To address the adverse cumulative impact of the measures on the exercise of the right to bargain collectively and conclude collective agreements, it was necessary to ensure the unequivocal compliance of domestic law and practice with the Convention and the national constitutional order. Although the adoption of section 5 of Act No. 4475/2017, reinstating the extension of collective agreements and the favourability principle, was welcomed, the Government had undertaken to streamline and codify existing labour law which implied the consolidation and perpetuation of all prejudicial legislation since 2010, including provisions that overtly violated the Convention. With regard to the arbitration procedure, the Government did not fully comply with the decision of the Plenary of the Council of State No. 2307/2014 and the nature of the existing system was mainly subsidiary. The la-

bour market was fully deregulated, workers suffered significant institutional disadvantage and abusive employer practices hindered the conclusion of collective agreements, for instance, employers avoided participation or denied their designation as an employer organization. In 2013, the Committee had requested the Government to establish a functioning model of social dialogue to promote collective bargaining but tripartite social dialogue had degenerated into a superficial fragmented procedure and any existing dialogue should be credited only to the social partners and the ILO. Consequently, the Committee was called on to: reaffirm previous recommendations and conclusions by the ILO supervisory bodies and request the tripartite review of the mentioned measures based on their impact assessment, with a view to rendering legislation and practice compatible with the rights enshrined in the Convention; emphasize that collective bargaining institutions could not be effectively restored without repealing all statutory interventions that violated the Convention, including associations of persons, and section 2(7) of Act No. 3845/2010 derogating the scope of collective agreements; reiterate that public authorities should refrain from any interference restricting the right to free collective bargaining or impeding its lawful exercise; and renew its emphasis on the need to reinstate the standing and practice of tripartite social dialogue, urging the State to respect the autonomy and the representativeness of the social partners, as well as collective bargaining outcomes.

**The Employer member of Greece** recalled the two main issues discussed: firstly, enterprise-level collective agreements and associations of persons and secondly, the issue of compulsory arbitration. With regard to the competence of associations of persons to represent workers at the level of an enterprise where a trade union did not exist, such measures were in full accordance with ILO standards, actively promoted collective bargaining and social dialogue and should therefore not be changed. Special regulations allowing trade union sections in small companies would, in the country's specific context, be seen as a Government intervention in the way workers organized of their own free will and there should thus be no legislative amendments, irrespective of whether a favourability principle existed in the laws or not. The existing system, to the extent that it included unilateral recourse to compulsory arbitration, had been found by ILO supervisory bodies to be against ILO standards. The arbitration system was dominant and central in Greek industrial relations but recourse to compulsory arbitration stifled the development of collective negotiations and in practice caused an absence of industrial action and the development of collective bargaining. Although from an employer's viewpoint, practically eliminating industrial action might appear as positive, near-zero strikes on salary issues was a symptom that the system had consistently provided easy solutions accommodating the workers' side and constituted a fundamental distortion of the collective bargaining environment. Such a distorted environment was one of the main reasons explaining why social dialogue between workers and employers had been almost non-existent in the past ten years. Act No. 4303/2014 adopted after the 2014 Council of State decision had reinstated compulsory arbitration but it was essentially the same as the previous laws that had been found by ILO bodies to infringe the Convention and the Government intended to keep it that way. However, even in the framework of that decision, the situation could be improved drastically by adjusting the scope of compulsory arbitration to be as close as possible to ILO standards. The proposal was for compulsory arbitration to be accepted as the ultimate measure for resolving collective disputes strictly in the following cases: (1) where the employer was an entity belonging to the administration of the State where it provided essential services; (2) in sectors of the economy where the resolution of a collective

dispute was necessary for reasons of public interest that was at risk at the moment of the dispute – apart from general government and essential services, a collective dispute at the enterprise or occupational level could not be conceived as putting at risk the public interest and compulsory arbitration should thus not be allowed for disputes at those levels; for sectoral, regional or national-level disputes, the risk of public interest should be proven, if it was to merit recourse to compulsory arbitration; (3) if one of the parties refused in bad faith to enter into negotiations; and (4) if negotiations had definitively failed and such failure had been proven by several cumulative conditions (at least one year had passed since the expiry of the previous collective agreement; the minutes of negotiations showed that one side refused to accept the realistic proposals of the other; and all means of union pressure had been used). Unilateral recourse to compulsory arbitration was thus not acceptable if strike action had not been undertaken to exert pressure on the employer. Although the proposal would not achieve full compliance with ILO standards, it could present significant improvement as an interim measure, until an opportunity arose to settle the matter at the level of the Constitution or its interpretation. Furthermore, substantial improvements should be made in the existing framework of the OMED, including procedures to establish true representativeness for both sides of the dispute, strong safeguards for ensuring independence and professional qualification of arbitrators and mediators, standards for decisions to be adequately substantiated concerning their economic impact and full-scale self-government of the OMED by the social partners regarding its administrative or legal setup, funding and internal processes of arbitration and mediation. In December 2017, the SEV had extended to the General Confederation of Greek Workers (GSEE) a formal invitation to discuss a brand-new arbitration system but since the GSEE had expressed the wish to return to the initial system that had existed before the crisis and to abolish the reforms of Act No. 4303/2014, which had brought back compulsory arbitration but had some marginal improvements over the old system, the discussion had not continued. As for the Government, it lacked any willingness to make the slightest move in the indicated direction, as demonstrated by the absence of any reference to the proposed changes in a technical document drafted with the country's creditors, which thus represented an explicit demonstration by the Government to continue flouting the Convention, as well as Convention No. 154 for the foreseeable future. To conclude, the speaker suggested that if the Government was sincere about reviving collective bargaining, it should start by taking steps to comply with the Convention and if the workers believed in free collective bargaining as the main pillar for effective social dialogue, they should find the courage to denounce compulsory arbitration.

**The Worker member of the United Kingdom** recalled that the ability for independent trade unions and employers to engage in free collective bargaining to defend and promote their members' interest was a core value of the ILO. Effective collective bargaining systems ensured that workers and employers had an equal say in negotiations and that the outcomes were fair and equitable. It was deeply regrettable that labour law reforms introduced since 2010 at the request of Greece's creditors and the Troika had led to the dismantling of collective bargaining machinery and significantly weakened the position of workers in the labour market, depriving them of the institutional means needed to address economic hardship. In 2012, the national minimum wage – which had previously been set by collective bargaining, and had provided a safety net for low-paid workers – was substantially reduced. The collective bargaining system had been seriously weakened with the removal of mechanisms for the extension of sectoral-level agreements and precedence being given to enterprise-level agreements.

Reforms had also limited the duration and content of collective agreements, as well as their effect on individual contracts after their expiry and imposed severe restrictions on the right for parties unilaterally to request arbitration. Those measures had discouraged free collective bargaining as they permitted employers to impose lower wages and worse working conditions and compelled trade unions to either accept employers' terms or risk even greater salary losses and fewer negotiating rights. Moreover, there was no guarantee that lower salaries agreed at a sectoral level would not be further reduced through the proliferation of less favourable enterprise-level agreements. The dismantling of collective bargaining institutions, the accompanying wage suppression and other austerity measures had had wide-ranging impacts, including a dramatic increase in the risk of poverty or social exclusion. Consequently, the speaker called upon the Government to refrain from interfering with the collective autonomy of the social partners and reinstate the collective bargaining machinery as a matter of urgency.

**The Employer member of Spain** indicated that non-compliance of a Member State of the European Union with ILO standards for so many decades was worrying, not only for the Greek employers. The crisis of recent years had shown the interconnection between the economies of European countries. In periods of crisis it was all the more important for social partners to have a shared understanding of the problems in each country, as it was not possible to achieve results without such collective understanding and sharing the responsibility for the solution. The lack of a culture of effective collective negotiations was probably one of the reasons for the delay in approving structural reforms. Social dialogue could not be built instantaneously but needed preconditions and was based on the gradual building of mutual trust and respect among social partners engaging in continuous exchanges through collective negotiations. True social dialogue would be beneficial both to the Greek economy and to other partners in the European Union. Moreover, compulsory arbitration was contrary to the *acquis communautaire*. The ETUC had reiterated that the requirement for compulsory arbitration to be abolished raised no misgivings and that its abolition would bring the situation in line with ILO Conventions and the European Social Charter. In conclusion, there was support for the proposals of the SEV to urge the Government to comply with ILO and European standards.

**The Worker member of Germany** indicated that the reforms adopted by Greece since 2010 had been in conflict with the Convention. Under pressure from the Troika, the Government had weakened the validity of the NGCA and replaced negotiations of the social partners on minimum wage setting by legislation. The Government had also eliminated the favourability principle and weakened enterprise collective agreements. The negotiating position of the independent trade unions had been undermined by allowing associations of persons to act and negotiate as workers' representatives. The devastating effects of the decentralization of collective bargaining were undeniable. Enterprise collective agreements had become the predominant form of collective bargaining, accounting for over 90 per cent of all agreements in 2015. Almost half of them had been negotiated with associations of persons. The number of sectoral collective agreements had fallen from 65 in 2010 to only 12 in 2015. In view of the disproportionate number of small and micro-enterprises in Greece, coverage under collective bargaining agreements had decreased from 85 per cent before the crisis to an estimated 10 per cent in 2016. Wage cuts were highest where negotiations were carried out at the enterprise level and with associations of persons rather than with representative unions. Dialogue through collective bargaining had become difficult or in some instances had completely stopped. The continuation of that

situation put at risk collective rights and the democratic participation of workers. Therefore, the speaker called upon the Government to restore the institutional framework as soon as possible, so that a functioning social partnership and free collective bargaining could be guaranteed at all levels, in particular at the enterprise and national levels. Furthermore, the representation of workers' interests by associations of persons instead of by trade unions should be legally prohibited. The speaker called on the Member States of the European Union to support Greece in re-establishing a peaceful society and rebuilding a democratic and fair collective bargaining system.

**The Worker member of France** considered it regrettable that the economic adjustment programmes implemented in Greece for a number of years had overlooked effective social dialogue, an observation shared by the Workers and Employers. Despite the repeated recommendations of the supervisory bodies, the only effective social dialogue formats were those involving the presence of the ILO in the context of technical assistance. Bipartite agreements between workers and employers were quite simply ignored and measures relating to labour law and collective bargaining had been taken without any consultation with the social partners. The social partners had clearly called for the re-establishment of social dialogue in the framework of an agreement on general collective bargaining in March 2018, a request that had already been made in joint statements in 2015 and 2016. Although Greece had ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), the social partners were not even invited to work on the reports due from Greece. She called for the restoration of tripartite social dialogue in a structured framework, with procedures that respected the experience and knowledge of the social partners.

**The Employer member of France** said that the question of compulsory arbitration in Greece should be examined in light of Conventions Nos 98 and 154, both of which had been ratified by Greece, as well as the Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92), and the Collective Bargaining Recommendation, 1981 (No. 163). Unilateral recourse to arbitration was a persistent problem and was contrary to the fundamental principles of the ILO. In brief, Greek legislation established the right to initiate a mediation process without the consent of the other party, and then an arbitration process, if a collective agreement was not concluded. The arbitration award was then regarded as a collective agreement which had been concluded in the normal manner, even in the absence of agreement between the parties, and had the same binding effect as a collective agreement. He noted that there were evident legal inconsistencies between the above instruments and the national law, and emphasized that the Government had not responded to concerns expressed by the SEV that unilateral recourse to compulsory arbitration was stifling collective bargaining. It was time for the Government to take measures to ensure the conformity of the law with ILO Conventions, as history had shown that the compulsory arbitration system, by its very nature, undermined collective bargaining, which was a fundamental principle of social dialogue.

**The Worker member of Portugal** also speaking on behalf of the Trade Union Confederation of Workers' Commissions (CCOO) and the General Workers' Union of Spain (UGT-Y), stated that the labour market restructuring explicitly imposed by Greece's creditors violated core ILO Conventions and deprived workers of institutional means to defend themselves and to bargain collectively. Combined with a sizeable informal economy, the dismantling of collective bargaining magnified the negative cumulative impact on employment, exacerbated already existing disparities and severely compromised the right to work. Statistics were provided on the unemployment rate in the

country which, despite a recent decrease, amounted to the highest in the European Union. Unemployment was often long-term and touched over 1 million people, in particular young people, showing that it increasingly acquired structural characteristics. Furthermore, while full time jobs decreased, the number of part-time workers, rotation and shift jobs – the so called flexible forms of employment – increased and such precarious jobs could not contribute to sustainable job growth. The deregulation of labour relations had thus led to the worsening of the basic protection indicators of employment and a dramatic increase of enterprise-level collective bargaining agreements.

**The Worker member of Sweden** speaking on behalf of the ETUC, stated that the rule of law could only be upheld if member States complied with international legal standards, even in times of economic difficulties. The case concerned human rights. The collective bargaining system in Greece had been radically restricted and dismantled, leading to violations. Greek trade unions had taken various legal measures with a view to reinstating the industrial relations system and the right to collective bargaining as well as the guarantee and enforcement of agreements. As a result, since 2011, national courts, international supervisory bodies and special procedures had identified violations of international standards on human rights, including labour and social security rights. Such bodies had expressed deep concern regarding the impact of austerity measures and deep regret when their recommendations had not been followed. Nonetheless, there had been no progress regarding respect in practice for the rights guaranteed in the Convention. That included the decision to establish the minimum wage by law without bargaining with the social partners and allowing enterprise agreements to be concluded with associations of persons that did not have guarantees with regard to elections and representativeness. The ETUC had criticised austerity measures and had expressed its solidarity and support for the GSEE, asking the Government to proceed in full and frank dialogue with that Confederation. Human rights needed to be guaranteed and respected. The speaker concluded by urging the Government to take the necessary measures in order to comply with the Convention, including through amending its legislation.

**An observer representing Public Services International (PSI) and Education International (EI)** regretted that once again the Government had not submitted its report to the Committee of Experts, thus avoiding its obligations under the ILO Constitution and Conventions. That prevented an honest discussion regarding the public sector, where the enforcement of the Memoranda of 2010 was having devastating consequences. There were no collective bargaining agreements in the public sector in Greece, including in public education. It was to be recalled that in Greece over 95 per cent of schools were public and teachers' salaries and working rights were determined by regulations of the Ministry of Finance and the Ministry of Labour. Equal rules applied to all public servants across all public sectors. All collective bargaining agreements had been abolished since the enforcement of the Memoranda of 2010 and replaced by individual contracts of employment. However, even before the enforcement of the Memoranda, the salary increases for all public servants were unilaterally decided by the State without any consultation. With regard to teachers, some further increases had been given after large-scale strikes and mobilizations. But in the last one, the Ministry of Education had issued civil mobilization orders for teachers, abolishing de facto their right to strike, a decision that had later been supported by the courts. Social dialogue did not exist anymore. For instance, while the Federation of Secondary School Teachers (OLME) participated in the National Council of Education and had to be invited in the Committee for Education Affairs of the Parliament to be consulted on every new legislative act put forth, the State

was not required to take into consideration the OLME's views. In 44 years of union action some form of dialogue had been established between the union and the sole employer of public school teachers in Greece, the Ministry of Education. Yet, that dialogue could not be defined as "social dialogue" in the strict sense because it did not lead to an agreement between both parties. True social dialogue needed to be genuine, meaningful and effective.

The Government representative reiterated that the extension principle and the principle of favourability that had been suspended since 2010 and 2011 respectively, would be restored in August 2018, after the exit from the economic adjustment programme. Furthermore, it was not true that supervision would be strict after exiting the programme; on the contrary, it would be limited only to the achievement of fiscal targets. In the current Government's view, both principles were extremely important for a stable, effective and coordinated system of collective bargaining, and that had been the reason for the Government's insistence on their restoration. The principles reversed the power imbalance between the parties; fostered social dialogue and incentivized the parties to engage in it; they unified rules and created a level playing field; they reduced income inequality and achieved a fair distribution of national income. Supplementary to the restoration of collective bargaining principles, a rise in minimum wage was under way. Moreover, there were a number of economic/efficiency benefits in having coordinated collective bargaining structures, such as reduction in transaction costs, higher productivity, lower unemployment and social peace. Hence, the re-establishment of an organized and fully functioning system of free collective bargaining had always been and still remained at the core of the holistic growth strategy that the Government had drafted and presented to the Eurogroup the past month. The strategy was based on a model of socially fair and sustainable growth, in which social rights were prerequisites, not bottlenecks, to economic growth. To this end, she recalled the support the Government had received in its efforts there had been the following: (a) a joint statement by the European Commission President, Mr Jean-Claude Juncker, and the Greek Prime Minister in May 2015; (b) a press release statements and letters to the President of the European Commission by a number of members of the European Parliament in December 2016; (c) a statement by ETUC in 2016; and (d) a joint press release by ETUC and ITUC in 2017, whereas the National Workers' Confederation (GSEE) remained silent.

Regarding the issue of unilateral recourse to compulsory arbitration, the Government planned to introduce some further amendments to arbitration with a view to enhancing free bargaining and good-faith negotiations between the parties. The amendments included the following: (1) the mediator would have the ability to refrain from any proposal, blocking temporally the path to arbitration, if it was reasonably believed that there was still room for negotiation in good faith between the parties. In such a case, the parties would return to direct negotiations; and (2) unilateral recourse to compulsory arbitration would be only permitted: (i) to whichever party had come to mediation, if the other party had refused to participate; or (ii) to whichever party had accepted the mediator's proposal, which the other party had rejected. The first condition penalized the party that had shown bad faith by refusing to participate in the mediation process, while the second ensured that the right of unilateral recourse to compulsory arbitration was only given to the party that had shown good faith and a consensual behaviour by accepting the mediator's final proposal. She questioned the Employer members' argument that arbitration undermined collective bargaining and pointed out that statistical data proved that mediation and arbitration had a supplementary role to collective bargaining. Arbitral decisions in general represented only a small

part of the total collective bargaining agreements. In particular, during the past 28 years the average rate of arbitral decisions had been 12 per cent. Since 2014, only 7.7 per cent of collective disputes had led to mediation and only 2.3 per cent of them had been resolved with an arbitral decision. Finally, over 55 per cent of the cases which had led to mediation and arbitration, had been resolved on the basis of consensus by the parties without the need of an arbitral decision. She also reiterated that the amendments to the arbitration processes had been decided following extensive tripartite dialogue which had included the SEV. A few of the proposals submitted by the SEV had been taken on board, while the majority had been considered contrary to both the Greek Constitution and the Council of State's ruling previously mentioned. The Government was however proceeding to limit the scope of unilateral recourse to arbitration. She concluded that the above proved the Government's goal, strategy and priorities to enhance workers' bargaining power, increase their income and thus set the preconditions for a socially fair and inclusive growth. It was important that those preconditions had been set, as the Greek economy was entering a phase of strong recovery. Recession was behind and the country had returned to positive growth rates. The Government had taken all the measures for the new growth model to become a reality. It was now up to the social partners to use in good faith the tools given to them, and to proceed with collective agreements that would serve social peace and promote social justice.

The Employer members recalled that several speakers had highlighted the lack of social dialogue at the national level. They had noted with concern that the Government's intervention suggested a resistance to adopting measures to come into full compliance with the Convention with respect to the issue of compulsory arbitration. The Employer members further reiterated their concern that the Government had not submitted a report on the application of the Convention to the Committee of Experts. While statistical information had been provided to the Conference Committee, it was necessary that the information be submitted to the Committee of Experts. Referring to the obligation under Article 4 of the Convention to encourage and promote the full development and utilization of machinery for voluntary negotiation, it was stated that the use of recourse to compulsory arbitration in the Greek system did not promote voluntary negotiation and that the Committee of Experts had repeatedly stated that regular and repeated recourse to compulsory arbitration was not consistent with the obligations in the Convention. It was the Employer members' position that compulsory arbitration was not compatible with Article 4 of the Convention, and that existing law and practice in Greece did not seem to be justified by any acceptable exception. Therefore, the Government should introduce changes that banned unilateral recourse to compulsory arbitration, in line with the requirements of the Convention. The Government's reference to the ruling of the Council of State on constitutional obligations was not a complete answer to that issue. The Employer members urged the Government to re-establish without delay the ban on unilateral recourse to compulsory arbitration, requested it to report to the Committee of Experts on measures taken in that respect and to avail itself of ILO technical assistance in order to come into compliance with the Convention.

The Worker members said that they wished to dispel any misunderstanding concerning recourse to compulsory arbitration. They had not suggested that it was favourable to employers, but rather that the context and general situation of the Greek labour market was favourable to them. It was clear from the discussion in the Committee that the aim of compulsory arbitration in Greece was to make up for the inadequacies of the collective bargaining machinery. They

reiterated that a country such as Greece, in which the labour market was composed essentially of small enterprises and where it had been decided to entrust collective bargaining to associations of persons, was not ensuring this right effectively. While the Convention did not preclude collective bargaining from being carried out at different levels, the choice of the level of bargaining had to be left to the parties, and the authorities should not provide on a unilateral and general basis that agreements concluded at lower levels could derogate from higher-level agreements. It was for the parties to decide whether or not to allow sectoral or enterprise agreements to derogate from general agreements. Such a decision was therefore in itself subject to collective bargaining. When responding to the decision by the Council of State on compulsory arbitration, it was the responsibility of the Government to adopt a global overall approach involving the reintroduction of effective collective bargaining machinery. The Government was also responsible for taking the necessary measures to protect workers against any acts of anti-union discrimination. This was of particular importance in view of the employment situation in Greece and the increase in flexible forms of work. The Committee needed to reaffirm the previous recommendations and conclusions of the ILO supervisory bodies and call for these measures to be reviewed immediately through a tripartite examination based on their impact assessment, with a view to bringing the legislative system and practice into conformity with the rights set out in the Convention. Finally, it was important to reiterate that the public authorities should refrain from any interference that might restrict the right to free collective bargaining or impede the exercise thereof, and to re-establish as a matter of urgency the status and practice of tripartite social dialogue so as to demonstrate that the State respected the principle of collective autonomy, representativity and the outcome of collective bargaining.

### Conclusions

The Committee took note of the oral statements made by the Government representative and the discussion that followed.

The Committee expressed concern regarding the Government's submission related to the compulsory arbitration system and the decision of the Council of State concluding that the provision in Act No. 4046, which provided for the suppression of unilateral recourse to compulsory arbitration, was unconstitutional.

The Committee also expressed concern regarding the Government's failure to provide a report to the Committee of Experts in time for its most recent session in November 2017.

Taking into account the Government's submissions and the discussion that followed, the Government was urged to:

- ensure that unilateral recourse to compulsory arbitration as a way to avoid free and voluntary collective bargaining is employed only in very limited circumstances;
- ensure that public authorities refrain from acts of interference, which restrict the right to free and voluntary collective bargaining, or impede its lawful exercise;
- provide information on the number of collective agreements signed, the sectors concerned and the number of workers covered by these collective agreements;
- provide information and statistics related to complaints of anti-union discrimination and any remedial action taken;
- avail itself of ILO technical assistance to ensure the implementation of these measures; and
- report to the Committee of Experts on the implementation of these recommendations before its next session in November 2018.

**Taking into account the Government's failure to meet its reporting obligations in 2017, the Committee urged the Government to comply with its reporting obligations to the Committee of Experts in the future.**

### NIGERIA (ratification: 1960)

A Government representative indicated that the Government was fully committed to meet its obligations under the Convention. The allegations relating to anti-union discrimination and impediment to collective bargaining were unfounded. Employers and workers had the right to establish and join organizations of their own choosing in full freedom. The right to freedom of association and to organize derived from the Constitution and the Trade Unions Act. Such Act made the recognition of registered trade unions obligatory for employers whenever workers expressed their interest to join a trade union. The only categories of workers excluded from unionization were those engaged in essential services such as the Customs and Excise Department, the Immigration Department, the Prison Services and the Central Bank of Nigeria. Those exclusions were due to national interests and security reasons. However, the Joint Consultative Committees established in those institutions protected the interests of the workers, who were often afforded better working conditions than those engaged in other sectors of the public service. On the issue of impediment to collective bargaining, trade unions or workers' representatives had the right to bargain collectively with their employers for the purpose of setting terms and conditions of work without any interference whatsoever by the Government. Moreover, the issue of prohibiting an employer from granting a general wage increase without the approval of the Minister as stipulated in section 19 of the Trade Disputes Act, would be brought to the attention of the Tripartite Technical Committee which was currently reviewing labour legislation. Yet, it was important to affirm that in practice, there were no restrictions whatsoever as to general or percentage increases in wages by an employer. The national minimum wage was stipulated by law and the social partners needed to reach a consensus with the tripartite plus body before a minimum national wage could be fixed. The statutory requirement of depositing collective agreements with the Federal Ministry of Labour was purely for record purposes and for monitoring their implementation. In relation to export processing zones (EPZs), trade unions were now fully operating and involved in the resolution of disputes. Trade unions operating in the EPZs included the Amalgamated Union of Public Corporations, the Civil Service Technical and Recreational Services Employees (AUPCTRE), the National Union of Food, Beverage, and Tobacco Employees (NUFBTE), the National Union of Hotels and Personal Services Workers (NUHPSW), the National Union of Civil Engineering, Construction, Furniture and Wood Workers (NUCECFWW), the Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN) and the Nigeria Union of Petroleum and Natural Gas Workers (NUPENG).

The Employer members addressed the following issues raised by the Committee of Experts in 2010, 2012 and 2017: the denial of the right to organize to certain categories of employees and anti-union discrimination; the requirement for collective agreements to be approved by the Minister of Labour; and the handling of employer-employee disputes by the authorities. According to the Committee of Experts, acts of anti-union discrimination included the use of blacklists against trade union officers; transfers, relocation, demotion, withdrawal of benefits, restrictions of all kinds, non-renewal of contracts and dismissals. At the national level, the definition of essential services in the Trade Disputes Act included the Central Bank of Nigeria, the Nigerian Security Printing and Minting Company Limited, any corporate body licensed to carry

## Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Nigeria (ratification: 1960)

out banking business under the Banking Act, postal service, sound broadcasting, maintaining ports, harbours, docks or aerodromes, transportation of persons, goods or livestock by road, rail, sea or river, road cleaning, and refuse collection. The Employer members recalled that the Committee of Experts had observed that certain categories of workers were denied the right to organize (such as employees of the Customs and Excise Department, the Immigration Department, the Nigerian Security Printing and Mining Company Limited, the prison services and the Central Bank of Nigeria) and therefore were deprived of the right to collective bargaining. It had also considered that essential services included “those the interruption of which would endanger the life, personal safety or health of the whole or part of the population”. Nigeria had listed a number of services as essential services, considering their importance to national security and stability. The Employer members did not agree that the definition of essential services was broad as observed by the Committee of Experts. The list was in response to the national needs of Nigeria and therefore in compliance with Articles 5 and 6 of the Convention. However, taking into account the concerns raised by the trade unions regarding these exceptions, the Government had elaborated the Collective Labour Relations Bill which had expressly removed the exceptions. The Employer members expressed their satisfaction at the tripartite process that had led to the development and validation of the Bill and looked forward to its submission to Parliament for enactment.

Concerning the registration of collective agreements with the Ministry of Labour, the Employer members had always considered that the sections of the Wages Boards and Industrial Council Act and the Trade Disputes Act, which made it an offence for an employer to generally adjust wages upwards without the approval of the Minister, were irrelevant, had never been enforced and should therefore be repealed. They disagreed with the Committee of Experts' view that private sector collective bargaining rights were restricted by the requirement of the Government's approval of any collective agreements on wages. Sectorial unions and the respective employers' organizations in the private sector freely negotiated and entered into collective agreements every two years. The agreements were then filed with the Ministry of Labour whose main role was to assist in the event there was a need for mediation. Finally, the Employer members indicated that, under the 1992 Decree on Export Processing Zones, the functions of the EPZ Authority included the resolution of disputes between employers and employees in consultation with the Federal Ministry of Employment, Labour and Productivity. The Authority's role was to facilitate and serve as observer through collective bargaining between sectorial unions and the respective employers. This was in line with the consultative nature of its functions under the Decree. Therefore, the rights of workers to organize and bargain collectively had been preserved. In conclusion, the Employer members considered that the Convention had been adhered to, but Nigeria had, in a consultative manner, put in place mechanisms to better implement its provisions. The Collective Labour Relations Bill responded to concerns raised by the trade unions regarding the exemptions from the rights to organize and bargain collectively and unions, such as the Technical and Recreational Services Employees, had started organizing their members within the EPZs. They therefore encouraged the Government to expedite the processes of enactment.

The Worker members considered that the right to organize and bargain collectively had witnessed a steady and systematic erosion. For a number of years, the Committee of Experts had been pointing to serious violations of the Convention and had been asking the Government to bring its laws and practice into line with the Convention and to

report on all progress made in this regard. However, the last time the Government had submitted its report was in 2012. Since then, it had ignored the Committee of Experts' requests and disregarded its reporting obligations. This was a case of serious failure to report and was to be regretted. The very essence of the ILO supervisory system was in the dialogue with the constituents. This system was based on the information on the application of the Conventions provided by governments. The failure to submit reports undermined the supervisory system and the very functioning of the ILO. The Worker members called on the Government to live up to its reporting obligations as a matter of urgency. The Convention was interwoven with the realization of other fundamental rights at work and it was unfortunate that many new violations had occurred in the country since 2012. Those without the right to organize were also denied the right to bargain collectively. Anti-union dismissals, transfers, relocations, demotions, non-renewal of contracts of employment, pressure and harassment and withdrawal of benefits or non-payment of remuneration had been taking place in the public and private sectors alike. In January 2018, 21,000 primary school teachers had been dismissed by the Kaduna State Government for having protested against the introduction of a competency test administered without due consultations and aimed at unilaterally reducing the number of teachers on the payroll of the State. Kaduna State had also failed to implement the collective bargaining agreements. When the Nigerian Labour Congress (NLC) had expressed its solidarity with the affected teachers it had received public threats of sanction from the State Government. The Governor of the State had prohibited trade union activities. In this respect, it should be emphasized that the Convention applied to public sector workers and only the rights of those involved in the defence and security forces and those directly engaged in the administration of the State could be restricted. The Convention did not exclude persons employed by the Government, workers in public enterprises or autonomous public institutions, nor teachers. Furthermore, the denial of the rights to organize and bargain collectively, and lack of protection of trade unionists from violence and hostility may have very serious consequences. It could result in violent murders of trade unionists. The Worker members recalled the assassination of Abdulmumuni Yakubu, the branch chairperson of the Non-Academic Staff Union of Kogi State (NASU) at his home by an unknown gunman in November 2017. This murder had occurred at the height of negotiations with the Kogi State Government and strike actions over prolonged non-payment of wages. Kogi State had effectively banned the academic and non-academic staff unions in the tertiary institutions. They further recalled the assassination of Mr Alhaji Saula Saka, the Lagos Zonal Chairman of the National Union of Road Transport Workers in 2010. Both cases remained unresolved and reflected the dangerous situation trade union leaders were confronting and the absence of security and protection in the performance of their activities. The Government must arrest and prosecute the perpetrators and stop the growing and brazen impunity. In the private sector, the situation was equally serious. According to the Association of Senior Staff of Bank and Financial Institutions, 337 workers had been dismissed in June 2015 for having tried to join a union. About 700 workers of another company had been dismissed in Lagos in September 2015 for the same reason. The situation was no different for workers in the telecommunications sector. In some cases they had to denounce their intention of unionization as a condition of employment.

The Wages Boards and Industrial Council Act was particularly alarming as it provided that every agreement on wages must be registered with the Ministry of Labour for approval or disapproval as to its binding nature. It also made it an offence for an employer to grant a general or

percentage increase in wages without the approval of the Minister. In practice, the effect of this was that national minimum wage negotiations were used as a pretext to frustrate, prevent, delay and, in some cases, deny, voluntary collective bargaining over wages. This was not in compliance with the Convention, which required member States to ensure that collective bargaining was implemented through a voluntary mechanism. Furthermore, the Convention applied to workers in EPZs. However, sections 3(1) and 4(e) of the Decree on Export Processing Zones ran counter to the right to organize and the right to collective bargaining. Its section 4(e) provided that “employer–employee” disputes were not matters to be handled by trade unions but rather by an authority managing the zone. Section 3(1) also made it very difficult for workers to form or join trade unions by making it almost impossible for workers’ representatives to gain free access to such zones. The Worker members believed that this situation of violation, anti-union discrimination, interference and lack of protection for trade unionists existed because of the gaps in the labour legislation and the very weak labour administrative mechanisms. Section 11 of the Trade Unions Act denied the personnel of the Customs and Excise Department, the Immigration Department, the Nigerian Security Printing and Minting Company, the Prison Services, Nigeria Telecommunications and the Central Bank of Nigeria the right to organize and thus, to collective bargaining. They expressed their concern at section 7(9) of the Trade Unions Act, which empowered the responsible Minister to revoke the certificate of registration of trade unions without a judicial process or clearly outlined administrative procedures and guarantees. Section 8 of the Act automatically imposed trade union membership on federal government teachers without their consent. They further regretted that section 3(1) and (2) of the Act required a very high threshold of a minimum of 50 workers to establish a trade union at the enterprise level and restricted the formation and registration of other unions in sectors where one union already existed. They noted with concern that sections 30 and 42 of the Act imposed restrictions on the right to collective action and provided for imprisonment for non-recognized strikes and for compulsory arbitration with an overly broad definition of essential services. Sections 39 and 40 granted the registrar of trade unions the power to supervise union accounts at any time. Furthermore, the Collective Labour Relations Bill, which had been drafted with the support of the ILO and the involvement of the social partners and which had been pending for a decade or so, had been unilaterally amended by the Government ignoring the views of the social partners. The Worker members, like the Committee of Experts, requested that the Bill be brought into full conformity with the Convention and further urged that the Bill be adopted without unnecessary delay. The situation of the near breakdown in collective bargaining was systemic and was the outcome of the existing legislation and the way the governance institutions functioned in Nigeria. It was therefore urgent for the Government to take a holistic review of its labour legislation to ensure that it was amended to reflect international labour standards and to give effect to the principle of free collective bargaining. The labour administration mechanisms and institutions, including the police and other law enforcement agencies, needed to receive training in order to effectively inspect and supervise compliance with international labour standards to avoid any abuses and prevent impunity. Many of the serious violations of the Convention could have been prevented if the Government had followed the recommendations of the Committee of Experts. The Worker members urged the Government to comply with its obligations and restore, in full consultation with the social partners and in cooperation with the ILO, the right to organize and to bargain collectively in the country.

**The Worker member of Nigeria** stated that Nigeria operated a federal system with 36 states with their own governments, a Federal Government Territory and a central Government. Issues of labour relations were in the Exclusive List of the Nigerian Constitution with federal government supervision and oversight. While infractions of the Convention existed in the private sector, most of those in the public sector were perpetrated by State Governments. In 2017, the Government of Kaduna State had dismissed 38,000 workers, of which 21,000 teachers, about 5,000 local government council staff and over 8,000 from ministries, departments, agencies, as well as those in the tertiary institutions under the guise of a vague reform. Dismissals had been carried out without any respect or consideration for the established rules, notably the provisions in the existing public sector collective bargaining procedures. The NLC had officially reported this violation to the Ministry of Labour, with no tangible outcome to date from the intervention proposed by the Ministry, while the situation continued to deteriorate. The disregard for collective bargaining laws and practices was such that the Nigeria Union of Teachers had challenged the dismissal in court, had obtained a restraining order to hold the dismissal until the substantive lawsuit was decided, but nonetheless the court order had been disregarded by the State Government. The Kaduna State Government had also violated section 16(A) of the Trade Unions Act, which made it mandatory for employers to deduct and remit union members’ dues to trade unions, not only by withholding seven months deductions to all the unions, but also by issuing a circular to stop deduction completely. All the affected trade unions had filed legal complaints against such actions of the State Government. In Kogi State, the Government was refusing to abide by the collective agreement concerning the payment and protection of wages. Workers and pensioners were owed over seven months’ salary and pension benefits, in spite of repeated genuine efforts by the federal Government to ameliorate the problem through the granting, three times, of a financial bailout to all affected States. In July 2017, instead of negotiating with the teaching and non-teaching staff in the tertiary institutions, the Kogi State Government had proscribed and confiscated the assets of the affected unions, in violation of article 40 of the Nigerian Constitution. The NLC had officially reported such infractions to the Ministry of Labour, who had in turn invited the Kogi State Government to a mediation meeting which the latter did not attend. In November 2017, Abdulmumuni Yakubu Branch Chairman of the NASU had been violently murdered during the period his union was in a hard and difficult negotiation with the Kogi State Government. The non-respect for the provisions of the Convention had impacted on people, households and their communities, as the State Government had failed to honour collective bargaining agreements, especially on salaries and wages. He recalled that interference in collective bargaining in the private sector had been a cause of worry to the Committee of Experts since 2009, but there were still benchmarks for wages, since the Government’s approval was required for any collective agreement before it became implementable, allegedly to ensure that there would be no “undue economic disruption”. This contradicted Article 4 of the Convention. It was reported that the National Minimum Wage Bill would not be finalized by September 2018, contrary to the agreement with the social partners. The Minister was thus unilaterally determining the negotiation outcome, in infraction of the Convention. Discussions on the Collective Labour Relations Bill were ongoing for over ten years. The process had been very slow and delayed, which raised concerns as to the Government’s intention. Against the advice of the Committee of Experts to bring labour laws into conformity with the Convention, the Government had been using the process to weaken and destroy trade unions. Indeed, the

new version of the Collective Labour Relations Bill foresaw that if after two years of commencement of its application, the NLC had not amended its constitution to conform to it, the latter would stand proscribed. Such Bill was not a product of consultation, as it was largely different from the one the unions had made inputs to, and would have surreptitiously been passed into law, but for their vigilance and Parliament's due diligence. He concluded by asking the Committee to call on the Government to allow for genuine and good faith engineering of the intended labour law reforms and to ensure that the Government worked genuinely with the high-level mission that had been proposed on several occasions.

**The Government member of Zimbabwe** welcomed the information submitted by the Government, in particular in relation to the current review of the legislation on collective bargaining. It was encouraging that trade unions were now allowed to fully operate in the EPZs and were involved in the dispute resolution mechanisms. That was also a sign of progress and the result of an effort to meet the social partners' needs. All social partners were urged to show the same commitment in complying with the Convention. The ILO's technical support to the Government and its social partners was necessary to strengthen their tripartite structures.

**An observer representing Public Services International (PSI)** pointed out that section 11 of the Trade Disputes Act prohibited workers in a number of sectors and state-run companies to organize and thus deprived them of the right to bargain collectively. Moreover, the right of firefighters to organize was also denied pursuant to the Trade Unions (Prohibition) (Federal Fire Service) Order. In 2013, under the Universal Periodic Review, at its 17th Session, the Human Rights Council had also recommended to the Government to amend the Trade Unions Act in order to guarantee freedom of association and the effective recognition of the right of collective bargaining. Workers in the public sector, including in such critical sectors as health services, across more than half of the 36 States were currently owed monthly salaries for a period of between three and 18 months. While the Government had announced in October 2017 its intention to make another tranche of bailout funds available to address the situation, it appeared that the funds had not been yet secured. The lack of an appropriate system of social dialogue had made this problem even worse and the situation had led to unrest and protests in many sectors in those States. The Committee should request the Government to fully involve the unions in the legislative reform and to ensure that the bailout funds, once released, were fully disbursed for the payment of outstanding salaries to public sector workers, with no part thereof being diverted or otherwise appropriated by the State Governments.

**The Government member of Algeria** expressed his support for the Government of Nigeria and encouraged it to continue its efforts to fulfil its obligations under the Convention. The Government was mindful of its obligations and had taken all the necessary measures to meet them, both in law and in practice. For example, the protection of workers' rights in essential services was guaranteed through mixed consultative committees. The information provided on collective bargaining allowed the Committee to maintain a link with the real situation. Indeed, it was essential that the Committee took into consideration the socio-economic environment of States in its evaluation of their performance with a view to respecting national sovereignty.

**The Worker member of Eswatini (formerly known as Swaziland)**, speaking also on behalf of trade unions in the Southern African Trade Union Coordinating Council (SATUCC), recalled the ILO definition of essential services. The Trade Disputes Act classified employees in the

Customs and Excise Department, the Immigration Department, the Nigerian Security Printing and Minting Company Limited, the Prisons Services and the Central Bank of Nigeria as persons providing essential services who could not enjoy the right to organize. That list was familiar as it was similar to the list of essential services in the South African region. The basis for services to be qualified as essential was unclear. The list referred not only to services related to the safety and security of people, but also to workers engaged in currency printing and in fiscal and monetary management. Workers in charge of essential services made sacrifices for the economy and their communities. Their rights should not be stifled. Experience proved that when workers had an organized platform to express their grievances, industrial disharmony was substantially reduced. In October 2017, in Kaduna State and in January 2018 in Delta State, personnel of the police force had peacefully protested for the non-payment of two months' of salary. If the personnel were allowed to organize, they certainly would have made use of their organization to negotiate and resolve the issue. To allow those workers to organize themselves into unions of their free choice was a right unambiguously provided for by the Convention. The Government should avail itself of ILO technical assistance to comprehensively reform the Trade Disputes Act with the genuine and full consultation and participation of the social partners.

**The Government member of Libya** supported the statement made by the Government of Nigeria and considered that Nigeria was in compliance with the Convention. The Constitution guaranteed the right to freedom of association without interference whatsoever by the Government. The willingness of the Government to ensure compliance with the Convention was also proved by the bills brought before Parliament. It was important to support the efforts made by the Government in collaboration with the social partners and it was hoped that the Committee would consider those efforts when adopting its conclusions.

**The Worker member of Mali** expressed his solidarity with the population of Nigeria and referred to the challenge of insecurity arising from the presence of criminal and extremist forces in Nigeria, as in Mali. The fact that workers and trade union leaders in Nigeria were attacked, intimidated, dismissed and even killed on account of their trade union activities was a source of serious concern, as was the fact that there had been no conclusive investigations or arrests, prosecutions initiated or penalties imposed in those cases. Such was the case for the murder in 2010 of Alhaji Saula Saka, president of the local branch of the National Union of Road Transport Workers in Lagos, and that of Mallam Abdulmumuni Yakubu, President of the NASU, who had been killed at the end of 2017 at a time when his union was engaged in difficult negotiations with the Kogi State Government. It was unacceptable that those two murders had not been solved and that those responsible had not been brought to justice. Such impunity had consequences. Firstly, intimidation, harassment, threats and murder were some of the tools used by the other social partners to interact with workers and their leaders. Those practices had the aim of intimidating trade unionists, dispersing them and undermining their determination to assert the human rights and other civil liberties necessary for their organization and their engagement in collective bargaining. Secondly, the impunity surrounding those despicable acts had become the rule and was an obstacle to any sense of responsibility or equity. Consequently, it must be tackled. In conclusion, the Government should be urged to take dissuasive measures to end the attacks on workers and trade union leaders and to rapidly commence the appropriate investigations and initiate prosecutions regarding the cases of mur-

der. Lastly, it was important to establish a favourable climate, free from intimidation, in which trade union organizations could constructively engage in social dialogue.

**The Government member of Cameroon** expressed her support for the Government of Nigeria and thanked it for the information provided to the Committee. Measures had been implemented to ensure a better application of the Convention, notably through the preparation of draft laws that were submitted to Parliament. The Government should be encouraged to continue along that path, with the necessary technical cooperation from the Office.

**The Worker member of Ghana** pointed out that the case was being discussed by the Committee not to shame the Government but rather in order to obtain additional information on the alleged violations of the Convention with a view to seek better implementation thereof. The reported infractions included threats, arrests, beatings and detention used as strategies to discourage and frighten workers and trade union leaders from organizing and pursuing collective bargaining. In April 2015, Aminu Kolawole, the chairperson of the Air Transport Services Senior Staff Association of Nigeria (ATSSSAN) and Lawson Imotto, the secretary, together with Chukwu Jude and Kingsley Ejiogu, the chairperson and the secretary of the National Union of Air Transport Employees (NUATE), were dismissed for organizing workers and demanding that the management enter into negotiation with the union. Lawson Imotto was arrested and taken to an unknown destination. In September 2015, over 700 workers were dismissed in one swoop in south-west Nigeria for having wanted to exercise their right to freedom of association. The workers had only found out about their dismissal when they had returned to work and found the gate locked with a notice of employment termination. The company in question had prevented workers from unionizing even after the intervention by the Ministry of Labour. The tactic of dismissing trade union leaders was a direct way of undermining the right to organize: “deal with the leader, and the members will flee”. The cases of four leaders, Akeem Ambali, the chairperson of the NLC in Ogun State (south-west Nigeria) and three other officers, Dare Ilekoia, Nola Balogun and Eniola Atiku, who in April 2017 had been suspended along with 15 others for demanding that the State Government respect the agreement it had reached with the union on salary payment, was another case in point. While 15 of the 19 suspended workers had been reinstated, the leaders remained suspended indefinitely. Mr Joseph Ogunyemi, former chairperson of an automobile union, had demanded that working conditions be regulated through collective bargaining and had suffered a similar fate. The speaker called on the Committee to urge the Government to accept an ILO high-level mission to improve and advance Nigeria’s industrial relations practice.

**The Worker member of Norway**, speaking on behalf of trade unions in the Nordic countries, recalled that since 2010, several serious allegations of violation of the Convention had been observed, including restrictions on the right to organize and the right to bargain collectively. The Trade Disputes Act denied the right to organize to certain categories of workers. The Decree on Export Processing Zones made it almost impossible for workers to form or join trade unions as these did not have free access to the EPZs, which operated as “protected territories”. It appeared that article 40 of the Nigerian Constitution, which gave the right to freely assemble, associate and to form trade unions and other associations was not operational. As a result, a large number of workers were deprived of the right to collective bargaining. Every agreement on wages needed to be registered and approved by the Ministry of Labour. This did not contribute to free collective bargaining. She fully supported the recommendations of the Committee of Experts and urged the Government to ensure that

the legislation be amended so as to ensure that workers could bargain collectively, and to step up social dialogue with workers and employers instead of limiting fundamental workers’ rights.

**An observer representing IndustriALL Global Union** expressed concern at the reported anti-union activities of international oil companies operating in Nigeria which were preventing tens of thousands of contract workers from joining a union and defending their rights. The fragmentation of contracts to frustrate unionizing efforts was common and the practice of casualization and precarious working conditions were entrenched in the Nigerian oil industry. Workers were obliged to sign a pre-engagement commitment not to become a union member. This made precarious workers dread association with the union. The companies refused to implement rulings of Industrial Arbitration Panels whenever they ruled against them and severed ties with a contracting company if the latter had unionized workers. Denied collective bargaining powers, contract workers endured poverty wages, dire health and safety conditions, and absence of job security and labour rights. This had led to social deprivation and an upsurge in crime. The repressive anti-labour activities of oil and gas companies had accentuated the social upheavals in the Niger Delta region, resulting in revolts in the form of organized attacks on installations, hostage taking and community insurgency. She called on the Government to ensure that all workers at international oil companies had the right to organize.

**The Government representative** took note of the discussions and reiterated the Government’s full commitment to the application of the Convention. As stated by the Worker member of Nigeria, the country operated a very complex social and economic structure, with a Federal State and 36 State Governments. She clarified that the infringements under examination had been made by State Governments and not by the federal Government and that the latter had no control whatsoever over the autonomous State Governments. The federal Government had the constitutional responsibility to administer labour issues. When infractions by a State Government were brought to its attention, the federal Government did not fail to invite the parties to solve the issues. That had also occurred in relation to the case of Kogi State mentioned above. It was important to note that the transactions related to the case had lasted approximately seven months and the State Governor had engaged with the social partners but no agreement had been reached. The Ministry of Labour was still engaging with the Kogi State Governor to find a solution. With regard to the decision of the State Governor of Kaduna State to terminate 21,000 teachers in public primary schools, it was important to clarify that many of those teachers had been appointed fraudulently and were not qualified for their work. Before reaching that decision, the State Governor had engaged with the national union of teachers for a period for two years to solve the issue. That dismissal had been the result of an investigation and only teachers that had fraudulent documents had been dismissed. She requested the Committee to take that information into account when preparing the conclusions. In relation to salaries, most cases of non-payment of wages affected State Governments, therefore the federal Government was not involved. On the contrary, the federal Government had released 1.8 trillion naira to State Governments for solving the issue of wage arrears. However, some State Governments had not prioritized that issue. The federal Government had therefore engaged with the social partners concerned to ensure that resources were used for the purpose for which they were allocated. With regard to the assassination of trade union leaders, the speaker indicated that the statements made during the present discussion were unfounded. The issue of security was prominent in Nigeria and episodes of murders did not only concern trade unionists. Investigations were being carried

out and the cases were before national courts awaiting decisions. The Government committed to provide further information on the outcome once the decisions became available. With regard to the Collective Labour Relations and other Bills, there had been progress but, based on the comments of the Committee of Experts and the Conference Committee, the Government had recalled the bills to improve their content and bring them into conformity with international labour standards. It was also important to underline that the Government had carried out consultations with the social partners concerned with a view to reform legislation and ensure its conformity with international labour standards and with the Convention in particular.

**The Worker members**, while welcoming the Government's stated intention to comply with the obligations under the Convention, expressed disappointment at the attitude of denial that serious problems with regard to trade union rights existed in the country. Noting the Government's explanation on the separation of powers between the federal and State Governments, they recalled that when a member State ratified a Convention, it was the responsibility of the federal Government to ensure compliance therewith. The Worker members expressed their serious and grave concerns about the gradual and systematic erosion of collective bargaining rights in Nigeria as well as the failure of the Government to submit its reports in response to the observations of the Committee of Experts. They further regretted that legal gaps and disregard for collective bargaining rights had resulted in systematic and repeated anti-union discrimination. The Worker members expressed concern at the harassment, intimidation and anti-union discrimination of workers who had expressed the desire to join a union and to bargain collectively in the private sector, including in the telecommunications, and oil and gas sectors. They were equally concerned about the denial of the right to organize to some public sector workers, including those employed in the EPZs, customs, and the Central Bank of Nigeria. To address the growing impunity, the Government should investigate the killings of trade unionists, arrest and prosecute the perpetrators. The Government must reform the labour governance mechanisms to ensure effective supervision and regular inspections backed by an efficient labour market information system for monitoring and evaluating compliance with the Convention. The Government should also build the capacity of labour inspectors and administrators, the police and law enforcement authorities and provide them with adequate resources and training to deliver on their mandate. The Government must, in consultation with the social partners, amend relevant laws, including the Trade Unions Act, the Wages Board and Industrial Council Act, the Decree on Export Processing Zones and the Collective Labour Relations Bill. In order to effectively address these concerns and engage in the necessary reforms, the Worker members urged the Government to accept an ILO direct contacts mission and avail itself of ILO technical assistance.

**The Employer members** considered that the Government was acting in good faith and had responded with clear arguments to the numerous allegations made against it. However their view was that it was inappropriate to comment on cases that had not been concluded before competent courts in Nigeria. It was their view that in this regard the Government had satisfied the request to have the matters investigated. The respective cases had already been submitted to the competent courts and were awaiting decisions. It was important to underline that Nigeria operated in a complex government system and that the Convention left it to national law to determine which categories of employees could be excluded from its application. Consultations were still taking place on the adoption of the Collective Labour Relations Bill. The Government should be encouraged to fast track the process and to avail itself of ILO

technical assistance with a view to addressing the issues raised. In relation to EPZs, taking note of the fact that certain employers did not have unions in place, the Government needed to support those employers to promote unionization in those areas, without effecting their rights under Convention No. 87 on freedom of association and the protection of the right to organize.

### **Conclusions**

**The Committee took note of the oral statements made by the Government representative and the discussion that followed.**

**The Committee deeply regretted the Government's failure to submit its report to the Committee of Experts since 2012.**

**Taking into account the Government's submissions and the discussion that followed, the Committee urged the Government to:**

- **bring relevant legislation, including the Trade Union Act, Trade Dispute Act, Wages Board and Industrial Council Act, the 1992 Decree on Export Processing Zones and the Collective Labour Relations Bill in line with the Convention;**
- **conduct effective investigations and carry out prosecutions with respect to all allegations of anti-union violence and discrimination; and**
- **put adequate and effective enforcement mechanisms in place to ensure that the principles and rights protected by the Convention are effectively applied in practice.**

**The Committee repeats the Committee of Experts invitation to the Government to accept an ILO direct contacts mission in order to tackle the pending issues and report progress to the Committee of Experts before its November 2018 meeting.**

**Another Government representative** indicated that all the comments of the Committee members had been duly noted, as had the conclusions reached by the Committee. He pledged, once again, his country's full commitment to respect all the articles of the Convention, and to ensure that all levels of Government fully complied with the Convention's obligations. However, that would involve engaging the social partners in a time-consuming process of constructive dialogue. Social dialogue and consensus-building, which were essential to an enabling industrial relations environment, required the patience and cooperation of all. He therefore appealed to the Committee for more time to allow the process to continue, with the expectation that full compliance would be achieved. His Government further solicited technical assistance from the ILO to strengthen its capacity to drive and deliver the process of engagement with the social partners. He expressed confidence that, with perseverance and cooperation, the process would mature and flourish as an example to be followed. He also expressed the view that the proposed direct contacts mission was premature, in light of the proactive steps taken by his Government and the social partners. He assured the Committee that the report to the next ILC session in 2019 would reflect full or substantial compliance, both in law and in practice, with all the observations of the Committee of Experts, and reaffirmed his Government's commitment to comply with the provisions of the Convention.

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### **Equal Remuneration Convention, 1951 (No. 100)**

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**GEORGIA (ratification: 1993)**

**A Government representative** outlined the measures undertaken to ensure gender equality and equal remuneration for men and women in the labour force. In line with international commitments, Georgia had made significant progress in adopting legislative changes and implementing policy reforms to foster gender equality and encourage eco-

conomic empowerment of women. National laws and policies had been developed to ensure and promote gender equality, prohibit all forms of discrimination against women and girls, and encourage women's participation in political, economic and social processes. National legislation protected gender equality in all spheres, including labour and employment. The Constitution recognized equality of all people before the law: (i) pursuant to article 14, everyone was free by birth and equal before the law, regardless of race, colour, language, sex, religion, political and other opinions, national, ethnic and social belonging, origin, property and title, and place of residence; (ii) pursuant to article 38, all citizens were equal in social, economic, cultural and political life, irrespective of their national, ethnic, religious or linguistic affiliation; and (iii) article 30 specified that the protection of labour rights, fair remuneration, safe and healthy working conditions and the working conditions of minors and women were determined by the Labour Code. The fundamental principles defined in the Constitution were further elaborated in different legal acts. Many of the rights and protections to ensure gender equality in labour relations were provided for in the Labour Code and the Law on the Public Service, which determined equality in the public sector concerning access to employment, terms of employment and working conditions, including remuneration and career development. The Law on Gender Equality constituted a core legal instrument for promoting gender equality, including equality in employment. The Law on the Elimination of All Forms of Discrimination was also an important mechanism for the protection of women and girls from direct and indirect discrimination and unequal treatment.

Nevertheless, there remained legislative and policy gaps related to gender equality. The Government continued to harmonize the legal framework with international standards, pursuant to the timeline for the transposition of European Union (EU) Directives, as agreed in the EU–Georgia Association Agreement. The Government had committed to implementing the EU Directive 2006/54/EC of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in employment and occupation matters. The Directive provided that, for the same work or for work of equal value, direct and indirect discrimination on grounds of sex with regard to all aspects and conditions of remuneration must be eliminated. The Government, in close cooperation and consultation with the social partners, was working on the transposition of the Directive into national legislation. On 27 October 2015, a new Law on the Public Service had been adopted, which stipulated that the remuneration system for public servants was based on the values of transparency and fairness, and on the principle of equal pay for equal work. In 2018, in order to further strengthen anti-discrimination and equal rights at work, amendments to the following laws had been developed with the active participation of the social partners, and submitted to Parliament: the Labour Code; the Law on the Elimination of All Forms of Discrimination; the Law on the Public Service; and the Law on Gender Equality.

The legislative framework alone did not guarantee enjoyment of equal rights and non-discrimination and, without effective enforcement mechanisms, progress could not be achieved. The main institutional frameworks to promote and enhance gender equality were the Council for Gender Equality in the Parliament and the newly established Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence, within the executive branch. Both institutions were responsible for inter-agency coordination, monitoring the implementation of laws and development of national action plans on gender equality. In this respect, a two-year work plan on gender equality

had recently been adopted, with a special focus on awareness-raising campaigns. In addition, the Gender Equality Department of the Public Defender's Office served as an independent monitoring body on gender issues. Finally, the Government representative reiterated the commitment to making steady progress towards achieving gender equality and complying with international labour standards.

**The Employer members** recalled that this fundamental Convention had been ratified by Georgia in 1993. Since 2002, the Committee of Experts had repeatedly expressed concerns at the absence of national legislation giving full expression to the principle underlying the Convention. It was the first time that the application of the Convention by Georgia was being examined by the Committee on the Application of Standards. They recalled that the Convention required, by means appropriate to the methods in operation for determining rates of remuneration, that the principle of equal remuneration for men and women for work of equal value was applied to all workers. According to the Committee of Experts, while the Constitution, the Labour Code, the Law on Gender Equality and the Law on the Elimination of All Forms of Discrimination included certain provisions relating to equality, they did not specifically commit to the principle of equal remuneration for men and women for work of equal value, and the Government had not advised whether any consideration was being given to reviewing the relevant provisions in this respect.

Noting the existing legal prohibition of discrimination against women and girls, and the adoption last month of an Action Plan referred to by the Government, the Employer members appreciated the Government's recognition of legislative gaps and its reaffirmed commitment to work on the issues raised by the Committee of Experts, implement related EU Directives, and undertake tripartite consultations with the social partners and the Council for Gender Equality in this respect. The Employer members encouraged the Government to take steps without delay to ensure that national legislation enshrined the principle of equal remuneration for men and women for work of equal value. As regards the gender pay gap in Georgia, however, its root causes remained unclear, and it appeared to prevail in the public sector. They encouraged the Government to provide information to the Committee of Experts of the work undertaken to implement the 2014–16 National Action Plan on Gender Equality, which, *inter alia*, aimed at promoting gender equality in the economic sphere. Information should also be provided on the steps taken to better understand the source of the gender pay gap and on concrete measures adopted to tackle it. The Employer members concluded by expressing their appreciation of the Government's commitment and invited the Government to continue to work with the ILO in a constructive manner.

**The Worker members** recalled that, over the years, the Committee of Experts had noted shortcomings with respect to Georgia's implementation of the Convention in practice, highlighting specifically the incompatible legislative framework and severe inequalities. In 2012, the Public Defender had exposed the persistent gender segregation in the labour market. The situation had clearly not improved since. The labour market participation rate for women between the ages of 15 and 64 stood at about 60 per cent, 18 to 20 percentage points below male participation rates. Records showed that traditional household responsibilities, especially childcare, reduced female labour force participation significantly. Despite relatively similar levels of education between men and women, occupational segregation remained rife, with certain sectors predominantly female (education, health and social services) and others predominantly male (transportation, construction, public administration and manufacturing). They regretted that the gender pay gap between men and women remained high,

around 37 per cent, and was clearly attributable to industrial and occupational sex segregation, both vertical and horizontal, within and across establishments and sectors. Even at the enterprise level, the Bureau of Statistics had found that 60 to 67 per cent of eligible men received bonuses, premiums or health insurance under various conditions, whereas the rate was between 33 and 41 per cent for women in similar situations. Female representation in decision-making positions remained shockingly low. The Worker members underlined the legislative and regulatory gaps in relation to the Convention, as highlighted by the Committee of Experts: (i) section 2(3) of the Labour Code of 2006 prohibited discrimination of any kind in employment relations, but this was not sufficient because the principle of “equal pay for men and women for work of equal value” went beyond that of “equal pay for equal work”, in order to allow comparisons between work of a different nature by determining its value. This facilitated the entrance of women into male-dominated occupations, which were usually accorded a higher economic value, instead of just ensuring that pay was equal in a particular job or sector; (ii) recognizing the persistence of social and cultural inequalities between men and women, sections 4 and 6 of the Law on Gender Equality of 2010 specifically guaranteed gender equality, prohibited workplace violence, intimidation, and harassment, and ensured equal opportunity in employment. This was good, but not sufficient. Ensuring equal opportunity did not guarantee equal remuneration for work of equal value, nor did it guarantee the enhancement of the capabilities of women to enable them to take advantage of the opportunities granted; (iii) the Law on the Elimination of All Forms of Discrimination provided for the elimination of all forms of discrimination to ensure equal rights for natural and legal persons; and (iv) article 38 of the Constitution, as well as the Law on the Public Service and the future law on remuneration for public institutions, protected the equality of all citizens and created the framework for addressing issues of sex-based discrimination in employment without, however, addressing the principle of equal remuneration between men and women for work of equal value specifically. As indicated, these laws were necessary to address the inherent biases of discrimination, but not sufficient to ensure equal pay for men and women for work of equal value. Indeed, reports revealed that substantial gender gaps in average monthly nominal wages existed even in female-dominated sectors. Even among men and women with similar levels of education, significant inequality remained in the average salary distribution, notably because men mostly occupied private sector jobs, whereas women were more evenly distributed between in the private and public sectors.

The Government was encouraged to review and amend these laws, in consultation with employers’ and workers’ organizations, in order to promote more proactive measures for raising awareness, and enforcing the application of, the principle of equal remuneration for men and women for work of equal value, including through legally established or recognized machinery for wage determination and job evaluation and/or collective agreements at the national, sectoral and enterprise level. The Worker members noted the adoption of the 2014–16 National Action Plan on Gender Equality and the establishment of both the Inter-Ministerial Commission on Gender Equality and Women’s Empowerment and the Inter-Agency Coordinating Council for the Government’s Action Plan on the Protection of Human Rights. Despite these efforts, the systemic nature of the situation had not changed: institutions for the enforcement of measures to address gender equality and anti-discrimination remained weak or non-existent. The abolition of the Labour Inspection Services raised concerns about institutional inefficiency and ineffectiveness, despite the National Programme for Monitoring Labour

Conditions and the Department of Inspection of Labour Conditions set up under the auspices of the Ministry of Labour, Health and Social Affairs. This new Department’s mandate focused on safety conditions and related complaints and did not specifically address sex-based occupational segregation and pay gap concerns. There were no adequate and effective enforcement mechanisms for applying the principle of equal remuneration between men and women for work of equal value, despite the endemic and persistent nature of sex-based occupational discrimination and inequalities. According to the Public Defender, the recommendations of the Labour Inspectorate should be made binding in the Labour Code to ensure their enforcement.

The Worker members urged the Government to realize the full scope of the Convention and to take concrete steps to review the national framework in order to address the root causes of gender discrimination, gender stereotypes regarding women’s aspirations, preferences and capacities, as well as the promotion of women’s access to a broad range of employment opportunities at all levels.

**The Employer member of Georgia** stated that the gender policy had always been one of the top priorities of the Georgian Employers Association (GEA), but that joint efforts. The GEA intended to develop the adequate approach through undertaking specific activities. First, it was necessary to conduct surveys in the business world to ascertain the real situation with regard to payment policies, careers and social conditions. Based on the result of those surveys, the corresponding activities and measures could be implemented, such as through information sessions on the best international practices related to the implementation of the Convention and, on that basis, determination of possible steps and measures in Georgia; training activities at company level; and conducting social and gender audits with a view to developing action plans for tackling gender issues. Second, a special working group should be established within the Government, where adequate legislative proposals could be developed supporting the social conditions of employed women. Specific activities should also be conducted together with trade unions in certain sectors with respect to management and trade union leadership, and local gender policies should be developed in collaboration with the local authorities. Third, youth entrepreneurship and related education, with a focus on social and gender thematics, should be supported. The speaker expressed his belief that, together, the social partners could devise and implement actions that would lead to a tangible improvement of the situation.

**The Worker member of Georgia** appreciated the consideration given to the issue by the ILO and its constituents and stated that without due attention from international labour institutions and the democratic community, problems that were perceived as being of little relevance at the moment, tended to gradually and extensively erode standards and conditions of work. The current problem of imbalance in wages between men and women was particularly alarming. The wage gap had reached 104 per cent in 2016, despite positive trends over the past decade, and currently stood at 52 per cent. The factors that had resulted in such a huge wage gap were clear and obvious: the year 2006 was the exact year that labour inspection had been abolished. The absence of an authority in charge of supervising labour relations implied a lack of compliance with basic labour standards and rights, including the principle of equal pay. Although, due to a commitment under the EU–Georgia Association Agreement, labour inspection had been re-established, its current mandate did not comply with ILO standards, since it did not have the power to conduct inspections to monitor compliance with requirements of labour legislation. Moreover, the speaker emphasized that the most pressing issue remained the lack of real and effective social

dialogue, which would facilitate the resolution of many existing problems hampering the prosperity and economic stability of the country. Despite the fact that the Convention had been ratified in 1993, the persistence of such a significant wage inequality demonstrated that international Conventions were being ratified only as a matter of form. Over the past twenty years, no working mechanisms to define “work of equal value” had been established, and no relevant policies or awareness-raising campaigns had been undertaken to address issues on equality and protection of women’s rights in labour relations. With respect to equal pay, it should also be noted that the current legal instruments determining the minimum wage had been adopted back in 1999. Thus, in the private sector, the minimum wage was significantly lower than in the public sector to about US\$55. Notwithstanding years of constant demands to establish an adequate minimum wage level, the authorities had persistently ignored the numerous appeals from trade unions, human rights activists, non-governmental organizations and even large transnational corporations. On the basis of official data provided by the Statistical Department of Georgia, it was possible to evaluate the real picture at national level of gender inequality in the world of work. For example, in 2016, the average monthly nominal salary of men was about US\$450, and US\$295 for women. The speaker emphasized that, while the Government had committed to radically change the current situation, the trade unions had no illusions regarding the elimination of gender discrimination through a one-time solution. This required an integrated approach and a long-term and active policy. It was necessary for societies across the world, especially conservative and traditional ones with obsolete stereotypes, including in Georgia, reconsider their views on the role and rights of women in modern life. This goal could be achieved only through the joint efforts of all national and international institutions, and the entire civilized world, in order to eradicate all forms of discrimination, and above all, violations of women’s rights and freedoms everywhere.

**The Government member of Bulgaria**, speaking on behalf of the EU and its Member States, as well as Bosnia and Herzegovina, Montenegro and Norway, stated that national legislation did not give full expression to the principle of equal remuneration for men and women for work of equal value, and expressed concern that this issue had been raised several times by the Committee of Experts without being addressed by the Government. The legislative package submitted to Parliament at the end of 2017, which included amendments to the Labour Code, the Law on Gender Equality, and the Law on the Elimination of All Forms of Discrimination, should address the gaps identified by the Committee of Experts and by the Public Defender. Measures should be taken in consultation with the social partners without delay, in order to further review the legislation, including section 57(1) of the Law on the Public Service, and bring it into full compliance with ILO Conventions, particularly with the principle of equal remuneration for men and women for work of equal value. The gender wage gap was persistent and significant in every sector of the labour market, including in female-dominated sectors. This phenomenon did not only concern wages, but also social benefits and bonuses. The underlying causes were perhaps linked to occupational gender segregation and gender discrimination. Despite existing legal provisions, gender-based discrimination was still very common in practice at the recruitment stage and in job advertising. The speaker called on the Government to take measures to reduce the gender pay gap and address its underlying causes, and to promote women’s access to a wider range of job opportunities at all levels, including management. She also called for concrete follow-up to the recommendations made by the Public Defender, in particular to improve

awareness among employers. Finally, the speaker called on the Government to take measures to ensure effective enforcement of the principle of equal remuneration for work of equal value, including adequate labour inspections, awareness-raising campaigns on the laws and procedures available, and strengthening the capacity of judges and other authorities to detect and address pay inequalities between men and women.

**The Worker member of Norway**, speaking on behalf of the Worker members of the Nordic countries, expressed deep concerns regarding the absence of legislation giving full expression to the principle of equal remuneration for men and women for work of equal value in Georgia. The Georgian Trade Union Confederation (GTUC) had actively worked to improve conditions for women in the workplace and had encouraged women to increase their trade union participation. Statistics and facts regarding gender equality in the country were lacking, and the level of awareness around gender issues and women’s rights needed to be increased. Available statistics showed that women’s position in the labour market was very precarious: women were the first to lose their jobs when companies fired people, they often took jobs far below their skill level, and earned only about 60 per cent of what men earned. In the informal economy, where women constituted 50 per cent of the workers, protection mechanisms were virtually absent, and workers were particularly vulnerable to discrimination. Women in the informal economy had to survive on very low wages and were often subjected to sexual harassment. Considering that there was widespread discrimination in employment in Georgia, both in terms of recruitment, selection and wages, the speaker urged the Government to give full legal expression to the principle of equal remuneration for men and women for work of equal value, therefore strengthening women’s economic freedom, ensuring women a place in law-making processes and participation in the labour market on equal terms with men. In Georgia, a substantial gender gap in average monthly nominal wages existed in every sector of the labour market, including in female-dominated sectors such as education and health care, and even among men and women with similar levels of education. The Government had not indicated whether any consideration had been given, in consultation with the social partners, to reviewing the provisions of the Constitution, the Labour Code and the Law on Gender Equality. Moreover, the Law on the Elimination of All Forms of Discrimination, while including a general prohibition of discrimination based on sex, did not refer to the principle of equal remuneration for men and women for work of equal value. The speaker urged the Government to implement the conclusions to be adopted by the Committee and to amend the national legislation so as to ensure conformity with the Convention.

**The Worker member of the United States** indicated that there were problems in law and practice in Georgia. The principle of equal remuneration for men and women for work of equal value was not sufficiently reflected in the general prohibition of discrimination contained in existing labour legislation, including the Law on the Elimination of All Forms of Discrimination of 2014. The lack of a systematic approach, in law and practice, to ensuring equal remuneration for men and women for work of equal value was illustrated by the statistics on wages and other compensation reported by the Committee of Experts. For example, in 2016, women earned on average 65 per cent of men’s salary, while men were approximately two times as likely as women to receive bonuses, premiums and employer-paid health insurance. The solution to the problem was not only legislative. With respect to enforcement, the Labour Inspection Service had been dismantled in 2006 and re-established in 2015. Since 2015, a sufficient labour inspectorate (beyond the monitoring of health and safety conditions and

forced labour) had not been established. Its mandate was still insufficient to monitor compliance with a full range of labour standards, including those covered by the Convention. As a result, there was no adequate and effective enforcement mechanism to ensure the application in practice of the principle of equal remuneration for work of equal value. Labour inspection institutions had to be re-established to ensure compliance with new legislation that would define equal pay clearly and in compliance with the Convention, articulating the key concept of “work of equal value”. The methodological shortcomings to evaluate the value of jobs were a challenge not only for legislators, but also for the labour inspectorate charged with monitoring compliance. It was therefore necessary to aim at full compliance with the Convention in both the public and private sectors, as the Government implemented its “State Strategy of Labour Market Formation and its Implementation Action Plan 2015–18” by amending the Labour Code to align it with international labour standards. In addition, it was necessary to provide the labour inspectorate with sufficient methodology guidance, training and funds to ensure that the new legislation was applied in practice. In addition to these measurable quantifiable challenges on wages and benefits, the country faced cultural challenges in addressing entrenched and often implicit bias against women. The underlying causes of those inequities had to be addressed by recognizing them and engaging in awareness-raising activities. According to national trade unions, many employers treated women as “problem-causing” workers, who would often be absent and demanded additional privileges, such as maternity leave. Such situations led to gender discrimination in employment, remuneration and career advancement. The underlying causes of these inequities were a concern for everybody. There were no concrete policies in place to provide meaningful assistance to all workers regarding work–life balance and the combination of family responsibilities with occupational duties. Until such measures were taken, women would be charged with family responsibilities and expectations in practice, which entailed lower levels of promotion and remuneration.

**The Government representative**, duly noting the valuable comments of the Committee, reiterated that her Government acknowledged the existence of legislative and policy gaps and was taking significant steps and measures to harmonize national legislation with international labour standards and best practices. However, the root causes of the established gender pay gap lay in gender discrimination, the social norms of society and the social role of women therein. It was therefore important to develop strategies and awareness-raising campaigns with a view to changing attitudes and mainstreaming gender into social and labour policies. The Government was taking action to foster women’s participation in the labour market and had already identified women and young persons as the target population for empowerment. She highlighted the Government’s readiness to work towards improving the legislative framework and institutionalizing the implementation mechanisms in the area of gender equality, in particular by strengthening the capacity of the newly established labour inspection service and gradually broadening its mandate to enable it to be a fully-fledged labour inspectorate that would also cover issues such as the gender pay gap and women’s rights in the workplace.

**The Worker members** stated that, when examining cases on the application of the Convention, the broader context of women’s empowerment and gender non-discrimination should not be forgotten. The Convention rightly placed remuneration at the heart of combating discrimination against women. Historical attitudes and stereotypes had consigned women to certain jobs, and this kind of segregation had traditionally subordinated women’s aspirations to

those of men and lowered their social and economic standing. As a result, jobs predominantly performed by women were undervalued in comparison to work of equal value performed by men. To tackle this, the Convention required that wage rates be determined according to objective criteria, free from gender bias, and that these rates be established excluding any consideration related to the gender of the worker. Achieving this would serve as an important contribution to combating occupational gender segregation and other forms of unequal treatment. They called on the Government to take concrete steps to give full legislative expression to the principle of equal remuneration for men and women for work of equal value by amending the Labour Code, the Law on Gender Equality, the Law on the Elimination of All Forms of Discrimination, and the Law on the Public Service. Moreover, adequate and effective enforcement mechanisms should be put in place to ensure that the principle of equal remuneration was applied in practice, and awareness-raising measures should be adopted to ensure that workers could avail themselves of their rights under the Convention. The Worker members hoped that more detailed information would be received from the Government about the specific measures taken to reduce the gender pay gap and address its underlying causes. In this regard, it would be beneficial for the Government to avail itself of ILO technical assistance.

**The Employer members** welcomed the Government’s efforts and its constructive approach to the issue of gender equality in the workplace as regards equal opportunity and treatment. However, they concurred with the Worker members that the main obligation under the Convention, over and above gender equality, was to ensure the application to all workers of the principle of equal remuneration for men and women for work of equal value. Therefore, the Employer members encouraged the Government to take steps to ensure, in consultation with the social partners, that national legislation expressly enshrined the principle of equal remuneration for men and women for work of equal value; and to provide a full report to the Committee of Experts on the legislative amendments envisaged to this end. They further encouraged the Government to supply information concerning the recently adopted National Action Plan on Gender Equality, in particular its impact on efforts to ensure respect for the principle of equal remuneration for men and women for work of equal value. Noting the concerns raised by the Committee of Experts and the interventions made concerning the gender pay gap, the Employer members considered that a better understanding of the root causes of the gender pay gap in Georgia would be helpful, and cautioned that some of the causes could be extraneous to the principle underlying the Convention and could instead be related to occupational gender segregation, distinct participation of men and women in the private and public sectors, or discrimination in employment based on sex, as defined by the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Lastly, the Employer members expressed their optimism and encouraged the Government to avail itself of ILO technical assistance and to continue the process of implementation in close cooperation and consultation with the social partners.

### **Conclusions**

**The Committee took note of the submissions of the Government representative and the discussion that followed.**

**The Committee welcomed the legislative efforts of the Government to ensure gender equality, however it noted that the Government has not made efforts to ensure the application of the principle of equal remuneration for men and women for work of equal value as required by Convention No. 100. The Committee noted with concern the abolition of the Labour In-**

spection Service and the absence of an equivalent replacement to ensure the enforcement of the rights and principles protected by the Convention.

Taking into account the Government's submissions and the discussion that followed, the Committee recommended the Government to:

- ensure that national legislation, in particular the Labour Code, the Law on Gender Equality, the Law on Elimination of All Forms of Discrimination and/or the Law on the Public Service, expressly commits to the principle of equal remuneration for men and women for work of equal value in consultation with the social partners;
- implement effective enforcement and detection mechanisms to ensure that the principle of equal remuneration for men and women for work of equal value is applied in practice;
- take steps to raise awareness among workers, employers and their organizations of the laws and procedures available in order to allow them to avail themselves of their rights;
- continue to provide information on decisions handed down by the judiciary, and cases handled by the Office of the Public Defender;
- continue to provide gender-disaggregated data on labour market participation and remuneration;
- provide the Committee of Experts with information related to the 2018–20 Georgian National Action Plan on Gender Equality adopted in May 2018 and its potential impact on the principle of equal remuneration for work of equal value in law and practice; and
- avail itself of ILO technical assistance in implementing these recommendations.

The Committee encourages the Government to report on the measures taken to implement these recommendations to the Committee of Experts before its November 2018 session.

A Government representative thanked the Committee for the fair and constructive recommendations contained in the conclusions. He mentioned that his Government was pursuing reforms as a priority to harmonize law and practice with international labour standards and the standards of the EU following the signature of an association agreement between Georgia and the EU.

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**Abolition of Forced Labour Convention, 1957 (No. 105)**

**CAMBODIA (ratification: 1999)**

A Government representative stated that the Committee of Experts had played a crucial role in ensuring the fulfilment of all international labour Conventions, as well as other relevant international human rights instruments. The Government of Cambodia had also been committed to do its utmost to respect all its international obligations. As enshrined in the Constitution, both labour rights and human rights were protected in law and in practice in Cambodia. Forced labour was explicitly prohibited under section 15 of the Labour Law. Referring to the definition of forced labour under the Forced Labour Convention, 1930 (No. 29), as well as to its exceptions, the speaker highlighted that the Law on Prisons aimed at providing education, reformation and rehabilitation to prisoners to reintegrate them into society, to prevent the recurrence of offences and to offer safe and secure custody, good health and humane treatment of prisoners in accordance with international principles and the United Nations Rules for the Protection of Juveniles Deprived of Liberty. Section 68 of the Law on Prisons incorporated all international standards and best practices applied in some developed countries on the use of the prison industry. Therefore, it was inappropriate to interpret that provision to be in violation of Conventions Nos 29 and 105. Section 68 provided that low-risk prisoners who had been assessed as physically capable should be assigned to

work as part of the prison's daily routine, or to perform any work in the public interest and for the benefit of the community, or assigned to participate in the prison industry, prison handicraft and prison farming programmes. The speaker expressed his grave concern at the Committee of Experts' comments and conclusions on the application of Convention No 105. Regarding the request for updated information concerning the situation of freedom of association in Cambodia and the roadmap to deal with this issue, the speaker provided assurances that such information would be provided. He stressed that, as the national elections were forthcoming, the situation was heavily politicized. Moreover, some non-governmental organizations (NGOs) and civil society had no hesitation to discredit, demonize and ultimately to destroy the Royal Government of Cambodia and the ruling party whose achievements unquestionably satisfied all Cambodian people.

The Employer members pointed out that the application of Convention No. 105 by Cambodia was being discussed by this Committee for the first time. There were only two relevant observations made by the Committee of Experts in respect of Cambodia's compliance with the Convention, one in 2015 and the other in 2017. The observations referred to the inconsistent application of the Penal Code of 2009 and reported instances of political figures and trade unionists held in custody for offences for which the Code mandated only a fine. No mention of any person subjected to conditions of forced labour while in detention was made. For a breach of the Convention to occur, however, it was necessary to point to instances of persons being subjected to banned activities. In the absence of such evidence clearly pointing to a breach of the Convention, a case should not be discussed by the Committee, nor be double-footnoted. It was not sufficient to assume that detention in itself connoted forced labour. The fact that detention may or may not have been legal was not material to the question of whether the Convention had been breached. The observations that formed the background to this case drew heavily on the 2014, 2016 and 2017 reports of the UN Special Rapporteur on the situation of human rights in Cambodia. These reports drew attention to, and expressed deep concern about, human rights issues in Cambodia. These issues were of concern to all and the Employer members were conscious of the strategic regional and global concerns and calls for pressure to be brought to bear on Cambodia in this respect. However, this Committee should not permit itself to be used as a vehicle of wider concerns, be they in respect of Cambodia or in any other situation. The mandate and the duty of the Committee was to examine cases of breaches of ratified Conventions, not to pursue issues more properly dealt with in other jurisdictions. Thus, the conclusions on this case should be limited to observing that the inconsistent application by Cambodia of the Penal Code created risks that a detained person may be subjected to pressures involving forms of forced labour. In the absence of evidence pointing to such instances, this Committee should limit itself to asking the Government for an assurance that no persons, detained or not, were or would be subjected to conditions of forced labour. That was the approach adopted by the Committee of Experts in its 2015 observation when it had requested the Government to take the necessary measures to ensure that no sanctions involving compulsory labour could be imposed as a punishment for holding or expressing political views. It was arguably not within the competence of this Committee to develop conclusions on practices that, while of concern in themselves, were not breaches of a labour standard ratified by Cambodia.

The Worker members recalled that Cambodia's serious failure to respect fundamental rights and principles at work had been examined by the Committee almost every year for the past decade, unfortunately with very disappointing results. The Committee of Experts had double footnoted

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this case due to its concern over the legislative and practical measures undertaken by the Government and there were no reasons to call that decision into question. Basic civil rights, including the right to free speech and the right to associate and assemble, were not guaranteed in the country. On the contrary, workers and citizens were systematically subjected to heavy criminal penalties involving compulsory labour for exercising their rights protected under the Convention. Recourse to sanctions involving forced labour or compulsory labour as a means to censor the expression of opposing views on political, social or economic matters or to punish participation in strikes was clearly prohibited under Article 1 of the Convention. The right to associate and assemble provided the means through which citizens sought to secure the dissemination and acceptance of their views and thus clearly fell under the remit of protection provided by the Convention. Yet trade union leaders and members were effectively barred from enjoying these rights. This Committee and other ILO supervisory bodies had repeatedly condemned the imprisonment of Cambodian trade unionists for expressing their views and engaging in peaceful activities, including strikes. The Worker members deeply regretted that, despite very clear recommendations to the Government, the crackdown on trade unionists continued. The number of trade unionists facing criminal charges or imprisonment in reprisal for peaceful trade union activities was steadily increasing. The Cambodian Labour Confederation alone counted at least 26 leaders and members who were currently threatened with criminal punishment for expressing their views on problematic social and economic policies. Recently passed labour laws or those that were under discussion seemed to be designed to tighten the grip on trade unionists even further. The Committee of Experts and also the UN treaty bodies, had criticized the 2016 Law on Trade Unions and the 2015 Law on Associations and Non-Governmental Organizations (LANGO), which effectively denied freedom of association rights to teachers, civil servants and domestic workers. Despite the amendments made to the draft Minimum Wage Law, the Law remained problematic particularly as it prohibited the dissemination of research on wages, which had not been submitted to the National Tripartite Council within 15 days. This restriction could have a severe impact on academic freedom, and economists and academics could be potentially restricted in their ability to disseminate, access and discuss vital research on economic and social issues. Moreover, the draft Law provided for heavy and disproportionate administrative fines with no explicit right of appeal. These fines, if unpaid, would lead to criminal proceedings. Considering the likely inability of many workers and union leaders to afford heavy fines, these provisions cumulatively would lead to the effective criminalization of the peaceful exercise of fundamental freedoms. These issues were clearly connected to last year's discussion with respect to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). In its conclusions, the Committee called on the Government to ensure that freedom of association could be exercised in a climate free of intimidation and violence against workers, employers and their respective organizations. It also requested the Government to hold consultations with its social partners in order to develop a time-bound roadmap for the implementation of the recommendations. In its engagements with the direct contacts mission which visited the country in March 2017, the Government admitted that the Law on Trade Unions was defective in many ways. It was therefore disappointing that, even though the recommendations were issued one year ago, the Government only started to hold consultations a few weeks ago. The Government should explain what caused this excessive delay and how it intended to overcome its tardiness.

The Worker members expressed their deep concern at the deteriorating political and social atmosphere, including the prosecution and imprisonment of political opponents and human rights defenders. While the offences of public defamation and insult under the Penal Code were punishable with fines only, the law had been applied in an arbitrary manner in order to punish political opponents and human rights defenders with penalties of imprisonment. The UN Special Rapporteur on the situation of human rights in Cambodia had noted that the range of provisions in the Penal Code used to curtail freedom of expression was ever-increasing and insisted that laws must be applied consistently by the Government and the courts. The Rapporteur had warned that the criminal punishment of activists may create an atmosphere of fear and intimidation that could negatively affect the right to freedom of expression, leading to self-censorship. Moreover, the clampdown on trade unions and civil society activists had coincided with the dissolution of the main opposition party, the Cambodian National Rescue Party (CNRP), by the Supreme Court. While the Law on Political Parties was amended in 2017, it retained its problematic provisions. Various offences related to the administration or management of a political party which had been dissolved, or whose activities had been suspended by a court, or whose registration had been refused, were punishable with sanctions of imprisonment for a term of up to one year, which involved compulsory labour. A total of 118 CNRP members had been banned from political activity for five years. It was impossible not to share the Committee of Experts' deep concern over the wide-scale detentions and prosecutions targeting the opposition party, civil society and trade unions. The absence of legal guarantees of freedom of expression, freedom of peaceful assembly, freedom of association, as well as freedom from arbitrary arrest, clearly exposed workers and citizens to the imposition of compulsory labour as a punishment for holding or expressing political or ideological views. In light of the lack of independence of the judiciary, as noted in 2008 by the direct contacts mission, this was of particular concern. The ability of the judicial system to discharge its mandate was compromised by the lack of capacity; the judiciary was subject to political interference, which compromised its ability to exercise its functions in an impartial and independent manner. The UN Special Rapporteur had noted that access to justice was still denied to many, and expressed concern at the prevalence and excessive length of pre-trial detention. Criminal proceedings were marred by inconsistencies and irregularities; different judges applied different standards of proof. This practice stood in contradiction with the principle that everyone charged with a criminal offence had the right to know and challenge the evidence against him or her. Consistency and fairness, especially in criminal cases, required that the standard of proof must be the same in all similar cases. The general elections were imminent in Cambodia. Fundamental freedoms and the rule of law would be meaningless if they were not upheld during times of contentious debate. Freedom of expression and freedom of association were crucial to democracy, social progress and inclusive economic growth. Restricting these rights under the threat of compulsory labour constituted not only a denial of basic freedoms but represented a serious stumbling block in the country's path to democracy and prosperity.

The Employer member of Cambodia considered that anything not related to the application of Convention No. 105, such as matters relating to the Minimum Wage Law, the Law on Trade Unions, sanctions of imprisonment or any other sanction except that of forced labour, should be struck from the Record of Proceedings as not being relevant to the case. The discussion of this case should be limited to forced labour. As there was no evidence of a clear

breach of the Convention, it was unacceptable that Cambodia was discussed by the Committee yet again. She highlighted the impact the discussion in this case could have on the decision of other governments and businesses to engage with and invest in Cambodia. The mere discussion of this case under Convention No. 105 would tell the world (or strongly imply) that Cambodia engaged in forced labour. This was not the case as there was no evidence presented to that effect. The Cambodian employers had a deep interest in the work of the Committee to address challenges to the application of Conventions. They were present to address challenges to protect their business and investment environment. Cambodia had a vibrant and dynamic economic environment that was changing and diversifying quickly. The engagement of governments and investors around the world was necessary for the growth and creation of good quality jobs in Cambodia. Every country deserved a fair and due process of review by the Committee of Experts. However, Cambodia had been unfairly sanctioned with a double footnote. The evaluation of the Committee of Experts demonstrated that there was no breach of the Convention, only possibilities which were the same for other countries with similar legislation. The Conference Committee should review only the most serious breaches of Conventions. A key outcome of the discussion in this case should be a call to review the transparency and integrity of the double-footnoting procedures.

**The Worker member of Cambodia** affirmed that the leaders and members of the independent trade unions still faced serious problems including murder, detention, discrimination, violence and punishment when they were trying to exercise their rights. In 2004, Chea Vichea, Ros Sovanareth and Hy Vuthy had been murdered. In 2013, during a general strike demanding a higher minimum wage for garment workers, five workers had been killed, 23 workers had been jailed for months, and more than 30 others had been injured. The right to public assemblies and strikes had been restricted and unions could only meet members in private places. The criminal charges against six union leaders for taking part in the 2013 strikes were still effective. The Government was requested to drop the charges against them, to enforce the recommendations of the Committee and provide the reports of the three committees charged with investigations of the murders and violence in the 2013 strike, with the purpose of bringing the perpetrators to justice and compensating victims. Between 2014 and 2017, union leaders and thousands of workers were faced with violence from third parties or the police when they exercised their rights in industrial actions, 26 workers had faced criminal charges and 17 of them had been jailed from two to eight months. The unions had brought these cases to the Committee in 2016 and 2017. The Committee had specifically asked the Government to resolve these cases, but there had been no progress and in one case new charges had been put up against the leaders. Following the recommendations made by the Committee, the Government had committed itself to enforce them with a roadmap of concrete actions and two consultations had been carried out. The speaker invited the Government to finalize a time-bound roadmap to amend the Law on Trade Unions and the LANGO so as to bring them into conformity with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and to amend the Penal Code and the Law on Peaceful Demonstration to bring them into conformity with Convention No. 105.

**The Government member of Bulgaria**, speaking on behalf of the European Union (EU) and its Member States, as well as the former Yugoslav Republic of Macedonia, Montenegro and Albania, Bosnia and Herzegovina, and Norway, referred to the EU's promotion of the core labour standards as part of its 2015 Action Plan on Human Rights, which featured the eradication of forced labour and the protection

of freedom of association and the right to organize. Cambodia had benefited from the duty-free and quota-free access to European markets through the "Everything But Arms" (EBA) arrangement under the Generalised Scheme of Preferences. The EU was the largest market for Cambodia's exports, especially for the garment sector. In return, the EBA regime required Cambodia to comply with its obligations under the core international human rights principles and labour Conventions, to which the EU and its citizens attached great importance. The speaker recalled that the EU had expressed its concern over the deterioration of democracy, human rights and the rule of law. The inclusion of penalties of imprisonment involving compulsory labour in provisions that had been used to target those expressing dissenting political or ideological views was also a matter of great concern. These included the relevant provisions of the Law on Political Parties of 2007 and the Penal Code related to incitement to disturb public security by speech, writing, picture or any audiovisual communication in public or to the public, publication of commentaries intended to unlawfully coerce judicial authorities, and discrediting judicial decisions. The speaker requested the Government to ensure that these provisions were used only when fully justified by the facts of the case and only in connection with violence or incitement to violence. The application of the Penal Code, the Law on Trade Unions, the LANGO and the Law on Peaceful Demonstration should not lead in practice to punishment involving compulsory labour in situations covered by Convention No. 105. No penalties involving compulsory labour should be imposed for the peaceful expression of political views or views opposed to the established system. She strongly urged the Government to cease using the judiciary as a political tool to harass, intimidate, arrest and prosecute political opponents, trade union members, members of civil society, labour rights activists and human rights defenders. It was the EU's intention to closely monitor the situation, while remaining ready to assist Cambodia in meeting obligations linked to democratization, human rights and the rule of law, and in supporting its economic and sustainable development.

**The Government member of Thailand**, speaking on behalf of the Association of Southeast Asian Nations (ASEAN), reaffirmed their strong commitment to the elimination of forced labour, in keeping with the ASEAN Labour Ministers' Work Programme 2016–20, and the Work Plans of the Subsidiary Bodies. ASEAN member States looked forward to their continued cooperation with the ILO in implementing regional commitment to its goals. The speaker welcomed the progress that had been made in promoting labour rights and the Government's assurance that forced labour had been strictly prohibited both in law and in practice. He encouraged the Government to continue its efforts to promote labour rights, decent working conditions and harmonious industrial relations through social dialogue.

**The Worker member of Germany**, speaking on behalf of the German Confederation of Trade Unions (DGB) and the Dutch, Danish, Finnish, Norwegian and Swedish trade unions, stated that the Cambodian Government was violating this Convention in law and in practice. Section 68 of the Law on Prisons provided explicitly that prisoners could be obliged to perform compulsory labour. The Government used imprisonment as a deliberate means to obstruct the activity of trade unionists and to penalize activities which were critical of the Government. Legal provisions that forbade insulting the monarchy, incitement to crime or to the disturbance of public order, defamation, bribery of witnesses or damaging national interests were systematically misused. The improper use of these provisions of criminal law was particularly problematic. Through the formulation of a very extensive scope of application, these legal provisions were used inappropriately to strategically intimidate and repress opponents of the regime. A trade union activist

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was sentenced in 2017 to two years' imprisonment for incitement to serious crime because he had called, in a radio interview, for the removal of trade preferences by the United States and the EU, and journalists had been charged with defamation because they had asked the inhabitants of a village about their voting behaviour. Pre-trial detention was also being used arbitrarily for long periods of time and without due legal process. The arbitrary misuse of prison sentences, which were always accompanied by compulsory labour under the existing legislation, created a climate of threats and intimidation, in which it was impossible not only for trade unionists but also for civil society as a whole to exercise fundamental rights such as freedom of expression, freedom of assembly and freedom of association – human rights which were protected as a matter of principle by the Cambodian Constitution. She called upon the Government to bring both its law and its practice into line with this Convention and to put an end to the repression of trade unionists and dissidents.

**The Worker member of Indonesia**, speaking on behalf of the Confederation of Indonesia Prosperity Trade Union (KSBSI) and the Korean Confederation of Trade Unions (KCTU), insisted that no worker should be charged or arrested for legitimate activities. He noted the Committee of Expert's concern that trade union members, human rights defenders and NGO representatives continued to be subjected to threats, harassment, arrest, pre-detention and prosecution on charges of defamation and public insult. Although under the Penal Code, those offences were punishable only by fines, various trade union members had received penalties of imprisonment. The speaker highlighted instances of arbitrary and repressive application of criminal laws where workers had protested unfair dismissals of trade union leaders or failure to enforce arbitral awards and court orders. On 14 February 2018, four union leaders of the Workers Friendship Union Federation were summoned to court and sent for pre-trial detention for having organized a strike. In 71 instances since the last national election in 2014, trade unionists had been taken to court by employers and authorities for such criminal offences as defamation, intentional violence and damage, or interfering with traffic during labour protests. Under the Penal Code, they could receive prison terms ranging from six months to five years. A coordinator of the agricultural association was jailed for six months under articles 377 and 378 of the Penal Code, which provided for penalties of imprisonment from six months to three years, and fines from 1 million to 6 million riels. On 6 February 2016 protest against the 2015 dismissal of 45 employees attempting to form a branch of the Cambodian Transport Workers Federation had ended with a violent attack in which bus drivers had been arrested and 14 people injured. An officer of the Cambodia Informal Worker Association had been arrested on charges of aggravated intentional violence, obstructing public officials and obstructing a public road. On the same day, four leaders of independent trade unions, including Ath Thorn, President of the Cambodian Labour Confederation had also been charged, although none had been present. The speaker underscored the need to stop the misuse of laws to criminalize workers and trade unionists. He called on the Government to take urgent, concrete action to comply with the Committee of Expert's call to fully respect trade union rights and to ensure trade unionists' ability to act in a climate free of intimidation or violence.

**The Government member of Switzerland** expressed deep concern at the detention measures, treatment and judicial processes to which members of the opposition party, NGO representatives, trade union members and human rights defenders were subject. They had been punished and imprisoned for their activities, and their prison sentences included an obligation to work while in prison. In that regard, he

called on the Government of Cambodia to take the necessary steps to guarantee freedom of opinion and expression, freedom of association and the right to peaceful assembly. Those rights were an integral part of the human rights framework and enshrined in the fundamental labour Conventions. He also encouraged the Government to undertake all the legal changes needed to abolish sentences that included an obligation to work, in order to comply with this Convention.

**The Worker member of France** said that the violations of Convention No. 105 were part of an arbitrary practice that was contrary to all values of humanism and respect for universal human dignity, in view of the fact that through the LANGO law, the Government of Cambodia was using extremely coercive measures including forced labour as a means of intimidation and retaliation. The general requirement of NGO neutrality towards political parties under section 24 of the LANGO law allowed arbitrary interpretations by the administration, which sought to suspend activities, impose fines and cancel the registration of NGOs. The same provision also authorized the Ministry of the Interior to cancel registration following an extremely vague allegation of endangering public and national safety. Accordingly, the Ministry of Foreign Affairs had ordered the National Democratic Institute (NDI) to close and to expel all its foreign staff on 23 August 2017. The Foreign Ministry had asserted its authority on the basis of section 34 of the LANGO to put an end to the activities of any international civil society organization that had not registered a memorandum of understanding with the Ministry. The order had come after the NDI had been accused of providing the Cambodia National Rescue Party (CNRP) with a "malicious" plan to overthrow the Government. Moreover, on 28 July 2017, the governor of the Ek Phnom district in Battambang published a letter ordering all commune chiefs in that district to report on all NGOs and associations operating in the region. The letter indicated that organizations needed to obtain the permission of the district authorities before conducting activities in that district. Commune chiefs were required to publish reports on NGOs and associations which were active in that district. The letter also indicated that commune chiefs who failed to report such information would incur penalties, and that was what the Cambodian Government was using as a means of intimidation. The grounds for charges under the LANGO were vague, subject to interpretation and thus entirely devoid of neutrality and objectivity. NGOs and civil society organizations must now submit annual reports to the Minister of the Interior detailing their activities and finances. This allowed the Government to check associations' accounts, question some of their choices and even fabricate false evidence to discredit them. Such contrived offences, aimed at silencing civil society, were classified as defamation or disruption of public order, and those two offences were liable to severe punishment in Cambodia. A striking example was the length of the pre-trial detention of the leaders of the Cambodian Human Rights and Development Association (ADHOC), who had been held in such detention with forced labour for 427 days. Taking into account the incalculable number of possibilities of falling foul of the LANGO, the speaker called upon the Cambodian Government to fully commit to completely eradicating all recourse to forced labour, both as a form of intimidation or preventive measure to silence free speech and as a punishment for any sort of crime.

**The Worker member of Australia** recalled that her delegation had repeatedly registered its deep concern over the situation of labour rights in Cambodia, where trade union members faced ongoing discrimination, harassment, threats, pre-trial detention, arrest and imprisonment for seeking to exercise their fundamental rights despite the ratification of the Convention in 1999. The Government's

persistent non-compliance with international labour standards, particularly concerning freedom of peaceful assembly, freedom of association and freedom from arbitrary arrest, required the Committee's ongoing scrutiny. The right to peaceful assembly, premised on a notification procedure of the Law on Peaceful Demonstration, had been turned into a system of permission. Arbitrary interpretations and enforcement of the law increased uncertainty and the risk of sanctions for those seeking to exercise that freedom. Concrete examples included, in 2016 and 2017, Phnom Penh City Hall's use of armed police to bar 2,000–3,000 members of a consortium of independent unions from peacefully marching to the National Assembly for a May Day celebration; restricting NGOs such as the Cambodian Human Rights Action Committee from rallying to celebrate the Human Rights Day (10 December 2016), threatening "measures" if protestors were to disobey; and rejecting the request of 200 Khmer Krom to deliver a petition to the National Assembly (22 June 2017). Similarly, the authorities of Banteay Meanchey province had warned villagers against joining the CNRP and NGO celebrations on Human Rights Day; Battambang's Bovil district's provincial administration had rejected permission for the Boeung Bram community to march on Human Rights Day; Kampot authorities had denied three requests for celebrations; and Takeo authorities had forbidden the Khmer Krom Federation from celebrating International Human Rights Day in several villages and communes. More explicit threats by government officers had clearly violated Article 1 of the Convention. In a speech, the Prime Minister Hun Sen had threatened to "eliminate 100 or 200 people" if they supported the "colour revolution" to ensure Cambodia's stability. The Prime Minister had repeated his readiness to use weapons and jail to curb demonstrations or challenge to 2018 election results. Likewise, the Minister of Social Affairs, Vong Soth, had warned of using bamboo rods against anyone protesting against the 2018 election. Prime Minister Hun Sen had ordered garment industry union leaders to ensure that factory workers did not organize political protests or associate with the remnants of the since-dissolved opposition party. The speaker urged the Committee to issue its strongest statement against the Government's persistent breaches of the Convention and to maintain its supervision over the matter.

**The Government representative** thanked the delegates for their constructive interventions and comments. Clarification as to the grounds on which Cambodia was double footnoted was needed. In the Government's opinion, this was linked to the upcoming July 2018 elections. Some delegates disguised the session as a political platform to tarnish the Government's reputation, efforts and achievements. To express their political discontent, they should have used a different forum. In Geneva, a number of UN institutions and mechanisms dealt with human rights, the rule of law and democracy issues. The speaker recalled that the session of the Human Rights Council could be used by those wanting to improve the situation of human rights in the country. The International Labour Conference was the forum to discuss labour laws and relevant Conventions. It was not proper to use this forum to make political propaganda in order to give preferences to other political parties or individuals. Regarding the situation of freedom of association, the Government and the relevant parties, including the ILO, had agreed on the way forward to improve it. In reply to the statement by the EU representative, the speaker pointed out that while the EBA scheme had considerably helped the people and economy of Cambodia, the country's sovereign interests should be respected. He urged the international community to respect Cambodia's sovereignty, its peace, stability and economic development.

**The Worker members** stated that there was no effective guarantee of basic civil liberties in Cambodia, and those

who exercised the right to freedom of expression and assembly became targets for criminal prosecution, imprisonment and compulsory labour. Trade unionists, human rights' defenders, the political opposition and virtually anyone who adopted views opposed to those of the Government had come under enormous pressure involving detentions and prosecutions. Legislative provisions on public defamation had been applied in a selective manner to punish critical opinions. The Worker members expressed very deep concern over the lack of impartiality and independence in the judiciary, as well as the excessive pre-trial detention periods aimed at punishing those who seemingly opposed the current Government. This was particularly worrying in the context of the upcoming elections, during which free debate and exchange of views became even more important. The Government had therefore an obligation to take legislative measures to ensure that penalties involving compulsory labour were not imposed in order to silence and censor the peaceful expression of political opinions. The right to association and assembly provided the means through which citizens could seek to secure the dissemination and acceptance of their views and must therefore also be protected. Moreover, Article 1(d) of Convention No. 105 prohibited the imposition of compulsory labour for organizing or peacefully participating in strikes. The Government must ensure that freedom of association could be exercised in a climate free of intimidation and violence. All individuals who had been imprisoned for having exercised their right to freedom of expression and assembly must be released immediately and unconditionally. Institutional reforms were also necessary in order to guarantee the independence and impartiality of the judiciary. Freedom of expression and peaceful assembly, freedom of association and freedom from arbitrary arrest should be guaranteed as safeguards against the imposition of compulsory labour for exercising these rights. This required a serious commitment to undertake extensive reforms on a number of laws, which were clearly not in conformity with Convention No. 105, including the Law on Political Parties, the Penal Code, the Law on Trade Unions, the LANGO, the Law on Peaceful Demonstration and the Draft Minimum Wage Law. Freedom of expression and assembly, the right to strike and freedom from forced and compulsory labour were extremely important issues for working people but also for the values of the ILO as a whole. Therefore, the Government needed to work with the ILO in order to give full effect to Convention No. 105. A double-footnoted case meant that the Committee of Experts had serious concerns. The Worker members referred in this respect to section 68 of the Law on Prisons under which convicted prisoners who had been assessed as physically capable should be assigned to work as part of the prison's daily routine and disagreed with the request to strike comments concerning the Law on Trade Unions and the draft Minimum Wage Law from the Record of Proceedings.

**The Employer members** reiterated that while it was undeniable that there were serious issues of concern regarding the situation of human rights in Cambodia, as noted by various UN bodies, including the UN Special Rapporteur, the Committee had to limit itself to dealing with Convention No. 105. The fact that this was a double-footnoted case meant that this was a serious case. However, no evidence demonstrating the existence of forced labour in the country had been provided. While there was a potential risk that forced labour could be imposed, there was no evidence that it had occurred. In these circumstances, and considering serious concerns regarding the application of various legislative provisions establishing sanctions in practice, the Government should be asked to give assurances that it would not be imposing forced labour.

### **Conclusions**

The Committee took note of the information provided by the Government representative and the discussion that followed.

Taking into account the Government's submissions and the discussion of the case that followed, the Committee urged the Government to:

- take measures in law and practice to ensure that no penalties involving forced labour or compulsory labour may be imposed in compliance with Article 1(a) of Convention No. 105, including the amendment of existing legislation that permits forced labour; and
- the Committee calls on the Government to avail itself of ILO technical assistance to address this recommendation. The Committee also asked the Government to report in detail on the measures taken to implement this recommendation to the next meeting of the Committee of Experts in November 2018.

The Government representative reiterated that forced labour had no place in Cambodia and that his Government was willing to provide factual and legal elements to shed light on this misunderstanding or misinterpretation of the Convention and of Cambodia's relevant law and regulations that had given rise to the wrongful allegation that such practices existed. Despite his respect for the work of the Committee of Experts, any review that went beyond the Convention's scope was not helpful to its application. Mutual understanding and close collaboration between social and development partners were effective tools for resolving misunderstandings and tensions. The existing social dialogue and tripartite mechanisms were especially critical to maintaining Cambodia's hard-earned peace, stability and development. He welcomed the assistance of the ILO in promoting labour rights and decent work in accordance with international labour standards.

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### **Discrimination (Employment and Occupation) Convention, 1958 (No. 111)**

#### **BAHRAIN (ratification: 2000)**

A Government representative provided information concerning the measures taken by the Government to comply with the conclusions adopted by the Committee at the 106th Session of the International Labour Conference (June 2017). The Government had taken the following measures: (i) reported on the measures taken to implement the commitments contained in the Tripartite Agreements of 2012 and 2014 in connection with the reinstatement of the dismissed workers following the events of February and March 2011, providing detailed information on all the cases settled and agreed upon with the social partners, notably in relation to the list of the 165 dismissed workers that was annexed to the Supplementary Tripartite Agreement of 2014; (ii) provided a report dated 31 August 2017 on the measures taken to implement the Convention; and (iii) accepted the ILO's technical support via a direct contacts mission, in accordance with the letter addressed to the Director-General on 15 April 2018. In reply to the Committee of Experts' comments, the Government highlighted the following points. First, regarding the measures taken to implement the commitments contained in the Tripartite Agreements of 2012 and 2014, 98 per cent of all cases involving the dismissal of workers following the 2011 events had been settled. The workers had returned to their work whether in the private or public sector preserving their employment-related rights and benefits, including retirement benefits. Moreover, cooperation with relevant stakeholders was continuing with a view to finalizing the settlement of all 165 cases mentioned in the list annexed to the Agree-

ment. The Government's efforts concurred with the National Tripartite Committee's measures to reintegrate these workers either into their previous positions, or to provide them with financial compensation, or even place them in alternative employments with the same pay and benefits. Cooperation between the relevant stakeholders was ongoing to resolve the few remaining cases, and the Ministry of Labour and Social Development remained open to finding appropriate solutions for the workers concerned.

Second, regarding the measures taken to ensure that the legislation covered all recognized prohibited grounds of discrimination, the speaker indicated that the conclusions adopted by the Committee in 2017 had been taken on board, and a comprehensive review of national legislation had been launched in order to consider the amendments necessary to prohibit and criminalize discrimination in labour legislation in the private sector. In this regard, the Council of Ministers had already approved an amendment to the Labour Law for the Private Sector on this matter, and information on any further developments would be provided to the Office. Third, regarding the measures taken to protect migrant workers, this category of workers benefited from mechanisms to submit labour complaints or formulate litigation and appeals against administrative and judicial decisions. Furthermore, a migrant worker could transfer to another employer under the conditions set out in the legislation, namely after one year of employment with the current employer, with the obligation to provide at least three months' advance notice and under the condition that the worker hold legal residence in the country. Migrant workers who had been subjected to abusive practices by their current employer, such as non-payment of wages or deprivation of fundamental rights set forth in the law, were allowed to change their employer without complying with the conditions and legal periods set forth above. One important practical step had also been taken through the flexible work permit scheme that aimed to regularize the situation of migrant workers in irregular situations. Under this scheme, a migrant worker who had a flexible work permit and had signed a formal employment contract, would be covered by the national laws and regulations of the country governing the employment relationship. Referring to the Committee of Experts' requests for information on the measures taken to raise awareness among migrant workers, the speaker underlined that the national legislation concerning residency had been made available and disseminated in several languages as part of an awareness-raising campaign. Raising awareness of migrant workers' rights was not only the responsibility of the Government, but also the responsibility of the embassies of labour-supplying countries, trade unions and civil society organizations of foreign communities, such as cultural and social clubs. This was the purpose of the "amnesty" periods that had been organized by the Government from 2006 to date, which sought to correct the situation of more than 100,000 migrant workers in irregular situations without imposing any penalties on them or charging them administrative fees. Fourth, regarding the measures taken to ensure equality of opportunity and treatment between women and men in employment and occupation, women's participation in the labour market had increased to around 39 per cent in all sectors of the economy, and the country was considered to be the "best climber in the world on the sub-index of participation and economic opportunities" for women according to the World Economic Forum's 2015 report. A report would be sent in the near future on this topic. Fifth, regarding the measures taken to ensure that sexual harassment was prohibited under the labour legislation, it would be appropriate to seek cooperation with the ILO in order to benefit from its expertise on this topic and enable the development of national legislation in line with international labour standards and other national practices.

**The Employer members** recalled that Bahrain had ratified this fundamental Convention in 1977. The application of the Convention by Bahrain had been the subject of observations by the Committee of Experts in 2012, 2016 and 2017 and had been discussed by the Committee on the Application of Standards for the first time in 2017. The observations of the Committee of Experts focused on the following areas: (i) legislative coverage of all recognized prohibited grounds of discrimination and the application of legislation to all workers; (ii) promotion of the principle of equality of opportunity and treatment between men and women in employment and occupation; and (iii) prohibition of sexual harassment in law and in practice. Taking into account the 2017 conclusions adopted by the Committee on the Application of Standards, the information provided by the Government and its willingness to examine, with ILO support, the possibility of formulating a comprehensive definition of discrimination in compliance with the Convention, the Employer members encouraged the Government to ensure that: (i) national legislation covered all recognized prohibited grounds of discrimination as set out in Article 1(1)(a) of the Convention; (ii) national legislation addressed discrimination in both its direct and indirect forms and discrimination in employment and occupation was prohibited in law and in practice; and (iii) all workers were covered by the protection of anti-discrimination legislation in both the private sector and civil service. In addition, taking into account the Government's indication that it had taken steps to promote the principle of equality of opportunity between men and women in employment and occupation and appreciating the Government's commitment to provide more statistical information, the Employer members requested the Government to: (i) provide information on the steps taken regarding the position of women in the labour market; and (ii) continue to provide statistical information on the participation of men and women in the labour market, disaggregated by sector, occupational category and position in both the public and private sectors, and the numbers of women benefiting from vocational training.

With regard to the comments of the Committee of Experts relating to section 31 of the Labour Law in the Private Sector, which prohibited night work and work in certain sectors and occupations for women, and noting the Government's previous explanation that such measures aimed to protect women from work that was against their dignity, capacities and constitution, as well as the Government's statement before the Committee that women received privileges such as maternity leave and protection against work-related risks, the Employer members expressed concern at the existence of national legislation based on stereotypes regarding women's professional abilities and role in society, which was in contravention of the principle of equality of opportunity between men and women in employment and occupation set out in the Convention. In light of the Government's stated willingness to consider legislative revision, the Employer members encouraged the Government to take the above into account when reviewing the so-called "protective" legislation so as to ensure respect of this principle, and to provide information to the Committee of Experts on all measures taken in this regard. Furthermore, welcoming the Government's condemnation of sexual harassment at the workplace and its commitment to cooperate with the ILO, the Employer members called on the Government to ensure that sexual harassment was adequately prohibited in national legislation and to provide clarification as to existing complaint procedures in this regard. In conclusion, they welcomed the Government's constructive approach to the issue and encouraged it to continue on this path.

**The Worker members** expressed regret that the conclusions adopted by the Committee at its previous session had been given only partial effect. The direct contacts mission

suggested by the Government aimed to assist in implementing these conclusions. However, the fact that the mission had been accepted belatedly (April 2018) meant that the Office had not yet been able to organize it, thus delaying the implementation process. In its observations, the Committee of Experts referred to five major problems with the application of the Convention. First, in respect of the Tripartite Agreements of 2012 and 2014 concluded between the Government, the General Federation of Bahrain Trade Unions (GFBTU) and the Bahrain Chamber of Commerce and Industry (BCCI) with a view to settling the cases of suspensions, dismissals and sanctions imposed on persons who had participated in political demonstrations in February 2011, the Government had provided the Committee of Experts with a report on the measures taken to fulfil those Agreements and had concluded that a solution had been found for almost all of the persons concerned. However, 64 of these cases were still pending because the employers had refused to reinstate those workers. Furthermore, the financial compensation for most of the reinstated workers had not yet been paid by the respective employers, despite the terms of the Tripartite Agreements. Even where workers had been reinstated, discrimination had regrettably been noted: the workers of an aluminium company had had to sign an agreement renouncing their rights, wages, and benefits or annual leave for the period they had been dismissed; 184 workers of an enterprise in the energy sector had not been paid for the period of dismissal; others had received a significant pay cut following their reinstatement, had been assigned to different posts from those they occupied prior to dismissal, or had been demoted. It was clear that the Tripartite Agreements were far from having been fully applied.

Second, Bahraini legislation was still not in conformity with the Convention as, on the one hand, it did not include all the grounds of discrimination mentioned therein and, on the other, it did not apply to domestic workers, security guards, nannies, drivers and cooks. As the conclusions adopted by the Committee in this regard had not been implemented, the expected amendments should be more explicitly defined: (a) the scope of application of the Labour Law of the Private Sector of 2012 (Law No. 36/2012) should be extended to domestic workers and persons regarded as such, including agricultural workers, security house-guards, nannies, drivers and cooks; (b) sections 39 (wage discrimination) and 104 (discriminatory termination) should explicitly cover the grounds of discrimination listed in the Convention. It was particularly important to incorporate these amendments. Acts of discrimination had occurred during the reinstatement of trade union leaders and workers following the events of 2011, in breach of the Tripartite Agreements of 2012 and 2014. The legislation, if not amended, would therefore always allow discrimination in employment based on political opinion. This was what had occurred in 2012, when workers in the aluminium industry had been asked to give up their membership in the GFBTU in order to be reinstated. Additionally, a member of that Federation, who was also a member of the tripartite committee for the reintegration of the unemployed, had been dismissed for a period of six weeks, then reinstated without compensation and forced to take annual leave. The principles of non-discrimination should be applied, in law and practice, both in the private sector and in procedures for access to the public sector. In this regard, the Government maintained that there were no cases of discrimination and that no such complaints had been received; however, several examples demonstrated the contrary.

Third, the Government affirmed that a flexible work permit system had been put in place to enable migrant workers in an irregular situation to regularize their status, enabling them to benefit from social insurance, unemployment insurance and health-care systems. This was a crucial point,

since over 77 per cent of the workforce in the country were migrant workers. However, the system did not apply to skilled workers, workers who had escaped abusive employers, or domestic and agricultural workers. The workers eligible for the permit could only work without a sponsor provided that they covered certain costs, such as annual fees for work permits, health care and a social insurance contribution. This amounted to treating workers as though they were self-employed workers for whom employers had no responsibility. Furthermore, a valid passport had to be presented for a permit to be granted. Migrant workers in an irregular situation, however, did not generally have their passports, as they were most often kept by their previous employers. The Labour Market Regulatory Authority continued to permit employers to include a clause in employment contracts restricting approval of a transfer to another employer for a specified period, which constituted a moderate version of the *kafala* system. The unified employment contract, adopted in 2017, extended only partial protection of the Labour Code to domestic workers, who were only covered if they were recruited by agencies and not by private individuals. The cases of physical and sexual violence towards female migrant domestic workers were also deplorable. Legislation on migrant workers was, therefore, still incompatible with the Convention.

Fourth, in the report sent to the Committee of Experts, the Government had outlined a number of steps taken to promote equality between men and women, but no information was provided on the impact of these steps. The lack of improvement with regard to special protection measures from which women were supposed to benefit was equally regrettable: not only were women prohibited from entering certain professions (beyond what was necessary to protect maternity), but discriminatory practices existed in certain sectors (particularly air transport) that undermined maternity protection (maternity leave classed as unpaid leave or dismissal on grounds of pregnancy).

Fifth, the Committee had adopted conclusions on the lack of a definition and explicit prohibition of sexual harassment in law, but those conclusions had not been followed up. The argument that the lack of harassment complaints showed that there was no need to make the changes requested was unfounded: first, in the absence of a specific framework for harassment, other channels – such as laws on human trafficking – were used; second, a lack of complaints was not the same as saying that harassment did not happen; last, as the Committee of Experts had pointed out, other facts could explain the lack of complaints, such as fear of reprisals, lack of access to complaints mechanisms and means of redress, or even a lack of awareness. The speaker concluded by expressing the hope that the Government would take note of the fact that the delay in implementing the Committee's recommendations, inertia and sometimes even denial of reality were incompatible with progress and the quest for social justice, and that it would act in a determined way to eliminate all forms of discrimination.

**The Employer member of Bahrain** stated that, following last year's discussion, it was important to highlight the close tripartite cooperation between the social partners and the Government through bilateral and tripartite committees. He recalled the key role played by the BCCI in resolving the situation of those who had been dismissed, by persuading companies to provide satisfactory and compatible settlements, ensuring sound working relations and safeguarding the rights of all parties. Companies had covered the insurance contributions of dismissed workers during the period of separation to ensure continuous coverage without interruption. Moreover, the Committee on the Application of Standards and the ILO should acknowledge all the measures and initiatives taken by the Government to combat discrimination and to apply the principles of the

Convention. The procedures available in the country to guarantee the rights of workers, such as complaint mechanisms, grievance procedures and the right to litigation, constituted pioneering measures contributing to the effective protection of workers' rights. The speaker considered that the panoply of regulations and measures adopted by the Government were progressive and had had a significant positive impact on the workers of Bahrain. With regard to the issue of equality of opportunity between men and women in employment and occupation, it was important to highlight the increasing percentage of women's participation in the labour force year after year, which had reached about 39 per cent of the total national workforce. Bahraini women had proven their ability to reach the highest levels of employment, including CEOs of major companies in the country, and had developed sophisticated business models. Moreover, during the recent elections of the BCCI board of directors on 10 March 2018, three women had been elected to the board. The speaker emphasized the importance of continuing to hold fruitful tripartite meetings, which contributed to the adoption of measures promoting decent work opportunities and equality and combating discrimination. Technical cooperation programmes, in collaboration with the ILO, would support the development of common relations and raise the level of compliance with international labour standards.

**The Worker member of Bahrain** welcomed the acceptance by the Government of a direct contacts mission and inquired about its time frame, stressing the need for the mission to meet with all the relevant parties who had participated in the adoption of the Tripartite Agreements. The matters dealt with in the Agreements had not yet been resolved, as there were still workers who had not been reinstated and who had been without work for more than seven years. There were even a number of workers who had not returned to their former positions and had been demoted to lower level jobs. It was inaccurate to say that this case was closed, as the National Tripartite Committee had held only two meetings during the past year and had made no progress in this regard. The speaker also considered that re-examining the justification of the 165 cases did not make sense, as they had already been discussed and finalized within the framework of the Tripartite Agreement of March 2014. Regarding the dismissed workers who had been rehired in other jobs or who had obtained commercial registers, it was important to record that this had occurred because of their personal persistence when they despaired of being reinstated. There was not any support received from the Ministry of Labour in this regard. Currently, 64 cases of dismissal among the 165 were still pending. In order to facilitate the quick resolution of these cases, the GFBTU had selected a priority group of 37 cases of workers who had been working in the biggest government-owned companies and public institutions and had submitted the list to the Government. The speaker further insisted that this initiative was not meant to do away with the rest of the 165 cases. The speaker also insisted on the importance of respecting the Tripartite Agreements as constituting a binding contract between the three parties, which aimed to strengthen social dialogue under the auspices of the ILO.

These Agreements had provided a legal framework complementing the national labour law, and therefore should not focus only on the reinstatement of the dismissed workers, although this matter was at the heart of the Agreements. In addition, it was crucial to take the following measures as specified in the Tripartite Agreement: (i) avoid the recurrence of dismissals of workers for the same reasons as in the complaint. The GFBTU had been regrettably registering cases of dismissal and suspension of workplace entry badges on the same discriminatory background mentioned in the complaint, and the Ministry of Labour and

Social Development was accordingly kept aware of this situation; (ii) establish a tripartite mechanism/body to follow-up on cases of discrimination in employment and occupation and to ensure conformity with the Convention, as proclaimed in both the Convention and the Tripartite Agreement. For instance, section 39 of the Labour Law of the Private Sector had ignored the comprehensive definition of discrimination enshrined in the Convention and had limited it to the subject of remuneration, thus leaving the door open to other forms of discrimination in employment and occupation; (iii) provide financial compensation and social insurance coverage to the reinstated workers for the period of the dismissal; (iv) ratify 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), as there were tens of thousands of workers in the government sector who had been denied the right to organize under Circular No. 1 of 10 February 2003 on the right of civil service workers to join workers' unions, the establishment of unions in public sector institutions was illegal, in violation of the Constitution of Bahrain, which did not distinguish between workers in the private and public sectors as far as the right to establish trade union organizations was concerned; and (v) ensure respect for the Constitution of Bahrain, which proclaimed in its article 37 that international Conventions and Treaties, once ratified, had the force of law. Therefore, all requirements contained in the Convention were legally binding. The speaker expressed his readiness to continue to cooperate with the Government and the social partners in order to better implement the provisions of the Convention and the Tripartite Agreement.

**The Government member of Kuwait**, speaking also on behalf of the Government members of the United Arab Emirates, Saudi Arabia, Oman and Yemen, welcomed the efforts made by Bahrain to give effect to the observations of the Committee of Experts and to fulfil its obligations relating to the application of the Convention. The Government had already undertaken to give effect to the conclusions of the Conference Committee at its 2017 session, and had fulfilled its commitments. It was necessary to give the Government sufficient time to implement all of the recommendations that had been made, particularly those relating to legislative amendments. The absence of a definition or a specific legal text did not necessarily mean that workers were deprived of protection. Their rights were protected by the administrative and judicial authorities. The action taken by the Government should be welcomed and it was to be hoped that the Committee would take into account the results achieved and the close cooperation between the social partners. The Government should also be encouraged to continue promoting social dialogue with a view to reinforcing decent work and ensuring equality between all individuals. The speaker called on the ILO to develop technical cooperation programmes in the countries mentioned, with a view to strengthening commitment to the implementation of international labour standards.

**The Government member of Bulgaria**, speaking on behalf of the European Union (EU) and its Member States, as well as Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Norway, recalled that these countries attached great importance to the respect of human rights, as safeguarded by the fundamental ILO Conventions and other human rights instruments. The EU was engaged in promoting their universal ratification and implementation, as part of its Strategic Framework and Action Plan on Human Rights. Regrettably, this case had already been discussed in the Committee last year, as well as at the ILO Governing Body some years ago following a complaint made by workers under article 26 of the ILO Constitution. According to the allegations, suspensions and various forms of sanctions had been imposed on trade union

leaders and members as a result of demonstrations in February 2011. In 2012 and 2014, tripartite agreements had been reached, and a National Tripartite Committee had been created to ensure follow-up on the cases. The updated information submitted by the Government regarding the settlement of the cases was welcomed but it was necessary to receive evidence that the 165 cases of dismissed workers had been resolved. The speaker asked the Government to indicate what conditions had to be fulfilled in order to obtain a certificate of rehabilitation for workers who had been convicted by a judicial decision. She recalled the Committee's conclusions adopted in 2017, in particular that the Government had been requested: (i) to formulate a definition of discrimination that covered all workers in all forms of employment, and to prohibit direct and indirect discrimination based on all grounds covered by the Convention; and (ii) to ensure comprehensive protection of civil servants against discrimination through the amendment of Legislative Decree No. 48 of 2010 regarding the civil service. It was regrettable that no measure had been taken to address these two issues. The speaker called on the Government to provide information on the specific measures adopted to ensure the effective protection against discrimination, based on all the grounds set out in the Convention, of migrant workers, in particular as regards the very vulnerable domestic workers who were mostly women. She welcomed the new legislation rendering it mandatory for employers to deposit the salaries of domestic and unskilled workers in bank accounts, and looked forward to its effective implementation before the end of 2018. Noting with interest the process initiated by the Government with a view to abolishing the *Kafala* system and the introduction in 2017 of a flexible work permit system in order to allow migrant workers to change employers, she called on the Government to ensure that any rules adopted to regulate this right did not impose conditions or limitations that would increase the migrants' dependency on their employers and thus their vulnerability. In view of the allegations of the International Trade Union Confederation (ITUC) regarding the limitations of the flexible work permit system, the speaker requested the Government to provide information on the practical implementation of the system, including the number of cases where transfer to another employer had not been approved. The Government was invited: (i) to provide more information on efforts made to inform migrant workers and their employers of existing mechanisms to advance their claims to the relevant authorities; and (ii) to enhance the capacity of competent authorities and institutions to identify and address cases of discrimination. The speaker noted with interest the information provided by the Government on measures taken with regard to equality of opportunity and treatment between men and women in employment and occupation and indicated that further information on the concrete impact of such measures, notably on increasing the number of women in leadership positions and improving their situation in the labour market, would be welcomed. In view of the fact that, despite being prohibited in the Penal Code, sexual harassment was neither defined nor prohibited in labour law, and given the sensitivity of the issue, the heavier burden of proof and the limited scope of the Penal Code, the Government was called, once again, to include provisions to that effect in the labour or civil law, to take measures to prevent sexual harassment in the workplace and to provide remedies to victims and impose dissuasive sanctions on perpetrators. The lack of complaints did not mean that there was no harassment in practice. The speaker encouraged the Government to avail itself of ILO technical assistance, in order to adopt the legislative and practical measures necessary to address the issues raised by the Committee of Experts.

The **Employer member of Kuwait** welcomed the close cooperation between the social partners in bipartite and tripartite commissions. The Government had made a positive contribution to the action taken with regard to the cases of workers who had been dismissed in the public and private sectors following the events of February and March 2011. The Government had played an active role, in collaboration with the employers, to find a satisfactory solution through the reinstatement of the workers, while guaranteeing good labour relations and the protection of their rights. The Committee should take into consideration the initiatives taken by the Government to combat discrimination and to give effect to the principles set out in the Convention. Procedures had been established for that purpose to safeguard the rights of workers, including access to justice and the right to lodge complaints. Those progressive measures were contributing to the protection of workers, not only against discrimination, but also against any violation of their rights. With reference to equality of opportunity for men and women, there had been a significant increase of participation of women in the labour market and they benefited from the privileges set out in the national legislation. In practice, women occupied positions with high levels of responsibility in the same way as men, including as ministers, ambassadors and presidents of administrative boards in the private sector. In conclusion, he encouraged the Government to avail itself of ILO technical assistance, which would contribute to the development of harmonious mutual relations and the promotion of international labour standards.

The **Government member of the United Arab Emirates** said that his country appreciated the efforts made by the Government to fulfil its obligations in relation to the ILO, including to give effect to the observations made by the Committee of Experts on discrimination in employment and occupation. The Government however needed more time to put the observations into practice. It was making substantial efforts to strengthen the rights of workers and to provide comfort and well-being for the residents of the country, as illustrated by the legislative reforms undertaken. Indeed, workers and employers were protected against any form of discrimination, work permits were granted in a flexible manner and the protection of wages was guaranteed, as well as the right to change employer. More time would be needed to assess the impact of the effect given to the observations of the Committee of Experts, as legislative reforms required time to deliver results. Finally, the technical assistance provided by the ILO was greatly appreciated.

The **Worker member of the Philippines** stated that many Filipinos considered themselves lucky to be working in “progressive and very open” Bahrain. While working, they even brought their families to reside and live in that country. There were 60,000 Filipinos living and working in Bahrain, and they included professional, skilled and semi-skilled workers as well as household domestic workers. About half of the overseas Filipino workers were domestic workers, and Bahrain had been the first and only country in the region to include, though partially only, domestic workers into its labour law. However, the national legislation did not comply with ILO standards concerning domestic workers. Domestic workers remained excluded from critical protections, such as a fixed minimum wage, limits on working hours, mandatory rest hours or weekly days off, and the recent flexible work permit system adopted by the Government would not be enough to tackle exploitation of workers. First of all, not all categories of workers were eligible to apply for this system. For example, skilled workers and “runaway workers”, a category that included workers who had escaped abusive employers, were not eligible for the system. Also, the unified contract for migrant domestic workers only covered those workers recruited by

agencies, and could not be considered as a full protection. Under the unified contract, employers should declare, among other things, the nature of the job, work and rest hours and weekly days off. Yet, the responsibility to translate the contract and inform the domestic worker of all details of the job offer remained solely with the recruitment agencies, allowing the possibility of misinforming the domestic workers about the terms and conditions of the job. Domestic workers were particularly vulnerable to excessive working hours, and many domestic workers worked up to 19 hours a day with no rest day. The speaker concluded by urging the Government to amend national labour legislation to ensure that all migrant workers were fully covered by the provisions of labour law, in order to protect them from any direct or indirect discrimination.

An **observer representing Education International (EI)** indicated that the situation of teachers and public service workers in Bahrain remained extremely serious. Discrimination, mostly based on sectarian or political grounds, was still firmly entrenched. This prevented many teachers from exercising their profession and vocation, affected their working conditions, and prevented them from being able to associate in trade union organizations. Public sector unions were still prohibited. The Bahrain Teachers Association (BTA) had been dissolved by the authorities in April 2011 and its leaders, Mr Mahdi Abu Dheeb and Ms Jalila Al-Salman, had been accused of political activism and arrested. Mr Abu Dheeb had been released after five years of imprisonment, following intense pressure from the ILO and the international trade union movement. The severe detention conditions had taken a serious toll on his health. No detailed explanation had been given by the Government regarding the reasons for his conviction and detention. Travel bans had been imposed on both Mr Abu Dheeb and Ms Al-Salman on a recurring basis in past years (as recently as September 2017), preventing them from speaking freely about the plight of teachers and unionists in Bahrain. Many other teachers who had been involved in the peaceful protests of 2011 had also been discriminated against on grounds of opinion, belief and trade union affiliation: they had lost their jobs and had not yet been reinstated nor had they received any compensation. The BTA could not operate or communicate efficiently with teachers who were afraid to report what had happened to them, as long as the Government remained hostile. Meanwhile, the Ministry of Education had hired 9,000 expatriate teachers, whereas at least 3,200 Bahraini graduates with degrees in education remained unemployed, all of them belonging to the Shia community. It should also be noted that expatriate teachers were employed on more favourable terms and conditions and were fast-tracked into positions, while Bahraini teachers had to qualify through exams and lengthy assessments.

The **Worker member of the United States** noted the Government’s acknowledgement that the lack of a definition of sexual harassment in legislation was problematic. The GFBTU had received reports of harassment establishing that sexual harassment certainly occurred, even if there were no officially reported cases. Sexual harassment was a serious form of sex discrimination in violation of the Convention and formed a barrier for women in the workplace. Without a definition of sexual harassment, women could not point to a standard in order to inform their employers that something unacceptable was happening; likewise, employers did not have a guideline to measure when supervisors were acting inappropriately. As sexual harassment involved one person asserting power over another, laws preventing it were particularly important at work, where the power dynamic already tipped in the employer’s favour. The general penal provision outlawing violence and aggression was inadequate to address sexual harassment in the workplace, because it focused on sexual assault. However, sexual harassment encompassed a range of activities

far broader than that, and holding individuals accountable under penal law failed to impose any obligations on employers to provide harassment-free workplaces. That legal scheme, therefore, acted more as a mechanism for punishment than as a tool for prevention and elimination of sexual harassment in the world of work, as envisaged by Article 2 of the Convention. The speaker hoped that the Committee's conclusions would include recommendations for a law broadly defining sexual harassment, including prohibitions on unwelcome sexual advances, requests for sexual favours, any kind of verbal or physical harassment of a sexual nature and offensive remarks about a person's sex, so that both hostile environment and quid pro quo harassment would be unlawful. This law should cover both domestic and migrant workers. Also, a mechanism should be created whereby victims of harassment could lodge complaints that would be investigated and prosecuted, while the existing laws should be amended accordingly, including the Labour Law of the Private Sector and Legislative Decree No. 48/2010. Finally, the speaker called for an educational campaign on this topic.

**The Government member of Egypt** welcomed the efforts made by the Government for the reinstatement and compensation of dismissed workers. The amendments to the Labour Code offered the best guarantee of the rights of migrant workers, for example, by permitting them to change employers without imposing abusive conditions. The amendments also enabled workers to obtain work permits under less strict conditions. The increase in the participation rate of women on the labour market showed the Government's efforts to actively give effect to the provisions of the Convention. The speaker encouraged the Government to strengthen its cooperation with the ILO in order to improve the application of the provisions of the Convention in law and practice.

**The Worker member of Norway**, speaking on behalf of the Worker members of the Nordic countries and the United Kingdom, recalled that migrant workers constituted around 77 per cent of the workforce in Bahrain. Many were exploited and deprived of their economic and social rights. In May 2017, the Ministry of the Interior had introduced a pilot scheme for a flexible working permit for limited categories of migrant workers in irregular situations, permitting them to work without a sponsor, provided that the workers covered certain costs, such as fees for work permits, health care and social insurance. It was anticipated that the Ministry of the Interior would issue up to 2,000 permits per month. However, many workers who had a sponsor were not eligible for the flexible work permit scheme, such as skilled workers and workers who had escaped abusive employers. Moreover, workers had to provide a valid passport in order to apply for a permit and many migrants were not in possession of their own passports. In addition, domestic workers and agricultural workers were excluded from this scheme. It was estimated that there were more than 100,000 domestic workers in Bahrain, who were excluded from a number of labour law provisions. The speaker further emphasized that there was no minimum wage protection. The wage gap between migrants and nationals was huge, and migrant workers were excluded from insurance for old age, disability and death. According to the 2017 Trafficking in Persons (TIP) Report, issued by the United States Department of State, officials from the Government and non-governmental organizations had reported that physical abuse and sexual assault of female domestic workers were significant problems in Bahrain. In addition, domestic workers often worked up to 19-hour days with minimal breaks, being only partly covered by the labour law and without receiving overtime pay. National laws excluded private homes from labour inspection, effectively resulting in a total absence of labour inspection into the conditions of work of domestic workers.

The speaker concluded by expressing full support for the recommendations of the Committee of Experts, urging the Government to take quick and urgent action to ensure legal protection for migrant workers.

**An observer representing the International Transport Workers Federation (ITF)** indicated that, in December 2017, the ITF and the GFBTU had been received by the country's Minister of Labour and Social Development to discuss maritime labour issues. At that meeting, the Government had expressed its firm commitment to protecting the labour rights of maritime workers and the Minister had reiterated his willingness to cooperate with international workers' organizations such as the ITF. The speaker hoped that this commitment to protecting workers' rights would also translate into a pledge by the Government to fully implement the Tripartite Agreements of 2012 and 2014. There were still a number of workers named in the annexes to the Tripartite Agreements (including transport workers) whose cases had not been resolved. Those workers needed to be reinstated or offered alternative employment and receive financial compensation and statutory entitlements for the entire period of their dismissal. The speaker recalled that this was the second consecutive year that the Committee on the Application of Standards had examined Bahrain's failure to develop a legal framework to protect the rights of women workers in line with the Convention and to enforce existing legal provisions. With regard to the latter, despite several provisions in the law relating to maternity protection, the country's leading airline maintained policies and practices that directly contravened these laws. At the airline, not only was maternity leave unpaid, but the worker was also required to pay the employer's social security contributions during the leave period. Pregnant migrant workers were forced to vacate their paid company accommodation and find an alternative one at their own expense. Incredibly, a pregnant worker could expect her employment contract to be automatically terminated once she declared her pregnancy – with no guarantee of reinstatement. In three recent cases, crew members had not been reinstated after maternity leave. While the Bahrain Civil Aviation Law required annual medical assessments for flight crews, the airline took advantage of this requirement in order to carry out compulsory pregnancy testing. The company's recruitment practices were no better. The airline had recently listed vacancies for cabin crew on its website, but only single persons without children had been invited to apply. Distinctions in employment based on pregnancy or maternity were considered to be discriminatory under the Convention, as they could only, by definition, affect women. The Committee of Experts had repeatedly stressed that discrimination on these grounds constitutes a serious form of discrimination on the basis of sex. In conclusion, the speaker urged the Government to bring its legislation into line with the Convention, in consultation with the social partners, and to resolve the outstanding cases covered by the Tripartite Agreements within 12 months. He also called on the Government to ensure that its labour inspectorate was adequately resourced to tackle gender-based discrimination in the workplace.

**The Government member of Switzerland** said that he supported the statement made by the Government member of Bulgaria on behalf of the European Union and its Member States, as well as Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Norway.

**The Employer member of Algeria** said that she had closely followed the Government's statement that the Labour Ministry had redressed the situation of dismissed workers, either by reinstating them or by offering them a new job. With regard to other workers, the Government had had recourse to social insurance. There did not seem to be any discrimination in employment in the country, but the Com-

mittee of Experts was nevertheless requesting the promulgation of supplementary legislation. In this regard, ILO technical assistance was greatly appreciated. The legislative reform undertaken by the Government, in consultation with the social partners with a view to promoting migrant workers' rights, was a strong example of tripartite willingness to ensure good working conditions without discrimination. The Government was taking measures to ensure that women held significant positions in the labour market, while also guaranteeing that sexual harassment was prohibited in labour law. The rate of women's participation in the labour market, both in the private and public sectors, hovered between 36 and 39 per cent. She hoped that the Committee of Experts would take into consideration the efforts made by the Government and that the Office would provide the technical assistance necessary to strengthen Bahraini labour law in conformity with the Convention.

**An observer representing the World Federation of Trade Unions (WFTU)** indicated that workers' organizations in the public sector benefited from the same privileges as those in the private sector. Moreover, dispute resolution mechanisms were available to examine the application of the legislation.

**The Worker member of Sudan**, speaking also on behalf of the Worker members of Bahrain, Kuwait, Morocco, Saudi Arabia and the United Arab Emirates, affirmed that the Bahraini people, without distinction, enjoyed freedom to participate in political life and that there was no discrimination based on political opinion. Similarly, there had been no dismissals on the basis of political opinion. All those who had been dismissed during the events of 2011 had been reinstated. Moreover, all allegations made by the ITUC concerning such dismissals were unfounded, ill-intentioned and did not reflect reality. According to an international investment bank, foreign workers living in the country enjoyed very good working conditions. In this regard, Bahrain was ranked in second place among the Gulf countries and tenth place worldwide. With regard to equality of opportunity in employment and occupation, Bahraini women occupied senior posts. In 2017, women occupied 48 per cent of public sector posts, 37 per cent of senior management posts, 59 per cent of middle-management posts and 32 per cent of decision-making positions in the executive branch. In addition, the country had the highest rate of independent business women (28 per cent) among the countries in the Middle East and North Africa. According to a 2016 ILO report, there had been an increase in the rate of women in positions on companies' executive boards (from 12 to 14 per cent). These changes constituted real success, since certain posts had for a long time been monopolized by men, particularly political, parliamentary, judicial, diplomatic and military functions. In conclusion, no one could deny the progress that had been made to protect workers, and the insistence on placing Bahrain on the list of individual cases, while omitting many countries which imprisoned, killed and persecuted workers' representatives, was surprising.

**The Worker member of Spain** considered that, seven years after the demonstrations of 14 February 2011, the situation had reached a tipping point as the Bahraini people had been placed under pressure by various means. In terms of issues relating to the implementation of the Convention, reference should be made to a number of measures, including forced unemployment, the non-hiring of workers for political reasons and the withdrawal of Bahraini nationality. The latter was a particularly worrying practice for Bahraini workers who, in many cases, had been stripped of their nationality for political reasons. Over the previous six years, the system had gradually started punishing and silencing political opponents and defenders of civil liberties, including trade union leaders. Since 2012, a total of 719 people had been stripped of their nationality, and

213 citizens had been stripped of their nationality in 2018 alone. This was a clear violation of the Universal Declaration of Human Rights, which established that all people had the right to nationality and that nobody could be arbitrarily deprived of it. The consequences were dramatic: citizens who had had their nationality revoked were considered migrant workers and, under Legislative Decree No. 36 of 2015, were denied all rights and benefits, including social security benefits, despite having contributed to the system for years. The situation was playing out against the backdrop of a labour market which largely depended on a migrant workforce that was unskilled and badly paid. The public sector mainly employed people born in the country, while immigrants were mainly employed in the private sector. For example, Mr Hussein Khair Mohammadi, Vice-President of a trade union at enterprise level, after refusing to be pressured into leaving his trade union post, had had his nationality revoked in January 2017, along with his right to work and to social security. Such practices were discriminatory and were blatant violations of Article 5 of the Convention.

**The Government representative** reaffirmed his Government's commitment to take into consideration the Committee of Experts' comments, and underlined the following: (i) the resolution of the cases of the dismissed workers had not yet been closed and the process was still ongoing; (ii) the certificate of rehabilitation was a procedure under the Criminal Procedure Law and not necessarily a condition for employment in some companies; and (iii) the flexible work permit scheme had been a positive step that guaranteed the rights of the workers concerned. Regarding the prerequisite of a valid passport, this problem should be resolved by the relevant embassies. The speaker reaffirmed the Government's commitment towards the ILO supervisory bodies, and highlighted the importance of ensuring more transparency in the selection of the list of cases.

**The Worker members** drew the Government's attention to the fact that the objective of the Committee's conclusions was to generate specific changes. The Government should therefore: (i) take the necessary measures to enable the direct contacts mission to be carried out as soon as possible; (ii) ensure the proper implementation of the Tripartite Agreements and communicate detailed information on this subject to the Committee of Experts; and (iii) adopt a definition of discrimination in the legislation that is in conformity with the Convention, ensuring that this legislation covered all categories of workers, especially those most in need of protection. They reiterated that the Labour Law of the Private Sector of 2012 (Law No. 36/2012) should be amended to extend its scope of application to domestic workers, and persons regarded as such, and set out, in articles 39 and 104, all the grounds of discrimination listed in the Convention. Legislative Decree No. 48/2010 should be amended to ensure that public workers enjoyed adequate protection against direct and indirect discrimination in employment and occupation, on all the grounds set out in the Convention. This protection should not only be provided for in law, but also in practice. With regard to migrant workers, application of the flexible work permit scheme should be extended to skilled workers, domestic and agricultural workers, and workers who had fled their employers due to abuses. All social contingencies should be covered, including old age, and all contributions should be paid by the employer. It was essential to extend application of the labour law to all domestic workers, irrespective of how they were recruited, and to ensure that they benefited from all protections provided for in law, particularly the right to a minimum wage and limits on working hours. In addition, measures effectively protecting women's rights should be adopted, including measures to enable women to access certain occupations and maternity protection. The

Government was also invited to formulate legislation defining and explicitly prohibiting sexual harassment.

The Employer members welcomed the commitment of the Government to continue to cooperate with the social partners and to provide additional information to the Committee of Experts regarding measures taken to ensure conformity with the Convention. They took due note of the statements made by several members of the Committee, welcoming the efforts undertaken by the Government, acknowledging positively the increased participation of women in the labour market, calling on the Committee on the Application of Standards to recognize the efforts made and encouraging the Government to continue to strengthen social dialogue and to avail itself of ILO technical assistance. The Employer members noted in a positive spirit the Government's acceptance of a direct contacts mission, which would assist in the submission of additional information to further assess the situation. Furthermore, they called on the Government to ensure that: (i) the national legislation covered all recognized prohibited grounds of discrimination set out in Article 1(1)(a) of the Convention, and a comprehensive definition of discrimination was formulated in the legislation in compliance with the Convention; and (ii) discrimination in employment and occupation was prohibited in law and practice both in the private and public sectors. The Government should continue to furnish information concerning measures taken on the above and in regard to the position of women in the labour market. They also encouraged the Government to take advantage of the review of "protective" legislation to ensure, in law and practice, respect for the principle of equality of opportunity and treatment between men and women in employment and occupation. Lastly, the Employer members urged the Government to ensure that sexual harassment was adequately prohibited in national legislation, and to provide the Committee of Experts with information on steps taken to this end.

### Conclusions

The Committee took note of the oral statements made by the Government and the discussion that followed.

Taking into account the Committee's conclusions of 2017, the Committee notes with interest the Government's stated commitment to accept a direct contacts mission in short order.

The Committee noted the Government's stated commitment to formulate a comprehensive definition of discrimination in line with the Convention. The Committee regretted the absence of information with respect to allegations concerning the operation of the flexi-scheme and its impact on the labour protections afforded to migrant workers.

Taking into account the Government's submission and the discussion that followed, the Committee called upon the Government to:

- provide further information on the measures taken to implement the commitments contained in the Tripartite Agreements of 2012 and 2014 in connection with the Government's efforts to comply with Convention No. 111 to the Committee of Experts for its November 2018 session;
- ensure that all the outstanding cases of reinstatement and compensation for the cases falling under the scope of the Tripartite Agreements are resolved expediently;
- ensure that the Labour Law in the Private Sector of 2012 and Legislative Decree No. 48 of 2010 cover all recognized prohibited grounds of discrimination set out in Article 1(1)(a) of the Convention, in both direct and indirect forms, and undertake measures to ensure that discrimination in employment and occupation is prohibited in law and practice;

- ensure that migrant workers as well as domestic workers are included in the protection of anti-discrimination law;
- repeal any provisions that constitute an obstacle to the recruitment and employment of women in order to ensure equality of opportunity and treatment in employment of women; and
- ensure that sexual harassment is explicitly prohibited in the civil or labour law and that necessary steps to introduce preventive measures are taken.

Having noted the Government's stated commitment to accept a direct contacts mission, the Committee encouraged the Government to address the Committee's recommendations. The Committee requested that the Government reports in detail on the measures taken to implement these recommendations to the next meeting of the Committee of Experts in November 2018.

The Government representative referred to his Government's opening statement which was clear and contained a lot of information on the application of the flexible work permit system. Further information would be provided in the course of the year. The fact that the flexible work permit system was a pilot being implemented for the first time in the region should be taken into consideration. His Government was ready to cooperate with the ILO and accepted the recommendations, noting that these were the same as those adopted following the previous discussion in 2017. Contact would be maintained with the Office to identify a suitable time for the direct contacts mission, which he expected would lead to a successful outcome.

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### Employment Policy Convention, 1964 (No. 122)

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#### LIBYA (ratification: 1971)

A Government representative expressed surprise that the Committee on the Application of Standards had included his country in the list of cases prepared by the social partners, as his Government had never failed to respect its ILO constitutional commitments. Referring to the Committee of Experts' comments regarding the complicated situation in the country, the speaker hoped that his Government would soon be able to provide detailed and comprehensive information on its envisaged labour market strategy and means of achieving its employment goals. Indeed, the National Reconciliation Government recognized by the international community had encountered difficulties in being accepted in some parts of the country, which made it challenging to undertake any surveys or studies, or to acquire detailed and adequate information. Hence, more time than usual was called for. Moreover, the existence of a parallel government placed some labour offices in the municipalities (which were affiliated to the Ministry of Labour of the National Reconciliation Government, but were geographically under the control of the parallel government) in a difficult situation with regard to administrative procedures.

Regarding the comments made by the Committee of Experts concerning the Government's establishment in 2012 of a committee to revise the Labour Market Strategy, the speaker stated that the National Planning Council had issued the Libyan National Strategy for Human Development and Empowerment for 2013–14 (the "Strategy"). The Strategy focused, among other things, on: (a) transformational training for graduates whose qualifications did not meet labour market requirements; (b) encouraging self-employment through the creation of small and medium-sized enterprises (SMEs); and (c) establishing a comprehensive database for human resources and job opportunities to determine the extent of the developmental and economic reality in the country in order to identify human resource requirements. The Strategy also specified six main strategic goals in relation to training and the workforce, which were

to: (a) increase the rate of full and decent employment for all those able to work; (b) address the problems of seasonal and disguised unemployment and consider activating the social security law to avoid criminal behaviour that could result from an interruption of income; (c) emphasize the adoption of vocational guidance and counselling methods for new entrants to the labour market, and enlarge the participation of the private sector in vocational and technical training; (d) increase the number of seminars and studies dealing with human resources and enabling participation in these at home and abroad, as well as working to review the policies, activities and procedures of recruitment and development of legislation to respond to globalization and liberalization of world trade and the information age; (e) change the path of women's work through empowerment and capacity building: (i) participate effectively in economic activity; (ii) affirm the trend towards equality of opportunity; (iii) change the stereotypical image of women's work; and (iv) reorganize the labour market to respond to the requirements and methods of economic activity in the era of globalization and informatics; and (f) consider the growing number of persons of working age as an opportunity rather than as a problem and develop methods and mechanisms of training and vocational and technical rehabilitation, which respond to the introduction of advanced methods in the field of training, continued distance training, transformational training and other training modalities. Concerning the latest statistics of the labour market, despite the difficulties on the ground, the Information and Documentation Centre in the Ministry of Labour and Rehabilitation (the "Centre") issued some statistics. These, however, did not cover the entire country and related only to the western region of the country. The Centre clarified that the number of jobseekers who had been registered up to 31 December 2017 totalled 137,000, but that 12,000 were excluded, as they were found to be holding two jobs, despite the fact that civil servants were prohibited by law from doing so. Another 11,000 jobseekers were excluded from the total due to being registered twice in areas where labour offices had been newly established. Therefore, the number of registered jobseekers in the western region alone totalled 88,000. Moreover, the Libyan Multi-Purpose Survey Project 2017–18 was being implemented and the survey results were expected to assist in the development of an employment policy with the participation of the social partners.

As for SMEs, the National Programme for Small and Medium-sized Enterprises was established to develop a culture of innovation in the community and to create a supportive environment for them. In October 2017, the National Reconciliation Government launched a pilot programme to finance SMEs, with the aim of providing job opportunities to youth and limiting unemployment. The programme would provide financial loans to entrepreneurs through commercial banks backed with guarantees from the Lending Guarantee Fund. In addition, business incubators were to be set up throughout the country to provide assistance for projects, and to train those responsible for the projects and prepare plans for them. Commercial banks would undertake to finance up to 60 per cent of the project's cost, provided that supporting project funds contributed 30 per cent of the total value of the project and the beneficiary of the project paid 10 per cent of the remaining cost. Regarding the comments in the Committee of Experts' report observing that the number of persons with disabilities had increased in recent years due to the ongoing conflict, it was worth noting that a special programme had been created for people with disabilities. The General Authority of Families of Martyrs, Amputees and Missing Persons (the "Authority"), in collaboration with the National Programme for Small and Medium Enterprises, had established a special programme for entrepreneurs, known as

"Support Me". On the issue of migrant workers and their presence in the informal economy, the speaker noted that migrants in an irregular situation were reluctant to regularize their situation through registration, due to their fear of being repatriated and their desire to migrate to Europe through the country as one of the transit States south of the Mediterranean. In spite of this, the Government, in cooperation with neighbouring countries, countries of origin and relevant international organizations, had made significant and positive progress in reducing irregular migration, urging migrants to obtain legal status in the country so as to enjoy their rights guaranteed by law for voluntary employment or voluntary repatriation. The Presidential Council of the National Reconciliation Government attached special importance to the right of women and persons with special needs at work without neglecting the rights to education, health, development and other rights that respect the religious and cultural identity of the Libyan people. In this regard, the Council issued Decree No. 210 of 2016 on the establishment of a support and empowerment unit for women employed in state institutions. The resolution aimed to implement policies and programmes to empower women to access their political, economic and social rights and to remove obstacles that limit the exercise of their role in a positive and effective manner.

In conclusion, the speaker considered it important that the ILO and the international community continue to provide the necessary support to the Presidential Council of the National Reconciliation Government to: (a) build and develop institutions and strengthen its authorities throughout the State; (b) support its policy to implement an effective disarmament, reintegration and a decent work programme for young people, and respect for human rights; and (c) preserve dignity and progress in development. More time would, therefore, be requested to respond to the observations of the Committee of Experts.

**The Worker members** indicated that the leader of the most representative union of the country was unable to attend the International Labour Conference due to the Government's failure to submit the person's name for accreditation and that the relevant complaint would be registered with the appropriate bodies. The speaker acknowledged the conflict situation in the country. According to the reports of the United Nations Support Mission in Libya (UNSMIL), ongoing hostilities across the country continued to result in significant civilian casualties and constantly destabilized the UN-backed National Reconciliation Government. In the month of April alone, there had been 31 civilian casualties. The Government had very limited effective control over security forces. The conflict had destroyed the economy and impaired the delivery of public services. There were reports of over 200,000 internally displaced people. Law enforcement and the judicial services were barely off the ground. The Government reported that companies had left, the number of young people with disabilities resulting from the war was on the rise and the migration situation was out of control. Despite improvements in the conditions of the country in 2011 and 2012, when the war and mayhem commenced, the current situation had become dire. The Government, therefore, had a duty to continue to push for more progress towards stabilizing the country and ensuring economic growth and employment. The Committee of Experts had called on the Government, over a period of years, to inform the ILO of the general situation and trends in the Libyan labour market and the manner in which it achieved its employment objectives in accordance with the Convention, which required each ratifying State to adopt and pursue a frontline policy designed to promote full, productive and freely chosen employment to address unemployment, underemployment and to raise levels of living within member States. The Convention also challenged the dogma that economic growth, guided only by the invisible

hand of market forces, would naturally lead to higher levels of employment and improved living standards for all. It obliged member States to adopt an employment policy aimed at ensuring: (i) that there was work for all who were available for and seeking work; (ii) that such work was as productive as possible; and (iii) the existence of a free choice of employment with the fullest possible opportunity for each worker to qualify for, and to use his/her skills and endowments in, a job for which he/she was well suited. In this process, mutual relationships between employment objectives and other economic and social objectives were to be observed and the stage and level of economic development duly taken into account.

The Government had indicated that the 2004 Employment Policy had undergone several amendments to take current reality into account. The Government further indicated that it had commissioned a committee in 2012 to modify the labour market strategy focused on: (a) measures to address unemployment arising from the halting of development projects due to the war; (b) education and training programmes to address labour market needs; and (c) measures targeting the informal economy and the participation of migrants in labour-intensive activities to achieve full employment. Complying with the Convention would provide the Government with an opportunity to place employment at the heart of economic and social development policies. Based on the assumption that there was a unified Government able to achieve some reasonable stability to ensure a level of macro-stability, the economic prognosis for the country forecast a growth of 15 per cent in 2018, and an average 7.6 per cent growth in 2019–20. It was expected that both the fiscal and current account balances would significantly improve, with the budget and the current account running surpluses as from 2020 onwards. However, it was expected that high inflation and weak basic service delivery would likely increase poverty and exacerbate socio-economic exclusion. The speaker drew the Government's attention to the security crisis that could engender an economic hopelessness, and recommended that the Government be guided by the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), which sets out measures to be taken to generate employment and decent work for prevention, recovery, peace and resilience in crisis situations arising from conflicts. Pursuant to Recommendation No. 205, the Government was urged to: (i) promote full, productive, freely chosen employment and decent work as vital elements to promoting peace, preventing crises, enabling recovery and building resilience; (ii) ensure good and stable governance and combat corruption and clientelism; and (iii) respect, promote and realize fundamental principles and rights at work, other human rights and other relevant international labour standards as appropriate and applicable. In this vein, the speaker expressed concern that the labour relations law limited the right of workers to form and join independent unions. The right to strike was also significantly restricted. The existing labour law required that all collective agreements conform to the "national economic interest", which threatened the free collective bargaining allowed under the labour relations law. The law also gave the Government the power to set and cut salaries without consulting workers. These actions and legal provisions violated the Convention, which provided in its Article 3 that representatives of employers and workers should be consulted concerning employment policies, with a view to taking fully into account their experience and views and securing their full cooperation in formulating and enlisting support for such policies. The Committee of Experts had pointed out that the Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189), provided important guidance for the Government. It required member States, in consultation with the most representative organizations of

employers and workers, to promote full, productive and freely chosen employment, and to ensure greater access to income-earning opportunities and wealth creation leading to productive and sustainable employment and to increase economic participation of disadvantaged and marginalized groups. The Committee of Experts had also indicated that there was a need for the Government to establish a labour market information system in compliance with Article 2 of the Convention. Data from the labour market situation and trends were the basis for economic planning, useful comparisons over time, employment target setting and assessing the impact of policy measures. The Government also needed to pay attention to the increasing number of young persons with disabilities as a result of the conflict. The Convention required workforce needs to be met, which meant that labour market measures such as skills development, counselling and other forms of training should be provided to people with disabilities to ensure that they could thrive in the labour market. Regarding the migration crisis in the country, the Government should take account of the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), which called for policies to be adopted to ensure that international migration took place under conditions designed to promote full, productive and freely chosen employment. In that light, the Government should be supported to fulfil its duty to adopt measures to respond to the needs of all categories of persons with difficulties in finding employment, including migrant workers. To conclude, the speaker recalled the short-term measures taken by the European Union to support the Government to enforce border controls to curb the use of the country's territory as a transit route for migration to Europe. The long-term and more sustainable strategy should be in line with Recommendation No. 169 to adopt measures, including the implementation of economically and socially viable public investment and special public works programmes, particularly with a view to creating and maintaining employment, raising incomes, reducing poverty and better meeting basic needs.

**The Employer members** recalled that, since the ratification of the Convention in 1971, the Committee of Experts had made six observations and 12 direct requests on the conformity of national law and practice with the Convention. It was the first time that the case of Libya was being examined by the Committee on the Application of Standards relating to the present governance in the context of this Convention. The Employers referred to the provisions of Articles 1 and 3 of the Convention, which set out the obligation to declare and pursue, in consultation with the social partners, an active policy designed to promote full, productive and freely chosen employment which took due account of the stage and level of economic development in the country and the mutual relationships between employment objectives and other economic and social objectives. With respect to those Articles of the Convention, the Committee of Experts took note of the information provided in the Government's report on: (i) the introduction of several amendments to the active employment policy with the aim of bringing it into conformity with the reality on the ground and achieving the employment objectives by focusing on several pillars, which included measures to combat unemployment resulting from the halting of development projects due to the war, education and training measures, among others, focusing on the informal economy and the participation of migrants in labour-intensive activities; (ii) the increased participation of women in the labour market, which had risen by 250 per cent between 2007 and 2012; and (iii) the increase in the number of young persons with disabilities as a result of the conflict and the rise in irregular migration.

With respect to the Worst Forms of Child Labour Convention, 1999 (No. 182), the Committee on the Application

## Employment Policy Convention, 1964 (No. 122)

Libya (ratification: 1971)

of Standards examined the case of Libya in 2017 in relation to the Government's non-compliance with the Convention. During the examination of the case, it was emphasized that the country was in a state of internal war, facing the worst of political crises and an escalation of violence, which included the bombing of hospitals and schools. In this respect, the Employer members regretted that those devastating events were happening in the absence of the rule of law, when there were no valid counterparts and a state of war existed within the country involving various governments and internal guerrilla factions. Sustained and urgent international assistance was required to put an end to the cycle of chaos and widespread abuse that was affecting the country. The rule of law, a fundamental aspect which should never be forgotten, and a single and effective Government, were the beginning of any solution to the chaos prevailing in the country. It was difficult for the Government to intervene effectively in the labour market without the situation of internal warfare first coming to an end and control being re-established over its territory. In that context, the Employer members referred to the Preamble to Recommendation No. 205, which highlighted the importance of: (i) employment and decent work as being vital in promoting peace, preventing crises caused by conflicts, enabling recovery and building resilience; (ii) developing responses, through social dialogue, to crisis situations caused by conflicts, in consultation with the most representative employers' and workers' organizations and, as appropriate, with relevant civil society organizations; (iii) creating or restoring an enabling environment for sustainable enterprises, taking into account the resolution and conclusions concerning the promotion of sustainable enterprises adopted by the International Labour Conference at its 96th Session (2007); (iv) the existence of accessible and quality public services for economic recovery, development, reconstruction, prevention and resilience; and (v) international cooperation and partnerships among regional and international organizations to ensure joint and coordinated efforts. Recognizing the complexity of the situation in the country, the Employer members hoped that the Government would in due course be in a position to provide the Committee of Experts with information on: the labour market strategy; the manner in which it was considered that employment objectives would be achieved; the progress made in the compilation and analysis of labour market data; the measures adopted to promote the establishment and development of SMEs and to increase the labour market participation of persons in vulnerable situations; and updated statistical information. In that respect, they invited the Government to avail itself of ILO technical assistance. Lastly, the Employer members launched an urgent call to the international community and to employers' and workers' organizations to work together in a coordinated manner with a view to bringing the armed conflict to an end as soon as possible. They also called on the ILO to support the Government through technical assistance with the aim of re-establishing labour institutions in Libya so that the objective of full, productive and freely chosen employment could be achieved, in accordance with the provisions of the Convention.

The Worker member of Italy recalled that, in its comments, the Committee of Experts took note of the information provided by the Government in relation to the establishment in 2012 of a commission to modify the labour market policy, which included measures such as the promotion of the participation of migrants in labour-intensive activities. However, such commitment did not materialize.

According to the 2018 Amnesty International report, at least 7,000 migrants and refugees were languishing in Libyan detention centres where abuses were rife, and food and water were in short supply. According to the UN High Commissioner for Refugees (UNHCR), only in April 2018,

the Coast Guard intercepted 1,485 women, men and children at sea and brought them back to the country. Once intercepted, refugees and migrants were transferred to detention centres run by the Department for Combating Illegal Migration (DCIM). Furthermore, in its 2017 observation on Libya's application of the Forced Labour Convention, 1930 (No. 29), the Committee of Experts observed that migrants had been subjected to financial exploitation and forced labour. While acknowledging the complexity of the situation unfolding in the country, the speaker stressed that any labour market strategy or employment policy developed by the Libyan authorities should not compromise human and workers' rights or promote exploitation. Instead, it should ensure basic respect for human rights and access to basic public services for the most vulnerable groups. The speaker added that the Government could not be considered a safe country to be assigned the responsibility of managing migratory movements along the central Mediterranean route to Europe. In light of bilateral relations with the European Union, it was unacceptable to tolerate pushbacks or collective expulsions. New safe and regular channels to Europe for migrants and refugees should be established, including through humanitarian resettlements and visas. The speaker also raised a concern regarding the application of Article 3 of the Convention by Libya, which requires member States to take fully into account the views of social partners when designing and implementing an active employment policy. Finally, the speaker concluded that it was regrettable that the General Federation of Libyan Trade Unions could not express its views in this respect, as they were not allowed to be members of the Libyan delegation.

The Government member of Egypt appreciated the information provided by the Government which outlined its efforts in providing employment opportunities and welfare to groups in vulnerable situations. Of particular importance was the strategy issued by the Government to: (a) develop human resources with an interest in vocational training; (b) encourage SMEs to address unemployment; (c) empower women and ensure their effective participation in the labour market; and (d) establishment of the special financial programme for persons with disabilities to enable them to set up their own projects. All of these efforts were undertaken by the Government in spite of the difficult circumstances that the country was facing. This demonstrated the Government's full awareness of the importance of providing decent and productive work for every jobseeker and these factors should be taken into consideration when examining the country's case. The Government was encouraged to continue its efforts to attain the projected goals of its labour market strategy. In this regard, the ILO was urged to provide the Government with the necessary technical assistance.

An observer representing the International Transport Workers Federation (ITF), also speaking on behalf of the Dockers' and Seafarers' Union of Libya, considered that all the participants were united in recognizing the complexity of the situation in the country. The economy had been decimated by years of conflict. The participants also recognized the Government's efforts to generate employment and decent work to resolve its predicament. With regard to the participation of women in the labour market in Libya, the speaker highlighted that, while the proportion of economically active individuals in the country was only 46 per cent of the total working-age population, the figure for women was less than 27 per cent, which meant that the total number of women in the workforce was barely one third that of men. Moreover, according to a recent report of the Friedrich Ebert Foundation, female labour market participation in the country was limited to only four sectors: public administration; education; health care; and social security. In this respect, the speaker indicated that there were

certain administrative practices that encouraged women's employment only in certain sectors. The unsavoury phenomenon of violence and harassment against women workers constituted another deterrent to female labour market participation. In order to promote productive employment for women, it was important to *put in place programmes providing education and vocational training, as well as to re-establish the rule of law to guarantee women's security*. In relation to the maritime sector of the country, the speaker highlighted that Libya was one of the North African countries with a coastline on the Mediterranean Sea basin, whose waters were commonly associated with the perilous journeys made by desperate migrants experiencing conflict and hardship. At the time, out of the country's 16 ports, 14 were in operation. However, underinvestment and a lack of resources made some port operators struggle to pay their workers not to mention poor infrastructure in some ports which led to significant occupational safety and health deficits, as well as security concerns. Marine insurers and unions alike continued to advise shipowners to warn crews of the volatility of the situation, including oil smuggling activities off the western coast of the country. The maritime sector was seen as having great potential. It was, therefore, hoped that a holistic approach would be adopted to develop a policy that would fully revive the ports and shipping industries, in order to create long-term, stable and productive employment. While fully cognizing the difficulties on the ground, it was necessary that the Government put in place an employment policy, in consultation with the social partners, with a view to stimulating economic growth and development and overcoming unemployment and underemployment in accordance with the Convention. In doing so, the Government should be directed by Recommendation No. 205, which provided guidance to ILO member States on the measures to be taken to generate employment and decent work for the prevention, recovery, peace and resilience in crisis situations arising from conflicts. Trade unions and international workers' organizations were ready to provide assistance in order to ensure decent work for all workers.

**The Government member of Iraq** welcomed the information provided by the Government. Given the difficult situation in the country due to the war and the consequent lack of security, sufficient time should be provided to the Government to reply to the comments of the Committee of Experts. Technical assistance of the ILO was highly appreciated in order to enable the country to implement the Convention.

**The Worker member of Burkina Faso** considered that words relating to the implementation of the Convention were irrelevant. What was important, in the name of morality, dignity and human integrity, was to pay tribute to the memory of all the Libyans massacred during the imperialist attack on the Libyan people, and those who were continuing to lose their lives as a result of the collateral damage linked to that destabilization. The inertia of international institutions, and particularly African institutions, in response to the political, economic, social and military disarray, which was having an inestimable human impact on the country and the Sahel-Saharan strip, was to be regretted. In that context, the issue of employment was a cruel reality. An employment policy which took into account the profound aspirations of the Libyan people for the development of their country, and which respected the human values of solidarity, needed to be adopted as a matter of the utmost urgency, and in compliance with the Convention and the corresponding Recommendation. In response to the cases of slavery in the country, it was important to encourage and express solidarity with the Libyan people in their fight to rebuild the country on the foundations of the human values of equality, integrity and solidarity. He urged trade unionists and other civil society organizations in Libya to

continue showing solidarity and to resist the ravages of imperialism, and he called on the ILO to provide technical assistance.

**The Government member of Algeria** welcomed the Government's report and the efforts made, despite the transitory situation in the country, to implement an employment and workforce development policy with a view to promoting training and development and tackling unemployment. Support for SMEs, the promotion of women's entrepreneurship and the creation of a database of human resources to strengthen empowerment and development over the 2013–40 period would contribute to fostering a new vision of public policy in the short and medium term, thus making employment a lever for economic policy coherence. The measures taken by the Government to consolidate labour market information and ensure the monitoring and evaluation of employment policy through the collection of precise data during its implementation were noted with satisfaction. Furthermore, the conduct of studies, the provision of data on employment policy measures, the registration of job vacancies in collaboration with the social partners and the Ministry of Labour information and documentation centre, were greatly appreciated. In that context, the pilot programme launched in 2017 to finance SMEs to improve employability and the spirit of entrepreneurship and the initiative in the area of self-employment for women, men and young persons were highly commendable. The measures taken by the Government to manage cases of undocumented migrant workers in collaboration with neighbouring countries, countries of origin and international organizations were to be welcomed warmly. It was also necessary to promote the relationship between migration and development and to strengthen the database of those workers. In conclusion, he reaffirmed that there could be no social and economic stability without job creation and that decent work was the cornerstone of social cohesion. To meet those commitments, it was necessary to support the Government's efforts for the political, social and economic stabilization of the country. ILO technical assistance was highly appreciated in that regard.

**The Government representative** thanked all the participants in the discussion and stressed that the National Reconciliation Government was committed to pursuing its cooperation with the ILO. The 2018 National Report on Human Development was expected to be issued in a short space of time. It aimed to establish frameworks to improve the labour market and the economic competitiveness at national level. Moreover, a report on the application of the Convention would be submitted to the Committee of Experts at its next session. The speaker underscored the commitment of the Government to implement a national employment policy in line with the Convention. Although the country's economy depended on oil, and such resource had been facing instability on the international market, the Government would, nevertheless, continue to take the necessary measures to reduce the unemployment rate. The Government was also committed to pursue consultations with the social partners to achieve social peace and social protection. The data extracted from the 2017–18 survey would be used to develop indicators on the labour force in different regions of the country. He reaffirmed the Government's commitment to ensure equal levels of development, with special attention to remote areas.

**The Employer members** noted that the information provided by the participants during the discussion highlighted the situation faced by Libya. All participants were in agreement regarding the situation in the country and the efforts that the Government was making to create employment. The Government had requested time to achieve the objectives set out in the Convention and ILO technical assistance for that purpose. This was an indication of the Govern-

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ment's goodwill to resolve the problems relating to the implementation of the Convention. In this context, the Employer members reiterated their earlier statement concerning the importance of recognizing the complexity of the situation in the country. They hoped that the Government would soon be in a position to supply the information that the Committee of Experts had requested, with the help of ILO technical assistance, which the Government itself had requested, together with workers' and employers' organizations. In particular, they hoped that the Government would provide information on the labour market strategy, the manner in which it was envisaged that the employment objectives set out in the Convention would be achieved, the progress made in compiling labour market information, the measures adopted to promote the development of SMEs, the action taken to promote the labour market participation of persons in vulnerable situations and up-to-date statistical data on the labour market situation.

The Worker members emphasized that international labour standards were even more relevant in the midst of conflict. The Government had indicated that it had taken steps to modify its labour market strategy and to amend the employment policy, taking into account the current reality, including unemployment, underemployment and workforce skills development. The Convention prohibited discrimination in employment against women, young people, workers with disabilities, older workers and migrants. The Government should thus provide information on the strategies to increase labour market participation of persons vulnerable to decent work deficits, including statistical data segregated by age and sex. It confirmed that the process of modifying the labour market strategy and amending the employment policy was inclusive and carried out in consultation with workers' and employers' organizations, as required by Article 3 of the Convention. Article 1 of the Convention requires governments to ensure full, productive and freely chosen employment. In this regard, the Government was called upon to: (a) avail itself of the guidance of relevant ILO Recommendations, such as Nos 169, 189 and 205; (b) pay special attention to the over 200,000 internally displaced and the overall migration crisis; (c) ensure that young people and migrant workers had access to employment opportunities; (d) provide updated and detailed information on the labour market strategy and employment policy and the manner in which employment objectives were being realized; and (e) provide the Committee of Experts with up-to-date statistics on the employment situation, taking account of the level and trends of employment, unemployment and underemployment, as well as the available skills of the working population, especially young persons. For this purpose, the Government should establish a system for collecting data to enable analysis and assessment of the employment situation in the country, as well as empirical measurement of its compliance with the Convention. The Committee of Experts had highlighted the unique role of SMEs and, therefore, the relevance of the guidance provided by Recommendation No. 189. The Government should thus provide information on the steps and programmes it had developed to encourage setting up SMEs. The Government was urged to seek ILO assistance and support to help address the issues raised relating to compliance with the Convention.

### **Conclusions**

The Committee took note of the information provided by the Government representative and the discussion that followed.

The Committee highlighted the impact and consequences of conflicts on poverty and development, decent work and sustainable enterprises, and recognized the importance of employment and decent work for promoting peace, enabling recovery and building resilience.

Taking into account the Government's submission and the discussion, while acknowledging the complexity of the situation prevailing on the ground and the presence of armed conflict, the Committee requested the Government to provide information regarding:

- updated statistics on the labour market, disaggregated by sex and age;
- information on the labour market strategy and the way in which employment objectives are expected to be achieved;
- information on progress made in the compilation and analysis of labour market data; and
- information on measures to promote the establishment and development of SMEs as well as measures introduced to increase the participation in the labour market of people in vulnerable situations.

The Committee urges the Government to submit a detailed report to the Committee of Experts for its next session in November 2018.

The Committee urged the Government to avail itself of ILO technical assistance to adopt and implement without delay an active policy designed to promote full, productive and freely chosen employment in consultation with the most representative employers and workers organizations.

Finally, the Committee called on the ILO, the international community and employers' and workers' organizations to collaborate with the goal of re-enforcing the labour administration system in Libya so that full, productive and freely chosen employment could become a reality in Libya as soon as possible.

The Government representative recalled that as already indicated, the deadline of November 2018 was too short and more time was needed for his Government to respond to the request by the Committee of Experts. In spite of this short deadline, his Government would do its utmost to implement the recommendations of the Conference Committee.

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**PLURINATIONAL STATE OF BOLIVIA (ratification: 1977)**

A Government representative recalled that the essence of the Convention was the protection of workers and that the complaints originated from employers. The Employers were using the Convention to question a successful economic model, in their nostalgia for privileged policies that benefited them, and to endeavour to ensure that the State did not set decent wages for workers. The Government was implementing economic and social policies that protected sectors which had historically been excluded and discriminated against. Dialogue, consultation with the various partners and the quest for consensus were the methods used, in accordance with national and international law. The Convention had been adopted to supplement other instruments intended to protect workers from wages that were unduly low. A policy was being implemented for the gradual and systematic raising of the minimum wage and the complaints of the employers appeared to be directed against social justice. The Preamble to the Convention reaffirmed the role of States in protecting groups of wage-earners who were in a disadvantage position in relation to their employers. The role of the State in the protection of workers was a constitutional mandate, which would not be abandoned on the basis of an inappropriate interpretation of the Convention. The central objective of the Convention was set out in Article 1, which required the establishment of a system of minimum wages which covered all groups of wageearners. The essential characteristic of the Convention was the fixing of the minimum wage, and not necessarily social dialogue, which was a tool for the achievement of that objective. There was a specific Convention on social

dialogue, which was not the subject of the present discussion and which had not been ratified by the Government. Article 4(2) of the Convention referred to full consultation in connection with the establishment, operation and modification of wage-fixing machinery, or in other words in the development of the legislative provisions governing the process of the determination of the minimum wage, but not in the annual determination of its level. Since 2006, the Government's wage policy had been intended to reduce the enormous economic differences and to favour sectors that were traditionally excluded, that is those who earned less, by increasing their wages above the inflation rate, while maintaining the sustainability of public and private investment. That was the premise for the annual increases in wages. In that respect, he emphasized that the legal interpretation of the Convention needed to be more rigorous and not lose sight of the fact that its spirit was the protection of wage-earners in light of the intrinsic asymmetry with employers. Minimum wages were determined within the following institutional framework: (1) article 49 of the Constitution provided that the law shall regulate labour relations, including the determination of general and sectoral minimum wages and wage increases; (2) section 52 of the General Labour Act provided that remuneration or wages shall be fixed by the central Government; and (3) section 8 of Presidential Decree No. 28699 of 1 May 2007 provided that employers and workers may agree on remuneration freely, and that it had to be above the minimum national wage determined by the Government. The institutional framework was therefore established and had its origins in the Political Constitution, which had itself been the subject of consultation with workers, employers and the people as a whole, as it was the product of a Constituent Assembly and a referendum for its approval.

Historically, there had been factors in the relations between employers' and workers' organizations which had worked in favour of employers and undermined collective bargaining mechanisms at the sectoral level. That situation obliged workers to have recourse to the State to uphold their claims, including in relation to wages. Since 2006, the Government had been adopting measures with a view to increasing unduly low wages, in full compliance with the spirit of the Convention, and giving effect to the dialogue and consultation mechanisms with the sectors concerned, within the framework of the Constitution and the legislation in force. The Government had quadrupled the minimum wage, which had been US\$63 in 2005 (one of the lowest in the region), and was now US\$295. Nevertheless, even though it had been quadrupled, the minimum wage continued to be lower than the needs of workers and their families. The wage increase had been determined taking into account the criteria set out in Article 3 of the Convention: (a) the needs of workers and their families, taking into account the general level of wages in the country, the cost of living, social security benefits and the relative living standards of other social groups; and (b) economic factors, including the requirements of economic development, levels of productivity and the desirability of attaining and maintaining a high level of employment. The Government's wage policy was proportional to economic growth and national production, which had also quadrupled as a result of the economic and social productive and community model implemented. Gross domestic product (GDP) had grown from US\$9,568 million in 2005 to US\$37 billion in 2017. The increases were not therefore arbitrary, but rises based on a solid and growing economy. The wage increase had also been determined taking into consideration the positions of workers and employers, with which the Government was promoting regular dialogue and consultation, as demonstrated by the repeated round-table meetings established at the highest level of the Government with the representatives of the Confederation of Private Employers

of Bolivia (CEPB). The World Bank acknowledged that the country was among the foremost in the region in terms of reducing wage inequalities. In accordance with the Gini labour index, the wage gap over the past ten years had improved from 0.53 per cent to 0.44 per cent. As a result of the economic model, it had been possible to reduce extreme poverty from 38.2 per cent to 17.9 per cent over the period 2005–17. Over 3 million people had escaped poverty and the majority of the population (58 per cent) had an average income which enabled them to live well. The wage policy was generating higher domestic demand, which was also very beneficial for the private sector, in which profits had quadrupled, increasing from Bolivian bolivianos (BOB) 8,663 million in 2006 to BOB27,766 million in 2017. The economic model was based on the following pillars: the nationalization of natural resources and industrialization, the strengthening of domestic demand, the redistribution of wealth and large public investments. Those pillars guaranteed the following results: economic stability, employment generation, the reduction of the unemployment rate, and constant economic growth, which contributed to reducing poverty and the levels of inequality. As demonstrated by the figures, private employers were benefiting greatly from the economic, political and social stability, as well as the legal security guaranteed by the Government since 2006, to make investments and embark upon new initiatives with the security of obtaining optimal results. Employers needed to grant social security and stability to men and women workers, who depended on them, instead of which some of them were organizing the premeditated bankruptcy of enterprises, which they were abandoning. He regretted the baseless accusations of the employers, who were making use of procedural arguments to limit the just and equitable increase in the minimum wage in accordance with the provisions of the Convention, and the decision to include the case in the list for discussion by the Committee. On the contrary, governments should be encouraged to improve the standards of living of their populations in accordance with the objective of the Convention and in light of human rights.

**The Employer members** thanked the Government for its information. Even though the case was being examined by the Committee for the first time, it was not unconnected with the comments of the Committee of Experts, which had made observations on the subject in 2013, 2014, 2017 and 2018. The Committee of Experts had asked the Government to adopt urgent measures to ensure thorough consultations with the most representative employers' and workers' organizations and their direct participation in the minimum wage fixing machinery. They also noted with concern that the CEPB and the International Organisation of Employers (IOE) had been alleging, since 2006, the systematic failure to include employers' organizations in consultations on minimum wage fixing. This year, the Committee of Experts had recalled once again that the Convention provided for full consultation with the social partners on the establishment, operation and modification of wage-fixing machinery, and that the active participation of workers' and employers' organizations was essential to allow optimum consideration of all relevant factors in the national context. There was a need to verify whether the recommendations of the Committee of Experts had been taken into consideration. The Government was a very long way from complying with the Convention, in terms of both wage-fixing machinery and the criteria used for fixing wages. With regard to the former, Article 4 of the Convention established the requirement for consultation with the social partners, in conformity with the most fundamental standards of the ILO, of which tripartite dialogue was a cornerstone. The key features of such dialogue were good faith and the desire to reach consensus. Whenever such consensus was not possible, whoever was responsible for

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taking a decision must incorporate into it the views of those who had participated in the dialogue. The Convention used the term “full consultation”. The Government therefore needed to make further efforts to facilitate and deepen the dialogue. By stating that the CEPB had not explicitly asked to be part of the decision-making on minimum wage fixing, the Government was disregarding its obligation as the entity responsible for full consultation. The employers had asked to be part of the dialogue on minimum wages, as reflected in the reports of the Committee of Experts. Senior government officials, such as the Minister for Economic Affairs and the Minister for the President’s Office, had declared in recent statements to the local media that employers would not participate in decision-making on minimum wages and that since 2006 it had essentially been government policy to fix wage increases only with the workers. The Government had confirmed that policy to the Committee and was claiming a new reading of the Convention, under which consultation of the social partners on wage adjustments would no longer be valid. The Committee could not accept a government disregarding social dialogue and needed to respond with the same severity in the case of failure to consult employers.

With regard to the failure to comply with the elements that needed to be taken into account to determine minimum wage levels, the Committee of Experts had referred to a statement by the Government that minimum wage fixing took account of inflation, productivity, GDP, GDP per capita, the consumer price index, economic growth, unemployment rates, market fluctuations and the cost of living. Such a statement was inaccurate. There were two benchmarks for wages in Bolivian legislation. First, there was the national minimum wage, which was universal for all workers, without differentiation between groups of wage-earners, which was desirable for economic and legal reasons and was permitted by the Convention. Second, there was the so-called “basic wage” (*haber básico*), which applied to all workers and could not be less than the national minimum wage. That was fixed through individual or collective bargaining between employers and workers. However, ministerial decisions were issued annually requiring the parties to negotiate increases in the “basic wage” within a set time, otherwise fines or other penalties would be incurred by the employer. Between 2006 and 2018, the national minimum wage had risen by 312 per cent and the “basic wage” by 149 per cent, with both figures being very much higher than aggregate inflation over that period. The national minimum wage was higher than GDP per worker, which meant low productivity per worker. They asked whether the productivity index, enterprise sustainability and the creation of more and better jobs were taken into account in fixing the minimum wage. The Government’s wage policy explained the growing precarity in employment, the increase in unemployment rates and the rise in informality indicators (around 61 per cent of the active population). The percentage of workers being paid a wage lower than the national minimum wage had also risen, precisely because of the increase in informality. For the public sector, there had been a fall in protected employment and a rise in temporary employment. However, they noted that the Government was applying the criteria of the Convention in the public sector, where it assumed the role of employer. To apply wage increases, public enterprises were required to conduct an analysis of net profits and financial resources in each enterprise, with the obligation to demonstrate financial sustainability and the required level of operating profit. In conclusion, the Government was deliberately failing to consult the employers’ organization and to take into account the technical criteria that should provide a basis for minimum wage fixing.

**The Worker members** said that, in 2017, the national minimum wage had been increased by Presidential Decree

No. 3161 of 1 May 2017, taking into account a number of recommendations made by the Bolivian Central of Workers (COB) and, according to information received, socio-economic factors such as inflation, productivity, GDP, GDP per capita, the consumer price index, economic growth, unemployment rates, market fluctuations and the cost of living. The minimum wage now stood at BOL2,060, which was 335 per cent higher than in 2006. Fixing the minimum wage was important for a number of reasons. First, wages represented a crucial source of income for households, and as a result had an enormous influence on the standard of living of the population. Second, they were a source of personal fulfilment. Third, when the State set the minimum wage, it was guaranteeing that workers could cover the essential needs for their survival. The Preamble to the ILO Constitution proclaimed the urgent need to improve working conditions, in particular by guaranteeing an adequate living wage. The minimum wage enabled workers and their families to live in dignity, bearing in mind the level of economic development. Although it was true that economic factors could affect increases in the minimum wage, it should not be forgotten that the minimum wage was essential in avoiding the impact of economic situations on workers and households with the lowest incomes, which were the most vulnerable. The Minimum Wage Fixing Recommendation, 1970 (No. 135), provided that “[m]inimum wage fixing should constitute one element in a policy designed to overcome poverty and to ensure the satisfaction of the needs of all workers”. The fundamental aim of the minimum wage was to provide workers with the necessary social protection in terms of minimum acceptable wage levels.

Nevertheless, as the Committee of Experts had pointed out in its observations, the Convention required full consultations with the representative organizations of employers and workers concerned for the establishment, operation and modification of the machinery by which minimum wages were fixed and periodically adjusted (Article 4(2)). The active participation of those organizations was essential so that all relevant factors in the national context could be taken into account as fully as possible. To that end, the Committee of Experts had firmly urged the Government to take measures without delay, in consultation with the social partners, to guarantee their full and effective participation in the fixing and adjustment of the minimum wage. The minimum wage was one of the most important institutions, and should be fixed through the intervention of governments, in conjunction with workers and employers. It was a public standard aimed at ensuring that wages covered the bare necessities: food, housing, education, social security, recreation and holiday. It should also be a starting point for the setting of basic wages in collective agreements. Fixing the minimum wage also helped to ensure a series of rules of the game that were the same for everyone. The Worker members welcomed the fact that, in fixing the minimum wage, the Government’s intention had been to create sustainable wage policies in line with the United Nations 2030 Agenda for Sustainable Development. The issues of wage increases and unequal wages were placed high on that Agenda. Improving wages and enhancing opportunities for decent work were vital to eradicating poverty and reducing the inequality that existed in the country. The Worker members emphasized the importance of social dialogue and consultation with the social partners prior to fixing the minimum wage. Social dialogue should be institutionalized, with permanent tripartite structures to discuss public policy and a programmatic agenda to respond to the problems that affected society. However, once social dialogue had been institutionalized, good faith, input and responsibility were needed. In the end, the institutionalization of social dialogue should serve to: (1) generate sustainable and inclusive development to improve the quality of life

and social conditions; (2) give workers greater participation in the distribution of wealth in order to eliminate present inequalities; (3) promote decent work and wage levels that allowed people to live in dignity, with freedom of association and strengthened collective bargaining; and (4) reduce the gulf between extreme poverty and concentrated wealth, with a view to social inclusion. Without adequate wages and labour protection, society would be neither inclusive nor would it guarantee social cohesion.

**The Employer member of the Plurinational State of Bolivia** emphasized that in recent years Bolivian employers had been complaining to the ILO at the Government's systematic failure to give effect to the Convention since 2006 in relation to the requirement to hold full consultations with employers' organizations. The Government's wage policy had resulted in negative economic consequences for certain enterprises, which had neither effective mechanisms to control the legality of Government action, nor the legal security to restrain its conduct. The examination of the case by the Committee raised the expectation that, in an international forum, the Government could be called upon to reflect on the inclusion of all the partners in fixing the minimum wage. Articles 1 and 4 of the Convention established the requirement for full consultation with representative organizations of workers, as well as employers, in establishing the minimum wage system and, where appropriate, with groups of wage-earners to whom the system would apply. Article 3 of the Convention also set out the criteria to be taken into account in the fixing of minimum wage levels. With regard to full consultation, despite the complaints and comments that the CEPB had made repeatedly in recent years, the Government had made no changes. It had maintained its policy of removing employers' organizations entirely from participation and consultation. The Government had confined itself to holding meetings exclusively with workers' organizations, led by the COB. At no point had the Government benefited from the views, let alone the approval, of the CEPB, which had had to settle for finding out the decisions made from the national press and from the publication of legal bulletins. Moreover, Government representatives had, on repeated occasions, publicly refused absolutely to accept the participation of private enterprises in any kind of discussion on wage fixing. Among other public statements made on social media by Ministers of State, the Minister for the Office of the President had indicated that wages would be fixed only with workers, adding that he was part of a workers' government, not the entrepreneurial class.

Since 2006, not only had employers been refused permission to participate in wage fixing, but priority had been given to an inequitable system of participation, as the COB had been the only body asked to endorse wage increases. Fixing and increasing minimum wages with workers' representatives alone completely undermined the spirit of social dialogue and tripartism promoted by the ILO for the formulation of labour policies. Consultations were also required on the criteria to be taken into account in fixing minimum wage levels. Such consultations served to validate social dialogue as an appropriate and legitimate mechanism for the establishment of minimum wage fixing machinery. The Government had introduced disproportionate increases that were at odds with the economic situation. Since 2006, the national minimum wage had risen by 312 per cent on aggregate, as the combined result of annual increases. Those increases greatly exceeded annual inflation rates and ignored the existence of other economic factors, such as the requirements of economic development, productivity levels, increased rates of better decent work, the importance of achieving and maintaining high levels of employment, the preservation of decent work and the sustainability of enterprises. Moreover, in fixing wage increases, the Government was not taking into account the

ever greater informality on the labour market. Employers were also being required to negotiate agreements for submission to the Ministry of Labour within a limited period of time, under penalty of fines or other economic penalties. Some union leaders had used that situation to force employers to offer greater increases, in return for observing the formality of signing agreements. Finally, he called on the Committee to give its view on the complaint submitted and urged the Government to comply with all the terms of the Convention so as to safeguard and expand the market for decent work in the country.

**The Worker member of the Plurinational State of Bolivia** said that the Workers had been committed to complying with the Convention since its ratification. One of the reasons that justified the recent wage increases was that, since the 1980s, there had been a freeze in minimum wages, which had been partly due to the adoption of measures to privatize various State enterprises, including certain mining and cement enterprises. The freeze in minimum wages had ended in 2005, which meant that workers had suffered for many years. With regard to the application of the Convention, section 10 of the statute of the CEPB indicated that it "shall not assume the legal representation of its members, for the negotiation or settlement of specific and individual worker-employer disputes, and consequently had no legal status for summonses and notifications, or to accept complaints or lists of claims from any labour sector, which involve or are addressed to its entities, or are made through the Confederation". For many years, workers had been prevented from participating in social dialogue at the same level as the Government and employers. Progress in the participation of workers had only been made recently, as workers now even participated in the auditing of state enterprises in strategic sectors. However, in the case of certain private enterprises, a significant number of workers (over 400) had seen their work affected, as they had been required to take collective holidays or had been dismissed on the grounds that the enterprises were in deficit, or were unable to pay minimum wages or increase wages. He suggested that legislation could be adopted for the creation of social enterprises so that workers could take over the management of several enterprises that had declared to be in deficit. Currently, certain enterprises, for example in the mining sector, were managed by the workers themselves, who had technical, economic and financial autonomy. In such enterprises, wages might or might not be increased, as they were subject to the profits made by the enterprise, or in other words, if there were no profits, there would be no wage increases. In that regard, the workers considered that job stability and the sustainability of workplaces were essential.

**The Government member of Paraguay** speaking on behalf of the group of Latin American and Caribbean countries (GRULAC), thanked the Government representative for the information provided. The Convention had been adopted taking into consideration the need to further protect workers against unduly low remuneration. He also thanked the Government for the efforts made to take into account the positions of both social partners when fixing the minimum wage. As stated in the 2030 Agenda for Sustainable Development, sustained, inclusive and sustainable economic growth was essential to achieve prosperity, which was only possible if wealth was shared and action taken to combat income inequality. To that end, the social stability of workers was an essential concern for the Government. He also welcomed the information provided on the progress made in reducing wage inequality through a real increase in the minimum wage. He encouraged the Government to continue its efforts to strengthen consultation mechanisms with the social partners.

**The Employer member of Uruguay** noted that the Government had clearly and systematically failed to comply with

the Convention. The Government established minimum wages through negotiations with workers, without consulting the most representative organizations of employers. Beyond any inconsistencies regarding the increases in and methods used to fix minimum wages, the ILO needed to be alert to situations in which the social partners could not express their opinions. That was a serious situation in which the ILO could achieve its full potential by providing assistance through its regional offices to achieve a reasonable balance in labour relations. Policies which were not in conformity with the fundamental principles of work led to abuses that could not be tolerated, regardless of the social sector driving them. The ILO had all the tools to collaborate with the Government with a view to contributing to the strengthening of a more harmonious system of labour relations in which the employers could be heard. It was crucial to avoid violations of fundamental labour principles.

**The Worker member of Uruguay** recalled that the ILO had been born out of the fact that only in such an institution could everyone be equal. Minimum wages guaranteed that those who were the weakest had a wage floor below which they could not be paid. On behalf of the trade union movement in his country, he offered cooperation and assistance to the Government and trade union movement of the Plurinational State of Bolivia.

**The Government member of the Bolivarian Republic of Venezuela** endorsed the statement by GRULAC. The Government's objective was to protect workers against excessively low pay with a view to eliminating poverty and ensuring that workers could cover their needs and those of their families, taking into account economic factors. In conformity with the Convention, the minimum wage had to be set in consultation with the social partners. Even if the consultations were not binding, they contributed to labour peace and helped the Government to take the appropriate decisions, as outlined in the comments of the Committee of Experts. In setting the minimum wage and subsequent increases, the Government took into account socio-economic factors, such as inflation, productivity, GDP, economic growth, market fluctuations and the cost of living. He encouraged the Government to strengthen consultation mechanisms with the social partners, which would contribute to labour peace and allow for wage increases that benefited workers and the world of work.

**The Worker member of El Salvador** indicated that laws in every country of the world required governments to maintain wage policies that were in line with the needs of the population and with macroeconomic factors. That involved striking a balance between the wage demands of workers and their families and the vision of some employers that refused increases in the minimum wage on the pretext that companies did not have the capacity to support such rises. The term minimum wage meant the minimum required to eat, dress and keep poverty and marginalization at bay. He asked how it would be possible to build a decent society if workers were forced to simply accept the minimum available through the system. Unions needed to be organized to ensure that workers and governments responded to demands for higher salaries in light of the cost of living. The Government's decision to increase the minimum wage took into account technical aspects of the economy, such as economic growth, the claims of workers and therefore the dynamics of social dialogue. The index of minimum wages in Latin America showed that several countries with weaker economies than that of Bolivia, including Guatemala, Honduras, El Salvador, Costa Rica and Panama, had better wage conditions, for which their governments deserved credit and recognition. The economy of the Plurinational State of Bolivia was making progress in terms of the consumption and demand for products and services. However, a great deal remained to be done in relation to wages and decent work.

**The Government member of Egypt** thanked the Government for the information provided on the measures taken to implement the Convention. She praised the efforts made by the Government to increase wages, close the economic gaps, ensure the sustainability of investments, boost investment in the public sector and increase resources in a fair manner. She encouraged the Government to commit fully and to engage in dialogue with the social partners.

**The Government member of Ecuador** agreed with the statement made by GRULAC and welcomed the information provided by the Government. Achieving sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all required great resolve and the commitment of the different social partners and the Government. Constructive tripartite social dialogue would facilitate a consensus based on respect for human beings. She noted the Government's efforts to achieve agreement with the social partners in fixing the minimum wage. She also welcomed the progress made in reducing wage inequality through a real increase in the minimum wage. In conclusion, she encouraged the Government to continue its efforts to strengthen consultation mechanisms with the social partners.

**The Government member of India** thanked the Government for its commitment to fulfil its international obligations and for the information provided on the positive steps undertaken to reduce wage gaps and levels of poverty and to raise standards of living. The participation of the relevant social partners, and especially those representing the most vulnerable, would contribute to the achievement of the objective of the Convention.

**The Government member of Cuba** endorsing the statement by GRULAC, considered that the Conference Committee, when examining the case, should take into account the information provided by the Government on compliance with the Convention. The Government had increased the minimum wage in recent years in proportion with economic growth and productivity in the country. That had been achieved through a process that took into account the opinions of the social partners, in line with the institutional framework established by law. She also praised the Government as one of the first in the region to reduce wage inequality and other types of inequality, thereby facilitating the achievement of social justice. The Government was not only in compliance with both the procedural aspects of the Convention, but also with its objectives to improve living standards for workers and the population.

**The Employer member of Honduras** drew attention to the fact that the Government had increased the minimum wage without social dialogue and without consulting the employers. After the CEPB had received no response to its request to participate in the consultations, Government ministers had stated that, as a government of workers, it only needed to consult the workers. Employers did not know whether the criteria set out in Article 3 of the Convention had been taken into account in the Government's negotiations with the COB, namely economic productivity factors, when deciding on increases in the minimum wage. He also emphasized that, in addition to imposing an increase in the minimum wage, they were also required to conclude wage agreements with trade unions within a limited period of time under threat of fines and penalties. The exclusion of employers from minimum wage fixing violated the provisions of the Convention and the principles of social dialogue and tripartism, which were the cornerstone of the ILO. The Committee must urge the Government to comply with the Convention and to allow the employers to participate in consultations.

**The Government member of Uruguay** noted with special interest the specific characteristics of ensuring compliance with the Convention in the region where, in many cases, he

considered that trade unions did not have sufficient training, capacity or support to fully develop procedures for the setting of minimum wages. In that regard, he highlighted the recent good practice in his country in relation to social dialogue, tripartism, consultation and collective bargaining. The Government of Uruguay was at the disposal of the Government to develop a cooperation plan aimed at strengthening and developing existing mechanisms in the country. Finally, he encouraged the Government to continue its efforts to develop social dialogue and tripartism.

**The Government member of Algeria** expressed support for the Government, which had confirmed its commitment to implementing the Convention through the adoption of measures aimed at: (i) increasing minimum wages and reducing wage inequalities to respond to the needs of workers and their families; (ii) fixing minimum wages in consultation with employers' and workers' representatives; and (iii) encouraging dialogue and consultation, as well as ensuring compliance with the minimum wage rates that had been fixed. The Government was engaged in a process of economic reform and was addressing a number of priorities in the areas of social justice and fundamental rights. The setting of minimum wages in proportion to economic growth and productivity was in conformity with the provisions of the Convention. The Government had taken measures aimed at social cohesion, reduced unemployment and inclusive growth. He invited the Committee to take the Government's detailed replies into consideration.

**An observer representing the International Organisation of Employers (IOE)** emphasized the importance of the case. The Government had shown little respect for the private sector and the creators of decent work. It was not only a matter of non-compliance with the requirement of consultation for the fixing of minimum wages, in accordance with the Convention, or an obligation arising out of a technical provision of a Convention. It was a case of a serious failure to comply with the fundamental principles that had inspired the creation of the ILO. Public statements by senior leaders conveyed unacceptable contempt for employers' organizations. Such a worrying attitude was dangerously close to harassment of employers and an attack on freedom of enterprise and decent work. He called for these elements to be taken into account when drafting the conclusions on the case.

**The Government member of Bangladesh** thanked the Government for the information provided and welcomed the efforts made to protect and promote workers' rights, including through increasing minimum wages since 2005. The Government had taken into account the socio-economic context as well as the position of both the social partners. Considering its compliance with the objective and procedures required by the Convention, it would be advisable to close the case.

**The Government member of Iraq** recalled that the Convention established that minimum wages had to be set in consultation with the social partners. While acknowledging that this could be difficult to implement in practice, he indicated that it appeared that in this case, the Government had taken into account the reservations of the employers.

**The Employer member of Mexico** noted with concern the Government's statement, as it recognized the violation of the Convention which it had ratified and under which it was bound, and that it had not fully consulted, and did not intend to fully consult the most representative organizations in the near future. The Government had indicated that its actions were based on the fact that the law allowed it to determine minimum wage levels unilaterally. That was alarming, not only because it breached one of the obligations of the Convention, but it also undermined basic ILO principles, including social dialogue and full and effective consultation, which were the basis of relations between

employers, workers and governments. However, it was reassuring to hear the Worker members reaffirm the importance of the institutionalization of the consultations to which the Convention referred. Social dialogue was also essential in labour relations because it allowed agreements to be made and prevented the polarization of the partners. Social dialogue was recognized as one of the four strategic objectives in the ILO Declaration on Social Justice for a Fair Globalization, 2008. No State could be allowed to knowingly and deliberately fail to engage in from the consultations that it was required to hold on the pretext that it was acting in the interests of one of the partners in the labour relationship. There was therefore an issue of procedure and legal conformity that needed to be defended, as those principles were non-negotiable.

**The Government representative** reiterated that the essence of the Convention was the creation of conditions of equality and the eradication of poverty, and that the Government was mindful of those fundamental aspects. The complaint was groundless because the Government constantly held consultations with all economic actors in formulating its economic policy, including its wage policy, and private enterprise benefited from forums for dialogue at the highest level, sometimes even with the President. Fixing the minimum wage served as a means of redistributing wealth, obliging entrepreneurs to share their profits. For the first time in history, their profits had increased four-fold. The wage policy had enabled millions of Bolivian citizens to escape from extreme poverty. The Government would continue to uphold the mechanisms provided for in law for the fixing of the minimum wage. He considered the claim that there was a policy of destroying the private sector to be untrue and unfounded, as permanent consultation mechanisms existed with private enterprise at the highest level. Entrepreneurs had been consulted constantly about a range of national economic issues. Moreover, agreements had been signed with the Government to maintain economic stability, increase production and protect jobs. With regard to wage bargaining, he referred to the information sent to the Committee of Experts. Both private entrepreneurs and workers published proposals concerning the minimum wage. For instance, in 2017, the CEBP had suggested a freeze in the minimum wage and a 3 per cent increase in the basic wage at a meeting with the Ministers of the Economy and of Planning. For its part, the COB had proposed a 10 per cent increase in the basic wage and a 15 per cent increase in the national minimum wage. Taking into account the positions of both parties, as well as technical and economic considerations, the Government had decided on a 3 per cent increase in the national minimum wage and a 5.5 per cent increase in the basic wage. He objected to the claim that wage increases were a threat to private enterprise. The Government was safeguarding economic and legal stability, as shown by the increase in the number of private enterprises from around 65,000 in 2005 to 295,000 in 2017, with a 4 per cent increase from 2016 to 2017. The number of salaried workers had tripled. In 2005, there had been only just over 500,000, but now there were more than 1.8 million. That situation was also reflected in expanded social security coverage and the growth of decent work, which was ignored by employers. The Declaration of Philadelphia established the fundamental principle that poverty anywhere constituted a danger to prosperity everywhere, giving rise to the obligation to promote better standards of living. While it respected and valued the contribution that the private sector made to the economy, the Government would hold fast to its decision to reduce poverty and pursue economic, political and social equality for the majority of Bolivian citizens. He therefore reiterated that the complaint was groundless and was intended to call into question the Government's policy of social justice and wealth redistribution, which it did not intend to renounce.

The Worker members thanking the Government for the information provided, reiterated that social dialogue was the best tool for growth with equality. It allowed governments and the social partners to develop a common strategy to promote decent work, and consequently, inclusion and social justice. Social dialogue was of critical importance in the formulation of policies designed to respond to domestic needs. As stated by the Committee of Experts in its previous observations, the minimum wage system provided for by the Convention was intended to serve as a social protection measure to reduce poverty, by guaranteeing decent levels of income, particularly for unskilled and low-paid workers. It was intended to protect workers from unduly low wages. As emphasized within the Organization, the existence of a minimum wage helped to ensure that everyone benefited from a fair distribution of the fruits of progress, and that all individuals who were in employment and needed such protection were paid a minimum living wage. The Preamble to Recommendation No. 135, which made particular reference to developing countries, emphasized the importance of adopting criteria to ensure that minimum wage systems were an effective instrument of social protection for the promotion of economic and social development strategies. Minimum wages must also be an integral part of policies to reduce poverty and inequality, including the wage gap that existed between men and women. In that respect, they welcomed the fact that the Government was implementing wage policies intended to preserve the real value of remuneration for workers with the lowest incomes, and which ensured a fair distribution, reduced excessive inequalities in wages and income, and reaffirmed consumption as a fundamental pillar of a sustainable economy. The setting of the minimum wage, which was contested by Bolivian employers, had taken into account economic factors of interest for employers, including productivity, GDP, economic growth and market fluctuations. Nevertheless, the Government was responsible for ensuring compliance with the Convention and they therefore urged it to do so in a correct and comprehensive manner, including through the adoption of objective quantitative methods for the determination of the minimum wage which ensured the active participation of the most representative organizations of employers and workers. The requirement to establish procedures that ensured effective consultation with employer and worker representatives was inherent to the ILO standards system as a whole. The focal point of the system was the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), which the country had also ratified. In conclusion, the Worker members called on the Government to guarantee the full and effective participation of the social partners in the setting and adjustment of the minimum wage.

The Employer members expressed appreciation of the statements of the members of the Committee and said that emphasis should be placed on the extent to which the positions of the Worker, Employer and many Government members who had spoken during the discussion coincided with regard to the importance of social dialogue and consultation of the social partners on the subject of minimum wages. Another area of agreement was that good faith should be demonstrated by all parties in the conduct of dialogue. Improving the income and living standards of workers was a shared concern for workers and employers and was of strategic importance for the goal of the elimination of poverty. That common goal could not be achieved without taking into account the needs of some and the possibilities of others, and of course the economic circumstances of the country. Discarding both viewpoints signified a clear loss for society as a whole, while ignoring just one of the parties constituted serious discrimination and unacceptable bias. The intention to improve workers' income would be of little use if it resulted in the growth of

the informal economy, as that would mean that incomes improved for a few people, while informality increased for many more, who would lose both income and social and employment safeguards. Moreover, in reply to the statement made by the Worker member of the Plurinational State of Bolivia regarding the prohibition in the statutes of the CEPB concerning the scope of its activities, the Employer members wished to clarify that prohibition related to intervention in individual labour disputes of its members. They also emphasized that the case under discussion was also a source of concern for workers and governments who were advocating the implementation of democratic methods to govern the destiny of their nations. It placed a question mark over social dialogue, which was one of the fundamental principles of the ILO. At present, Bolivian employers were being silenced by the Government, which had indicated that it would not comply with the Convention that it had ratified. In future, it might be the workers or employers of some other country who would be silenced. The Committee should not let a situation of this kind go unnoticed, as it would undermine the credibility of the ILO supervisory system. They reiterated their concern at the statement made by the Government representative, as there was no doubt that the Government's conduct would not change and that it was in violation of the Convention. It was essential for the Government, with the legitimate desire to convene and fully consult the social partners, to review the wage-fixing machinery. For those reasons, the Employer members called for the gravity of the situation to be emphasized in the conclusions to the case. They requested the Committee to make an urgent appeal to the Government: (1) to hold full consultations with the social partners on wage fixing and to report on those consultations to the Committee of Experts before its 2018 session; and (2) to accept a direct contacts mission and ILO technical assistance. Lastly, emphasizing the seriousness of the case, they called for the conclusions to be included in a special paragraph of the Committee's report.

### **Conclusions**

The Committee took note of the information provided by the Government representative and the discussion that followed.

The Committee noted with concern the dysfunctional operation of social dialogue and the current non-compliance with the provisions of the Convention.

The Committee recalled the importance of full consultation with the representative organizations of employers and workers concerned, as well as the elements to be taken into consideration in determining the level of minimum wages as set forth in Article 3 of the Convention.

Taking into account the Government's submissions and the discussion that followed, the Committee urged the Government without delay to:

- carry out full consultations in good faith with the most representative employers' and workers' organizations with regard to minimum wage setting;
- take into account when determining the level of the minimum wage the needs of workers and their families as well as economic factors as set out in Article 3 of the Convention;
- avail itself of ILO technical assistance to ensure without delay compliance with the Convention in law and practice; and
- accept an ILO direct contacts mission.

The Committee recommended the Government to submit a detailed report to the Committee of Experts by 1 September 2018 on the progress made in implementing these recommendations.

The Government representative thanked the Committee for its work. He noted the conclusions with concern, find-

ing that they were immeasurable and did not reflect the discussion. The conclusions did not explain which provisions of the Convention were the subject of non-compliance. Social dialogue was said to be dysfunctional without specifying the aspects which were not working. With regard to Article 3 of the Convention, he reiterated that this Article was complied with through the institutional wage-fixing machinery that derived not only from the law and agreements but also from the State's own Political Constitution, which had been the result of a Constituent Assembly and a referendum to approve it. That information supplied by the Government had also not been taken into consideration. The Committee must adopt technical conclusions and take account of the arguments put forward by the Government. It was regrettable that a Convention that claimed to protect workers' rights had been manipulated. Proof of that manipulation lay in the fact that the conclusions did not refer to the figures presented by the Government. He said that the Government would analyse the conclusions and consider how to implement them.

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**Minimum Age Convention, 1973 (No. 138)**

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**PLURNATIONAL STATE OF BOLIVIA (ratification: 1997)**

A Government representative, Minister of Labour, Employment and Social Welfare, indicated that the Plurinational State of Bolivia was appearing before the Committee because in 2014 a new Code for Children and Young Persons had been adopted with a much more protective and comprehensive vision for children and young persons. In response to an express request from some sectors of society, self-employed work by children had been recognized on an exceptional basis with a view to affording them better protection, thereby acknowledging a reality which tended to be ignored. Section 129 of the Code for Children and Young Persons set a minimum age for work of 14 years. On an exceptional basis, Defenders of Children and Young Persons could authorize work on their own account by children or young persons aged between 10 and 14 years, and work for another person by young persons aged between 12 and 14 years, on condition that it did not prejudice their right to education, was not hazardous, prejudicial to their dignity and overall development, and was not explicitly prohibited by law. The Committee of Experts had issued observations on that provision in 2015 and 2017, leading to the present discussion within the Conference Committee. Within the framework of the separation of powers, on 21 July 2017, the Plurinational Constitutional Court had issued ruling No. 0025/2017, declaring section 129.II of the Code for Children and Young Persons and other related articles (sections 130.III; 131.I, III and IV; 133.III and IV; and 138) unconstitutional. As a result, the reference to the exceptional age of 10 years for admission to work was no longer valid. The ruling was binding and compulsory, and was derogatory in effect (in accordance with article 203 of the Political Constitution and article 78.4 of the Code of Constitutional Procedure). On that basis, he considered that there could be no doubt that the provisions to which the Committee of Experts referred had been explicitly derogated. The minimum age for work of 14 years was in force, in accordance with section 129.I of the Code for Children and Young Persons, without exceptions, apart from those set out in the Convention. It should be noted that the ruling of the Constitutional Court made explicit reference to the Convention as an element in the findings relating to constitutionality, considering that Bolivia complied with its international commitments. In order to eradicate child labour from the country effectively, in addition to the legal framework, institutional action had been undertaken by labour directors and inspectors, based on three strategies: (i) a Prevention Strategy, through the development of capacities for

the application of fundamental rights aimed at children and young persons in educational establishments, parents, teachers, workers and employers; (ii) an Inspection Strategy, within the framework of which labour inspections were carried out, including routine and complaint-based inspections in places where children and young persons were working; and (iii) a Strategy of direct action for the physical protection of children and young persons engaged in work, in the context of which hearings were held to restore their fundamental and labour rights. Moreover, work by young persons was governed by Ministerial Resolution 442/04, which regulated the rights and obligations of adolescent workers (between 14 and 18 years of age) and established guarantees for labour, health protection and occupational safety and rights to food, recreation and training, and imposed sanctions for offences involving failure to comply with standards protecting adolescent workers.

The Ministry of Labour, Employment and Social Welfare (MTEPS), through its Fundamental Rights Unit, had begun to implement a system of temporary mobile offices in remote areas where no permanent MTEPS offices existed, with the principal objective of restoring the rights of workers. If complaints were received, inspections were carried out, hearings were held, information was provided and capacity-building action was undertaken for the application of the fundamental labour rights of children, young persons, parents and the population in general. In 2016 and 2017, some 26 temporary mobile offices had been set up in rural towns in the Oriente and Chaco Boliviano. In addition, within the framework of the Patriotic Agenda 2025, the Economic and Social Development Plan (PDES) and the Global State Planning System, the Government had established general policies for the integrated development of the State on the basis of the *Vivir Bien* (living well) vision. One of the objectives of the PDES was the elimination of the causes of child labour and adolescent work and labour exploitation. In order to reduce child labour by 2025, the Government had set itself the task of making progress in at least eight areas (eradication of extreme poverty, the socialization and universalization of services, health, education and sport, productive sovereignty with diversification, and food sovereignty). Child labour was the consequence of the economic and social policies that had prevailed in the country up to 2005, stemming from a colonial legacy of discrimination, violent dictatorships, and neoliberal policies that favoured protecting the interests of the oligarchy over the interests of the people. Those models had resulted in high levels of inequality and extreme poverty which, up to 2005, had affected almost 40 per cent of the population, and over 60 per cent of the population in rural areas. Until 2004, levels of access to education, housing, basic services and decent work had been very low. Since 2005, the Government, under the leadership of President Evo Morales Ayma, had been implementing a model of inclusive development with the objective of eliminating historical inequalities and eradicating poverty, with a view to eliminating the roots of the fundamental causes of child labour. With this objective, an integrated, social, community and productive model of development had been promoted, in which public, private, community and social roles coexisted and complemented one another in order to reduce poverty and promote well-being. Thanks to that model, child labour had fallen 50 per cent from 2008 to 2016, according to the Survey of Children and Young Persons carried out by the National Statistical Institute. Moreover, the number of labour inspections had grown exponentially, and policies such as mobile offices to prevent child labour and restore rights had been taken forward, in coordination with the relevant judicial authorities. Since 2005, the inclusive economic model which placed the economy at the service of social development had succeeded in: (1) reducing extreme poverty from 38.2 per cent in 2005 to 17.9 per cent

in 2017; (2) reducing inequality exponentially (in 2005, incomes among the richest population group had been 128 times higher than among the poorest); (3) reducing the Gini index from 0.60 in 2005 to 0.48 in 2014; (4) ensuring that the unemployment rate (4.48 per cent) was one of the lowest in the region; (5) increasing the minimum wage by more than 300 per cent between 2005 and 2018. The wage level and productive investment policies, which had generated greater internal demand, had also been very beneficial for the private sector, where earnings had increased fourfold since 2005. All of that progress was reflected in an improvement in the economic and living conditions of parents and children; and (6) building over 4,000 educational units. The Plurinational State of Bolivia was among the countries with the highest levels of primary school attendance in the region. Various programmes were being implemented at the national and local levels, such as the Juancito Pinto voucher and the Juana Azurduy Padilla voucher for mothers and children, both administered by central Government, and other social programmes implemented through local initiatives, such as school breakfast programmes and local monetary or other incentives devised by different agencies at state level to meet labour, education, health and environmental needs, within the framework of the Plurinational System for the Integrated Protection of Children and Young Persons (SIPPROINA). The result of combined public investment was that, since 2005, the school drop-out rate in primary education had been reduced from 4.5 to 2 per cent, while also achieving the result of over 41,000 children not dropping out of school and an increase of 40,000 in the numbers obtaining their baccalaureate, with a gender balance in addition. The quality of education had also been improved substantially. The number of stable primary school teachers had been increased by 15 per cent (more than 15,000 temporary teachers had been given long-term posts) and a model of inclusive education had been introduced which had been recognized and welcomed by various international bodies. The population also benefited from better access to health care. Over 1,000 health-care establishments had been established; in 2005 there had been only 2,800. The infrastructure had been boosted with new occupational equipment. All of that progress had had a very positive effect on child health. Between 2008 and 2016, there had been a reduction of almost 50 per cent in chronic malnutrition among children under 5 years of age, which had been recognized as a rapid reduction by the World Health Organization. Furthermore, over the past eight years, infant mortality had more than halved, thanks to improvements in prenatal and perinatal care. Those achievements were the result of public and social investment that had increased ninefold since 2005, placing the Plurinational State of Bolivia top in the region in terms of public investment, to which it allocated 12 per cent of its GDP. Finally, he emphasized that, as a result of the inclusive economic model, the middle class had increased by over 3,000,000 persons between 2005 and 2017 and that 58 per cent of the population had an average income which enabled them to “live well”.

**The Worker members** recalled that it was the second time in recent years that the Committee had discussed this case. On both occasions, the case had been double footnoted by the Committee of Experts, which had repeatedly noted with concern the situation of child labour in the country. In its conclusions in 2015, the Conference Committee had called on the Government to undertake legislative reform in consultation with the social partners in order to increase the minimum age for admission to employment, and to allocate the labour inspectorate with more human and technical resources. The Committee had also invited the Government to avail itself of ILO technical assistance. They noted that the Constitutional Court had in the meantime declared unconstitutional section 129 of the Code for Children and

Young Persons, which exceptionally authorized own account work as from the age of 10, and work in an employment relationship from the age of 12. The Plenary Chamber of the Constitutional Court had decided to declare the unconstitutionality of this provision since it was “incompatible and contradictory” with the Political Constitution of the State, the Convention on the Rights of the Child and Convention No. 138. They congratulated the Constitutional Court for this decision drawing on the international legal obligations of the Plurinational State of Bolivia. The Government should now take measures promptly in order to bring its legislation into line with the Convention. While the Convention allowed ratifying States whose economy and educational facilities were insufficiently developed to invoke the flexibility built into Article 2(4) of the Convention to specify a minimum age of 14 years, the instrument by no means allowed ratifying States to go below this threshold. In fact, ratifying States were expected to progressively raise the general minimum age to 16 years, and to eradicate child labour. The Convention provided that the specified minimum age could not be less than the age of completion of compulsory schooling. Full-time attendance at school or participation in approved vocational orientation or training programmes should be required and effectively guaranteed up to an age at least equal to that specified for admission to employment. Depriving children of opportunities for education and training condemned them to remain unskilled and thus perpetuated the poverty of a society. In recent years and to its credit, the Government of the Plurinational State of Bolivia had made education compulsory until the end of secondary school. This would in general require a child to go through 12 years of schooling, and, therefore, the age of completion of compulsory schooling would be at least 16 years. Allowing children to work as from the age of 10 would inevitably affect their compulsory schooling. Hence, the Code for Children and Young Persons was inconsistent with the national education law and was in clear violation of the Convention. The Worker members expressed their concern at the high number of children employed in the informal economy. While recognizing the results of measures taken by the Government to reduce the share of the informal economy, there were still too many children employed without protection in the informal economy. In the worst cases, they were engaged in forced begging, debt bondage, domestic services and commercial sex exploitation.

The Plurinational State of Bolivia’s capacity for effective labour inspection remained weak despite the significant number of children employed in hazardous employment. There were only 90 labour inspectors in the entire country, according to the Government’s report. In its report under the Worst Forms of Child Labour Convention, 1999 (No. 182), the Government indicated that there were only six labour inspectors specialized in the elimination of child labour. There was no indication that this number had been increased. Given the large number of children engaged in child labour, as well as the scale of the informal economy, the number of labour inspectors remained inadequate. Weak labour inspection not only reduced the possibility of the detection of violations related to child labour, but also hindered the appropriate punishment of perpetrators. The Worker members took note of the positive measures undertaken by the Government in order to eradicate child labour, such as the Inter-institutional Subcommittee for the Elimination of the Worst Forms of Child Labour, which aimed to mobilize efforts and create synergies to prevent child labour and to provide care for victims. Moreover, the Government’s Economic and Social Development Plan aimed to eradicate the causes of child labour by increasing public spending on child protection. In this area, there had indeed been progress, with public expenditure increasing from 3.5 per cent in 2005 to 7.8 per cent in 2015. These policy

initiatives were commendable, but still fell short of the measures required for compliance with the Convention. The system introduced by the Code for Children and Young Persons had to be reformed without any delay. The Government should also immediately implement the ruling of the Constitutional Court by undertaking legislative reform in consultation with the social partners. They sincerely hoped that this discussion would be helpful in highlighting the urgency of these issues with the Government so that further progress could be made.

**The Employer members** expressed appreciation for the information provided and recalled that the discussion concerned a fundamental Convention and, as such, any lack of conformity with its provisions needed to be rectified as promptly as possible. They supported the designation by the Committee of Experts of the case as a double-footed one. Under Article 1 of the Convention, States undertook to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons. The ILO defined child labour as any work that deprived children of their childhood, their potential and their dignity and that was harmful to their physical and mental development. As such, it was work that was harmful to a child's physical, mental or moral well-being and interfered with schooling. According to the National Survey on Child Labour carried out in 2012 by the National Statistics Institute (INE), 491,000 children below the minimum age were engaged in work in the country, of whom 437,000 were engaged in hazardous work. Furthermore, 309,000 young persons aged from 14 to 17 were performing hazardous work. Those data showed the scale of the problem of child labour in the country. They also referred to the comments of the Committee of Experts on: (i) the lowering of the minimum age for admission to work under section 129 of the new Code for Children and Young Persons from 14 to 10 years for own-account workers and to 12 years for those working for others; (ii) the fact that the informal economy exceeded 70 per cent of the total economy, as it was the environment that was most conducive to child labour because it was beyond the scope of ordinary and general labour inspection; and (iii) the distinction made in the new Code for Children and Young Persons between fixing the minimum age at 10 for children working on their own account and at 12 for those working for others. In that respect, the Committee of Experts had requested the Government to take a range of measures, such as the drafting, in consultation with employers' and workers' organizations, of a new law to bring the national legislation into line with the Convention, and the provision of training and more human and material resources for the labour inspection services.

Moreover, the Constitutional Court, in its 2017 ruling, had found sections 129, 131, 133 and 138, among others, of the Code for Children and Young Persons to be unconstitutional as they were contrary to the Convention. International treaties formed part of constitutional law, therefore the above provisions of the Code for Children and Young Persons were not only contrary to the Convention, but also the Constitution of the country. The ruling of the Constitutional Court urged the Government to formulate public policies for the eradication of child labour, which should be designed and implemented in consultation with employers' and workers' organizations, as set out in the Convention. The Employer members concluded that, although the ruling of the Constitutional Court had overturned the provisions that breached the Convention, it had left a legislative loophole, as it was unclear which provisions were applicable. As a result, the Government still needed to amend the legislation explicitly so that it was in line with the Convention. To that end, they called for

amendments to be made in consultation with the most representative employers' and workers' organizations, in accordance with the Convention.

**The Worker member of the Plurinational State of Bolivia** highlighted the high rate of exploitation in the past, resulting from the application of Supreme Decree No. 21060 of 29 August 1985, which had privatized strategic public enterprises. He noted that, pursuant to the Supreme Decree, a large number of factories and mining enterprises had closed and many workers had been dismissed. Currently, child labour principally existed in the private sector (the Potosí mining sector, and the agricultural and livestock sectors in Eastern Bolivia), while it had been reduced in the public sector. Furthermore, while underlining the importance of working in a coordinated manner with the Government with a view to eradicating child labour, he drew attention to the signing in 2016 of an agreement between the workers and the Government, under which the adoption of all draft legislation must be agreed upon with the Bolivian Workers' Federation (COB). It was vital that this agreement be respected. He congratulated the Plurinational State of Bolivia, particularly the Constitutional Court, for the adoption of the ruling that repealed and annulled, *inter alia*, sections 129 and 138.I of the Code for Children and Young Persons.

**The Employer member of the Plurinational State of Bolivia** said that there were two aspects to non-compliance with the Convention, one of form and the other of substance. Regarding the problem of form, the ruling of the Constitutional Court, based on the provisions of the Convention, had ensured conformity with the Convention by maintaining the minimum age for admission to employment. He drew attention to the fact that the Government had not taken such measures when formulating the provision or when the international community had expressed criticism. Such conduct called into question the Government's willingness to implement and comply with the international Conventions, as it implied that it only observed them when they were in keeping with its ideology, jeopardizing even sensitive issues, such as childhood development. With regard to the basic problem, the absence of effective policies against child labour in the informal economy was also a matter of concern. This sector represented over 70 per cent of the economy, and was a space which concealed forms of work that were not decent and impeded proper access to decent working conditions from the first years of work. The Code for Children and Young Persons was nothing more than a vehicle for the implementation of the public policies adopted by the Government. The initial provision allowing work by children under the age limit set out in the Convention therefore regrettably disregarded the spirit of international standards which protected children and preserved their right of access to opportunities to develop and grow. Lastly, he expressed concern that a provision had been adopted which clearly did not correspond to the shortcomings and structural needs of children. In that context, the Government should commit to generating the institutional structures and conditions necessary to: (i) fill the legislative gap revealed by the ruling of the Constitutional Court; (ii) establish state schemes to eliminate child labour fully and effectively; and (iii) design mechanisms for the protection of children's rights and allowing for the development and growth, in decent conditions, of the population of some 800,000 children.

**The Government member of Bulgaria**, speaking on behalf of the European Union (EU) and its Member States, as well as Albania, Bosnia and Herzegovina, Georgia, Montenegro, Norway, the former Yugoslav Republic of Macedonia and Ukraine, indicated that every girl and boy deserved a childhood and proper education, regardless of their ethnicity, gender, religion, and their place of residence. The elim-

ination and prevention of child labour constituted an important priority for the EU. Respect for the rights of the child was embodied in the Treaty on the EU and the Charter of Fundamental Rights. Furthermore, core labour standards were explicitly mentioned in all recently negotiated trade agreements between the EU and partner countries. The EU and the Plurinational State of Bolivia had very close bilateral cooperation. The Plurinational State of Bolivia was the largest recipient of bilateral EU development assistance in Latin America. It also benefited from the Generalised Scheme of Preferences (GSP+), under which, in return for preferential tariffs, it had committed to ratify and effectively implement fundamental ILO Conventions and other international instruments. This case had already been discussed by this Committee in 2015, following the adoption of the Code for Children and Young Persons that allowed children to work for an employer from 12 years of age, and in self-employment from 10 years of age. The Committee of Experts had concluded that these new provisions were not in conformity with the Convention. It had stressed that self-employed children should be guaranteed at least the same legislative protection as children in an employment relationship, particularly as many of these children were working in the informal economy under hazardous conditions. The Government had consequently been urged to: repeal these provisions; immediately prepare a new law in consultation with the social partners; and provide labour inspectors with greater human and technical resources. The Government had not taken any measures in this respect, despite the fact that child labour was a persistent phenomenon in the country, especially in rural areas and in the agriculture and mining sectors. She recognized the progress made by the Government in eradicating poverty and improving access to education, health, food and housing, and in effectively implementing human rights commitments. The Constitution, together with the Patriotic Agenda 2025 and the National Plan for Human Rights 2014–18, would provide a solid basis to better promote and protect human rights. The Code for Children and Young Persons also set out a wide range of measures for the protection of children, but the provisions allowing exceptions to the minimum age for admission to employment or work were of great concern. She referred to the decision of the Constitutional Court that declared these provisions unconstitutional, and looked forward to its swift implementation. The Government should be urged to prepare new legislation in consultation with the social partners increasing the minimum age for admission to employment or work. The Government could avail itself of the ILO's technical assistance for this purpose. The Government should also be encouraged to reinforce the labour inspection services and to continue its efforts to invest in social services in order to effectively detect child labour and protect children in both the formal and informal sectors. The EU would continue to cooperate with the Plurinational State of Bolivia to achieve the sustainable elimination of all forms of child labour.

**The Government member of Paraguay**, speaking on behalf of the group of Latin American and Caribbean countries (GRULAC), welcomed the information provided by the Government representative with regard to the application of the Convention. The 2030 Agenda for Sustainable Development, and in particular Goal 8.7 on eradicating child labour in all its forms by 2025, represented a unique opportunity to speed up the elimination of inequality and poverty. The continued existence of child labour perpetuated inequality and the exclusion of large sectors of the population, jeopardized sustained growth in the region and threatened the productivity of future adults by restricting their opportunities to obtain decent work. As a result, the region had promoted a series of initiatives with the aim of reducing child labour faster. She expressed satisfaction at the steps taken by the Government and at reports that, through

the binding ruling of the Constitutional Court, the provisions on which the Committee of Experts had commented had been rendered void and overturned. Observing that the legislation had been brought into line with the Convention, GRULAC considered that the Conference Committee should express satisfaction at the case. It should also highlight the progress that the Government had made in reducing poverty and inequality and tackling the structural causes of child labour, and it should encourage the Government to continue its efforts to eradicate child labour.

**The Worker member of Spain** deplored the adoption of the new Code for Children and Young Persons which, by amending former section 129 and reducing the minimum working age for children, was manifestly incompatible with the Convention. The existence of child labour was not acceptable under any circumstances and was a feature of societies where the inequality gap was growing. The consequences when children had to work were irreversible. She recalled the commitment made in the Buenos Aires Declaration on Child Labour, Forced Labour and Youth Employment of 16 November 2017, in which governments, the social partners and civil society were urged to be decisive in demanding the elimination of child labour. Lastly, in view of the information provided by the Government relating to the ruling of the Constitutional Court to suspend that section of the Code for Children and Young Persons, she concluded that it was necessary to enact a new law in line with the provisions of the Convention which established clear age criteria for admission to employment and had the goal of eliminating child labour.

**The Government member of the Bolivarian Republic of Venezuela** supported the statement made by GRULAC and welcomed the progress achieved by the Government, in particular with regard to the Economic and Social Development Plan and the ruling issued by the Constitutional Court, which had declared unconstitutional the provision of the Code for Children and Young Persons criticized by the Committee of Experts. In accordance with the ruling, the legislation of the Plurinational State of Bolivia was in line with the Convention. Based on the explanations provided by the Government representative, there was no doubt that the Government would pursue its protection policies in order to definitively eradicate child labour. He therefore considered that, in its conclusions, the Committee should note with satisfaction the progress made in the case.

**The Worker member of Uruguay**, while expressing appreciation for the social inclusion of and respect for different ethnic minorities demonstrated in the political process carried out in the Plurinational State of Bolivia, said that the adoption of a law that was in violation of a fundamental Convention showed inconsistencies. As a result of the exercise of full democracy, the law had been repealed. Nevertheless, social divisions continued to exist in the country which had resulted in many years of exclusion. It was necessary to address the causes of the situation and eradicate child labour in accordance with the provisions of the Convention. He was confident that the Government would establish the necessary mechanisms to hold consultations with the social partners for the purpose of developing legislation that allowed children to receive an education in order to ensure the development of the country.

**The Government member of Ecuador** endorsed the statement made on behalf of GRULAC and thanked the Government representative for the information provided. Ecuador considered the elimination of both inequality and poverty to be a priority and therefore attached great importance to combating child labour. The care, protection and development of children were some of the drivers of the comprehensive development to which nations so greatly aspired. Welcoming the progress and action taken to guarantee the best interests of the child, she encouraged the Government of the Plurinational State of Bolivia to continue

working hard to address the structural causes of child labour.

**The Government member of Egypt** indicated that the application of the Convention was a matter of significant importance as it was one of the fundamental Conventions. He noted the Government's efforts for the effective eradication of child labour, including: amending the legislation to bring it into conformity with the Convention; the ruling by the Constitutional Court on certain provisions of the Code for Children and Young Persons; the economic measures for the eradication of poverty, which was one of the main causes of child labour; improved health care for children; and measures to improve the schooling of children. The Committee of Experts should take account of these positive measures. Technical assistance should be provided to the Government to improve the implementation of the Convention.

**The Government member of the United States** welcomed the ruling by the Constitutional Court that declared unconstitutional certain provisions of the Code for Children and Young Persons that allowed the employment of children under the age of 14 and contrary to the country's international legal obligations. He encouraged the Government to take all appropriate action to implement laws and practice in line with the Convention, availing itself of the ILO technical assistance.

**The Government member of Algeria** noted with satisfaction the efforts made by the Government of the Plurinational State of Bolivia to enhance the implementation of policies to reduce the structural causes of child labour, such as poverty, which had decreased from 38.6 to 16.8 per cent, the school drop-out rate, which had been reduced from 4 to 2 per cent between 2006 and 2014, and the generalization of education, with coverage reaching 80 per cent. The commitment of the Government and the action taken to adapt the national legislation and to implement economic and social policies aimed at combating child labour should be supported. He considered that the progress made in that area should not be ignored and that the efforts made and the results achieved should be taken into account.

**The Employer member of Chile** regretted that the Government had not brought national law and practice into conformity with the Convention, despite a specific request from the Committee to that effect in 2015. Although the Government indicated that the exceptions to the minimum age of 14 years provided for in the Code for Children and Young Persons only applied on the condition that basic rights, such as the right to education, were not prejudiced, it was clear that the exceptions undermined that right, particularly considering that the period of compulsory schooling was 12 years, or at least until the age of 16 years. Furthermore, it should be noted that the Code had been adopted without first consulting workers' and employers' organizations, which was another regrettable error. Since the ruling of the Constitutional Court, there had been a regulatory gap and it was still necessary for the Government, in consultation with employers' and workers' organizations, to bring its legislation into conformity with the Convention without delay.

**The Government member of the Dominican Republic** acknowledged the good intentions of the Plurinational State of Bolivia and the action it had taken, which bore witness to the State's duty to safeguard the best interests of children and young persons. The information provided by the Government regarding the Constitutional Court ruling, which was binding, demonstrated its commitment. The ruling was an appropriate response to the recommendations of the Committee on the Application of Standards.

**The Government member of Canada** referred to the IV Global Conference on the Sustained Eradication of Child Labour of 2017 where the parties had committed to work towards the eradication of child labour. Already in

2015, the Government had been requested to take immediate measures to amend the provisions of the Code for Children and Young Persons concerning the minimum age for admission to employment or work for self-employment and for work in an employment relationship in order to bring them into line with the Convention. Welcoming the information provided by the Government concerning the judicial ruling declaring these provisions unconstitutional, she urged the Government to amend the Code without delay to ensure that the appropriate minimum age was clear for all constituents. The Government was also urged to strengthen its labour inspection capacity and its efforts to apply the law, and to prevent the inappropriate use of child labour, particularly in the informal economy.

**The Government member of Switzerland** expressed concern at the fact that the Code for Children and Young Persons was still not in conformity with this fundamental Convention. It was regrettable that some of its provisions, which were in force provisionally, allowed for the minimum age for admission to work to be reduced to below 14 years. That was not compatible with the conditions required for adequate schooling and did not allow young persons to attain full mental and physical development. Switzerland had already expressed concern in the Committee in 2016 at the provisions of section 129 of the Code, which allowed children to work from the age of 10 years. It was therefore appropriate to call on the Government once again to bring its legislation into conformity with the Convention, promote high-quality schooling and education, continue combating poverty and eliminate child labour and the exploitation of children.

**The Government member of Nicaragua** supported the statement made on behalf of GRULAC and welcomed the information provided by the Government representative. The eradication of poverty and inequality was fundamental, and it was therefore to be welcomed that, in the context of national economic and social development policies, the Plurinational State of Bolivia had established general policies for the comprehensive development of the country in line with the "living well" vision. It should also be emphasized that the Government's efforts to achieve progress towards the goals included in its pillars the eradication of extreme poverty, socialization, the universalization of services, health and education, productive and food sovereignty with a view to eradicating child labour by 2025. He also welcomed the ruling issued by the Constitutional Court, which rendered void the provisions criticized by the Committee of Experts, and the introduction of socio-economic policies which had reduced several of the structural causes of child labour, such as extreme poverty. He encouraged the Government to continue implementing policies for the control, follow-up and application of measures to contribute to the eradication of child labour by 2025.

**The Government member of Cuba** welcomed the information provided by the Government representative and the progress made in reducing inequality and poverty, which had fallen from 38.6 per cent to 16.8 per cent in recent years. It was also important to recognize the changes made regarding structural causes, which had created better conditions for children and their families. The Government's focus on education had been instrumental in making structural changes, and as a result, the number of children attending school had doubled. The social progress that had been made, as reflected by the reduction of poverty, the inclusion of vulnerable groups in the life of the country and the emphasis on children, young persons and women, were undeniable. Concerning labour issues in general, the Plurinational State of Bolivia had said that it was continuing to work towards the eradication of the worst forms of child labour, and the exceptional measures adopted previously had been set aside. She expressed confidence that the necessary efforts would be made to eliminate the causes of

child labour, through a multisectoral and protective approach, taking as a premise the “best interests of the child” and adapting the regulatory framework.

The Government representative emphasized that in its ruling the Constitutional Court had removed the points raised in the observation of the Committee of Experts, for which reason it was no longer necessary to amend the legislation with a view to bringing it into conformity with the Convention. The Code for Children and Young Persons now set a minimum age for admission to work of 14 years, in accordance with Article 2(4) of the Convention and the General Labour Act of the Plurinational State of Bolivia. Further legislative measures on the minimum age for admission to employment were not therefore required. On the other hand, the public policies adopted by the Government were solid and progress had been made in reducing the structural causes of poverty and in the abolition of child labour. In that regard, in 2008 over 700,000 children had been in a situation of child labour and hazardous work, while the number had fallen to 437,000 in 2012. According to the latest data from the Survey of Children and Young Persons of the INE, there were currently 323,000 children in that situation, meaning that the number of children engaged in child labour had been reduced by over 50 per cent in recent years. All of that demonstrated the will of the Government not only to comply with the provisions of the Convention, but also to transform the situation of poverty experienced by the children of the country. With reference to the alleged absence of public policies for the eradication of child labour in the informal economy, as a result of the policies implemented by the Government, he emphasized that the number of salaried workers had increased between 2005 and 2017 and was now 1,500,000. The number of workers covered by social security had also risen from 2,600,000 in 2005 to 4,200,000 in 2017. The numbers of the population entitled to retirement benefits had also increased from 660,000 in 2006 to 1,600,000 at present. It was clear that the economic policies that were being implemented were creating a structural basis with a view to offering the population the right to dignity, which presupposed not only access to work, but also the right to social security and pensions.

Finally, he reaffirmed the commitment of the Plurinational State of Bolivia to making the necessary efforts for the eradication of child labour. To that effect, the Patriotic Agenda 2025 included among its objectives the eradication of child labour by the year 2025. The progress made was significant, but not sufficient, for which reason it was necessary to continue the transformations that were being made for the benefit of children and young persons. On that basis, the Committee should recognize the efforts that were being made.

The Employer members emphasized that, despite the ruling of the Constitutional Court, all the issues had not been resolved, and that there was still a lack of conformity with international rules, and especially with the Convention. For example, reference had been made to the register of child workers, which was provided for in the Convention as an instrument to monitor child labour. Similarly, despite the amendments made as a result of the ruling of the Constitutional Court, it was still not clear how sections 132 and 133 of the Act would be applied. The lack of a process of tripartite consultations with the most representative organizations of employers and workers was also a problem. The Plurinational State of Bolivia still needed to design and adopt policies for the abolition of child labour, in consultation with the social partners in the country, and to bring its legislation more fully into line with the Convention, as it had been requested to do since 2015. State intervention was crucial in two important areas. Firstly, for the strengthening of labour inspection, both regarding material and human resources, and in terms of the training of inspectors on

child labour in general and child labour in the informal economy, where child labour was prevalent and most violations occurred. Secondly, the Government was urged to accept ILO technical assistance, which had been proposed in the past, so that the country could overcome the legislative issues and develop a plan for the eradication of child labour, in continuous consultation with the tripartite partners. In conclusion, considering the gravity of the case under discussion, the Employer members called for the case to be included in a special paragraph of the Committee’s report.

The Worker members recalled that, on the two occasions that the Committee had discussed the application of the Convention, the case had been double footnoted. On both occasions, it had been clear that the decision to lower the age for admission to employment to ten years was not in line with the Convention. While the Government had taken some positive measures to eradicate child labour and provide protection for children, legislative reform was imperative. They noted the information provided by the Government in its concluding remarks that section 129 of the Code for Children and Young Persons had been revoked by the Constitutional Court and then modified by the Government. They welcomed this decision as a positive step, and invited the Government to communicate this information to the Office and to the Committee of Experts. They called on the Government to progressively increase the minimum age for admission to employment in collaboration with the social partners. Depriving children of opportunities for education and training would keep them unskilled, and thus perpetuate the poverty of a society. If the minimum age for admission to work or employment was lower than the school-leaving age, children could be encouraged to leave school, as it would mean legally authorizing children of the age of compulsory schooling to work. The Government should therefore ensure that the minimum age for employment was set higher than the age of completion of compulsory schooling. As the limited number of labour inspectors might make it difficult for them to cover the informal economy and agriculture, where most child labour was to be found, the Worker members called on the Government to strengthen the capacity and expand the reach of the labour inspectorate. They suggested that the Government could benefit from ILO technical assistance.

### **Conclusions**

The Committee took note of the information provided by the Government representative of the Plurinational State of Bolivia on the issues raised by the Committee of Experts and the discussion that followed regarding the articles of the Code on Children and Adolescents that are not in line with the provisions of ILO Convention No. 138.

It is also noted that the Constitutional Decision 0025/2017 of 21 July 2017 declared the unconstitutionality of several of the provisions of the Code for Children and Adolescents (Act No. 548 of 17 July 2014), taking, as a reference and legal basis for this articles 1, 2 and 7 of ILO Convention No. 138. As a result of that decision, the following sections of the Code have been declared unconstitutional: 129.II; 130.III; 131.I, III, IV; 133.III, IV; 138.I.

The Government stated that following the decision of the Constitutional Court, no legislative amendments were needed, given the repealing effects of the constitutional decision on the aforementioned provisions.

Taking into account the Government’s submissions and the discussion that followed, the Committee urged the Government to:

- adapt national legislation, in consultation with the most representative employers’ and workers’ organizations, following the repeal of the provisions of the Code for Children and Adolescents by the Constitutional Court of

the Plurinational State of Bolivia, in line with Convention No. 138 and inform the Committee of Experts on these measures;

- make available to labour inspection increased human, material and technical resources and training, especially in the informal sector, to provide a more effective implementation of Convention No. 138 in law and practice;
- avail itself of technical assistance from the ILO, to review the National Plan for the Eradication of Child Labour in consultation with the most representative organizations of employers and workers; and
- submit to the Committee of Experts the final draft of provisions of the Code on Children and Adolescents before 1 September 2018; and report in detail on the progress made in the application of Convention No. 138 in law and practice to the next meeting of the Committee of Experts in 2018.

The Government representative clarified that the Constitutional Court's declaration of unconstitutionality referred to section 129.II of the Code. However, in the case of sections 130.III; 131.I, III and IV; 133.III and IV; and 138.I, it only applied with respect to the provisions establishing the exception to the minimum age of 10 years for light work. It was important to take that situation into account, as the first bullet point seemed to suggest, erroneously, that all of the above provisions had been derogated.

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#### Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

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##### EL SALVADOR (ratification: 1995)

A Government representative, Minister of Labour and Social Welfare, acknowledged the professionalism and objectivity with which the Director of the International Labour Standards Department had chaired the direct contacts mission that had taken place in July 2017. In its report, the Committee of Experts recognized El Salvador as a case of progress regarding observance of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), as a result of the actions taken to activate the Higher Labour Council (CST) and move forward in terms of effective compliance with the Convention. The Government had therefore been surprised to see itself included once again in the shortlist of individual cases of the Committee on the Application of Standards, since the Government had not only expressed its commitment to find solutions to activate the CST and promote dialogue, but had also taken the corresponding actions. With the same determination and on the basis of the principles of democratic orientation and transparency which directed the workings of the Government, it had accepted the direct contacts mission, which had thus been given the opportunity to observe in situ the actions and commitments of the government bodies directly connected with ensuring observance of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and Convention No. 144. With regard to the recommendation of the direct contacts mission relating to the inactivity of the CST and taking up again the suggestions of the mission, a request had been made to the ILO in October 2017 for technical cooperation, which had been accepted. ILO assistance had been requested with three processes to be launched with the workers and employers in relation to: (i) the reform of the CST regulations; (ii) the formulation of proposals for legislative reforms to expand the right to freedom of association; and (iii) action to be taken in the area of training and the promotion of social dialogue. Despite delays in the coordination of the cooperation, a first round of consultations had been held with the workers to initiate a proposal for reform of the Labour Code. It was regrettable that representatives of the federations which were the complainants

in Case No. 3054 before the Committee on Freedom of Association did not attend that first meeting, even though they had been invited to do so. In that regard, and with the expectation of effective coordination with the technical cooperation of the ILO, the actions taken as part of the follow-up to the conclusions of the direct contacts mission would continue in the coming months.

With regard to the reports to be presented under article 22 of the ILO Constitution and the consultations regarding these, despite the fact that the reports were sent each year to the employers' and workers' organizations for consultation, the Ministry of Labour and Social Welfare (Ministry of Labour) had not received inputs or evaluations from those organizations. Moreover, the reports contained public information so they were available to anyone requesting them through the relevant channels. Furthermore, and irrespective of the constant complaints from the National Business Association (ANEP) and its affiliated federations and confederations, the Government, in line with its commitment to the workers, was taking steps to ensure decent living conditions and access to decent work. In this regard, progress had been achieved and decisions had been taken in tripartite forums that maintained an active work agenda and in which ANEP was constantly represented. The progress achieved included the approval of the increase in the minimum wage by the National Minimum Wage Council (CNSM), as a result of which over 240,000 workers, of which 45 per cent were women, had enjoyed an increase in income and an improvement in the standard of living of their families. Furthermore, the Salvadoran Social Security Institute (ISSS) had approved two new special social security schemes for informal economy workers and migrants and their families. Furthermore, as a result of action taken by the Government and the conditions generated by productive investment, there had been an increase in the number of jobs. In particular, between 2009 and 2018, a total of 138,293 formal jobs had been created, 79 per cent of them in the private sector. According to the 2017 Multi-Purpose Household Survey (EHPM), there had been an 11 per cent reduction in the poverty rate, with a drop in the number of households concerned from 40 to 29 per cent in 2017. Measures were being adopted through the Housing Social Fund (FSV), such as the opening of credit lines, to ensure entitlement to decent housing for workers and their families. Furthermore, the Salvadoran Vocational Training Institute (INSAFORP) was innovating training processes to enable the workforce to gradually adapt to the needs of the labour market. Lastly, the Government representative supplied statistical information highlighting the progress achieved in labour matters in the previous four years, such as: the placement of 70,170 persons in jobs (33,369 women and 36,801 men); the realization of 119,316 inspections and re-inspections at 9,367 workplaces which had been fined for non-observance or violation of the labour legislation; and cooperation with over 20,000 private companies to promote employment through the National Employment System (SisNE). All of the above bore witness to the fact that the Government had been constantly engaging in dialogue and coordinating and driving joint initiatives with workers and employers and all stakeholders committed to the development of the country. However, social dialogue through the CST, and in view of its competencies for ensuring observance of international labour standards, required political will on the part of ANEP, its member associations and its affiliated federations and confederations. El Salvador had the openness, the conviction and the historic perspective to realize that social dialogue was the cornerstone of democracy and peace. However, tripartism required the participation of three parties, and if one of the parties had neither the political will nor the democratic orientation to engage in it, it was impossible for tripartism to

be implemented and consolidated. Consequently, the Government representative appealed to the employers' organizations to join the CST, taking account of the fact that they were entitled to do so under the regulations in force and they did not need to be elected. Their participation in the CST was crucial, considering the desire and the duty that they had as ILO constituents to ensure that international labour standards were applied in El Salvador. She thanked the Office once again for the support given with technical cooperation in the context of compliance with Conventions Nos 87 and 144, and the promotion of the Maternity Protection Convention, 2000 (No. 183), and the Domestic Workers Convention, 2011 (No. 189). Lastly, she reiterated the Government's commitment to social dialogue aimed at achieving the progress and development of the country and ensuring that the workers had access to a decent life.

**The Worker members** recalled that this was the fourth consecutive year that the case was being examined by the Committee. In 2017, the Committee had urged the Government to: (i) reactivate, without delay, the CST; (ii) ensure concrete positive developments with regard to the freedom and autonomy of employers' and workers' organizations to appoint their representatives in compliance with the Convention, without intimidation; (iii) ensure adequate protection for the premises of the representative workers' and employers' organizations from violence and destruction; and (iv) report in detail on the application of the Convention in law and practice to the Committee of Experts. They welcomed that the Government had in the meantime accepted a direct contacts mission, which had taken place in July 2017. The mission had suggested that the Government avail itself of ILO technical assistance to implement the Committee's recommendations. It was to be welcomed that the Government had now requested technical assistance and was collaborating with the ILO to give full effect to the Convention. The current comments of the Committee of Experts focused on two elements: effective tripartite consultations and adequate procedures for the election of representatives of the social partners to the CST. It was regrettable that, despite repeated discussions in the Committee, the Government had failed to hold tripartite consultations with respect to the matters concerning the activities of the ILO. The ratification of ILO Conventions was no compensation for the absence of consultations, which had to start without any further delay. While other tripartite bodies, such as the ISSS, the FSV and the CNS were fully functional and effective, the challenges with respect to the CST had not entirely been resolved. They understood that the main obstacles for the operationalization of the CST concerned the difficulties with respect to the procedures in relation to the procedures for electing representatives of the social partners.

While there were no complaints with respect to the election of employer representatives to the CST, there were still questions with respect to the election of worker representatives. They understood from the Government's submission before the Conference Committee that the Government had requested the trade unions to present their nominations for the worker representatives to the CST, that three relevant nomination proposals had been received in May 2017, and that the Government had subsequently determined the members of the CST based on criteria such as membership and number of collective bargaining agreements. Subsequently, by applying the representation criteria, the first list had been allocated with five titular representatives, the second list with two titular representatives and the third with one titular member. The worker members had been sworn in. The employer side had decided not to attend the first meeting of the CST due to its concern over the non-conformity of the workers' representation mechanism. While the concerns from the employer side

were understandable, that issue was really for the trade unions to decide. Appreciative of the attempts undertaken by the Government to resolve the impasse, it was important that the criteria for representativeness were transparent and objective. The procedure and the criteria chosen had to be based on the consensus of the workers and had to enjoy their trust. The Government had to take a proactive role in facilitating consensus seeking instead of unilaterally imposing criteria, which as presented did not in themselves seem particularly objectionable. In their view, the actions so far taken by the Government had been delayed and lacked the transparency needed for building trust with the social partners. The implementation of the recommendations of the 2017 direct contacts mission was crucial to achieve real progress. In particular, the mission had recommended that a working group might be set up with all the federations and confederations concerned, including those that were not represented by recently elected members, to determine procedures and representativeness criteria. As had been the case with the other tripartite structures functioning in El Salvador, they remained convinced that improving social dialogue would ease many disputes in the country.

**The Employer members** said that the Committee was examining the application of the Convention for a second consecutive year, and it had previously been examined in 2015 and 2016 under Convention No. 87. At the previous session of the Conference Committee, the Government had explained how it was applying the Convention; a number of recommendations had been made, and it had been decided to send a direct contacts mission. The task was now to assess how the recommendations made by the Committee the previous year and by the direct contacts mission were being followed. As a starting point, the Government had been urged to reactivate the CST without delay, a recommendation that had been further stressed by the direct contacts mission, with the comment that it should be done through social dialogue in order to ensure the full functioning of the CST. To date, the CST was still not in operation. However, the Government reported that it had appointed members. It was important to note that the Convention in question concerned social dialogue, which was part of the essence of the Organization. The fact of belonging to the ILO already constituted a commitment by States to hold consultations with the social partners in areas of interest. Such consultations should be held with legitimate representatives of workers and employers; that was an obligation assumed by States and a right enjoyed by the social partners. In the present case, the Government had appointed workers without revealing what criteria it had used to gauge representativeness, assuming it had any – so much so that the three majority groups of workers had told the direct contacts mission that they did not know what criteria the Government had used, and one group had contested the appointments. The workers held the Government responsible for paralysing the CST. Doubts had been raised by the employers, for whom consultations under such conditions would be problematic. At the root of the problem lay the fact that the appointment criteria, if they existed, had not been explained. Several months previously, the direct contacts mission had insisted that clear, transparent, lawful rules should be established for the reactivation and full operation of the CST. It had been reported to officials at the ILO Office in San José that a review would begin shortly. That gave rise to legitimate doubts about the Government's will to make progress in applying the recommendations of the supervisory bodies. Similarly, the Government had said that, as well as the CST, there were five other tripartite entities and 17 independent tripartite bodies that were fully operational. The information in the employers' possession seemed to contradict the Government's claim. In March

2018, ANEP and the International Organisation of Employers (IOE) had presented the ILO Director-General with a request for urgent action, specifically in relation to Government interference in elections for representatives to the CNSM, the Institute for Access to Public Information, the board of governors of the Independent Executive Committee for Ports and the board of governors of the Electricity and Telecommunications Regulatory Authority (SIGET). In that regard, attention should be drawn to the previous year's conclusions and to the comments of the direct contacts mission to the effect that the Government should guarantee freedom and independence in the election of workers' and employers' representatives. In all those institutions, delegates for the employer sector had been appointed not by the most representative organization (ANEP), but by the President of the Republic, on the basis of legislative decrees issued separately for each of the institutions with the aim of allowing the presidential appointments to pass without consultation. All the decrees displayed constitutional irregularities, as had been pointed out by the Constitutional Court. Regrettably, according to the Court's ruling, it was necessary to wait until the expiry of the term of office of the current directors – who were not representative of the employers – to appoint legitimate representatives in accordance with the original legislation. That had not happened either, because, once that term had expired in five of the organizations concerned, the Government had taken different steps that clearly constituted interference, in flagrant breach of the recommendation of the direct contacts mission and the ruling of the Constitutional Court, with the aim of avoiding participation by the employers' sector. In some cases, the Government had simply not appointed anyone, while in others it had gone to extremes that should be brought to the Committee's attention so as to dispel any doubt regarding the lack of governmental will to meet the obligations arising from membership of the ILO and ratification of its Conventions. With regard to the case of SIGET, the law stipulated that its board of directors should include one director and one substitute elected by private sector trade union associations legally established in the country. The Government, knowing that ANEP was the most representative organization of employers – a fact recognized and undisputed by all previous governments and by every other employers' organization in the country – had facilitated the swift and irregular creation of a series of so-called associations that had stood in the election for employer representatives, ensuring a majority that would succeed in returning delegates loyal to the Government. The events had been brought to the attention of the prosecution authorities so that those responsible for offences committed in the preparation of fake minutes and the falsification of documents needed for creating the so-called employers' organizations could be punished. At the same time, the issuing of credentials to associations belonging to ANEP had been blocked, thereby preventing them from participating in the vote, which went against the requirements of the direct contacts mission. The facts presented demonstrated the Government's obvious disregard for social dialogue and disinclination to meet the obligations arising from ratification of the Convention, which promoted tripartite consultation as one of its fundamental pillars and was aimed at improving governance and ensuring the smooth functioning of labour relations at national level. Biased actions such as those in the present case undermined trust between the social partners and the Government and furthered the Government's autocratic mode of action. The ILO could not remain indifferent to such a reality, which was clearly harmful to social dialogue and the legitimate right to organize of the country's employers. No matter what the occupational organization involved and whether it represented employers or workers, the ILO should act with the same rigour; not to do so would be to

undermine the credibility of the system. Lastly, the Employer members urged the Government to implement without delay the recommendations of the direct contacts mission, particularly with regard to reactivating the CST; to guarantee the freedom and independence of employers' and workers' organizations in appointing representatives to social dialogue forums; and to refrain from any kind of interference in that process.

The Worker member of El Salvador recalled that the country had suffered a civil war whose origins lay in the marginalization, extreme poverty and exploitation suffered by the majority of the population and the total breakdown of democratic procedures and social expression. The peace agreements had come at the cost of over 80,000 deaths, as well as disappearances and summary executions. During the 1980s and 1990s, in accordance with the recommendations of the international financial institutions, economic restructuring had been undertaken consisting of the approval and implementation of neo-liberal policies. Under those policies, many sectors had been privatized, including the financial sector, telecommunications, energy and the pensions system. The dollar had also been promoted as the official currency and free trade agreements had been adopted. The result had been the mass dismissal of men and women workers, the deterioration of living conditions, an increase in migration and a loss of social security entitlements which had been acquired through union action. In that context, tripartite mechanisms had been used by the Government and employers' organizations to serve their own interests, and the only workers' organizations to participate in such mechanisms had been those close to the Government and employers, with the most representative workers' organizations being sidelined. Nevertheless, since 2009, the most representative workers' organizations in the public sector had succeeded in participating in the adoption of policies that were contributing to an improvement in the quality of life of workers. One example was the approval of the access to social security of workers in the informal economy and migrants under special schemes and the adoption in 2017 of an increase in the minimum wage, which had benefited over 250,000 workers. That wage increase, obtained as a result of the participation of the unions and their commitment to social justice, was a coherent and just response to the requirements of the Constitution and the real economic situation of the country. In view of such progress, ANEP was opposed to the operation of tripartite mechanisms with the active and pluralist participation of unions and partners who were not close to the employers. Biased practices for the election of the representatives of workers' organizations to tripartite mechanisms had also been eliminated and an effective process of pluralist participation involving the various union movements had commenced. However, the employers were endeavouring to remove the most representative workers' organizations from decision-making in tripartite bodies. Employers' organizations were therefore refusing to participate in the CST and the CNSM, thereby failing to give effect to the provisions of the Convention. He emphasized the low number of unions in the private sector and referred to various cases in which employers' organizations had harassed, dismissed and called for the detention of trade union leaders. In one of the cases, the enterprise had refused to reinstate all of the dismissed members of the executive committee of the enterprise union, despite an order issued by the Supreme Court of Justice. With regard to the functioning of tripartite mechanisms in El Salvador, such as the ISSS, he indicated that they were all operating correctly with the exception of the CST, due to the refusal of employers' organizations to participate in the latter. Employers' organizations, and particularly ANEP, must not interfere in any way in the decisions of workers concerning the

election of their representatives. In contrast with the previous procedures for the election of representatives to tripartite bodies, the current procedure was participatory and democratic and based on universal criteria of representativeness. Moreover, with a view to ensuring that the country followed on the path of being governable and of sustainable development, it was necessary to strengthen social dialogue, bargaining and consensus, as well as compliance with the national legislation and ILO instruments. He therefore called on the Government to continue giving effect to the requests made by the Committee of Experts to: (i) promote the participation of employers and workers in decision-making; and (ii) activate procedures for interaction in tripartite mechanisms as soon as possible, despite the refusal of private enterprises to participate in them. He also called on the Government, through the Ministry of Labour, to which a higher budget should be allocated, to give greater emphasis to the effective enforcement of labour legislation in the public and private sectors and to ensure a higher number of enterprise inspections. Lastly, private enterprise, as an important pillar of the economy, needed to make efforts to reach agreement in tripartite bodies, while respecting the independence of workers' organizations, pluralism, democracy and diversity of opinion. The basic values of humanism, solidarity and mutual respect required workers, employers and governments to act in conformity with the Constitution, which reaffirmed that labour was not a commodity, and to combat precarious work, the deterioration of the environment and the exploitation of children.

**The Employer member of El Salvador** recalled that the Committee had been examining the repeated violations of various Conventions by the Government for four consecutive years. The previous year, it had been examined as a double-footnoted case and the Committee had urged the Government to accept a direct contacts mission, which showed the gravity of the reiterated violations of the Convention. The present Convention, which concerned social dialogue and tripartite consultation, was given effect in El Salvador through a tripartite body entitled the CST. The CST had not been functioning since 2013 as a result of a unilateral decision by the Government to require unanimity among workers' organizations for the election and designation of their representatives. However, the real reason was that the Government did not want to engage in social dialogue or tripartite consultation. The previous year, after noting the absence of effective consultations with representative and independent organizations of workers and employers, the Committee had urged the Government to: (i) reactivate without delay the CST; and (ii) ensure concrete positive developments with regard to the freedom and autonomy of employers' and workers' organizations to appoint their representatives, without intimidation. The Committee had also once again requested the Government to accept a direct contacts mission to the country. In July 2017, the direct contacts mission had been carried out and certain tripartite meetings had been held. In one of the meetings, the workers' representatives designated by the Government as members of the CST had acknowledged that they were not aware of the criteria that had been adopted by the Government for their appointment. That interference by the Government was recorded in the final report of the mission. In its final report, the mission had also recommended that the Government: (i) reactivate the CST; and (ii) ensure in law and practice the freedom and independence of employers' and workers' organizations in the election of their representatives. One year after the Committee had adopted its conclusions, the Government had not only failed to give effect to any of the recommendations, with the exception of the direct contacts mission, but had acted in a manner that was contrary to the recommendations. For example, it had prepared a Decent Employ-

ment Policy, which had been launched in public in September 2017 without prior consultation of the social partners. One week before the launching of the policy, without having had any occasion to participate in its preparation and not being aware of its contents, ANEP had received a note from the Government requesting it to comment on the document with a view to securing its support for the public launch of the employment policy. In that regard, he emphasized that the Government could not develop an employment policy without consulting the most representative organizations of employers and workers with a view to taking fully into account their experience and views, and securing their full collaboration in the preparation of the policy and the necessary support for its implementation. Another example had been in May 2018, when ANEP had been invited, with less than two hours' notice, to participate in the review of a document entitled the National Employment Pact, which would be submitted in public the day following its review. The lack of notice was a clear indication not only of the lack of respect for the social partners, but also for social dialogue, tripartite consultation and the Government's obligations as a Member of the ILO. Moreover, at the same time that the direct contacts mission was being carried out, the Government had adopted a series of measures intended to prevent the employers from designating, in accordance with the law, a titular and a substitute director of SIGET, the regulatory body for electricity and telecommunications in the country. Over a short period, 60 associations had been created, composed of young persons between 18 and 20 years of age living in 17 municipal areas characterized by poverty and a high rate of informality. The associations were created on the basis of a model document prepared by lawyers who were also public employees of the state enterprises regulated by SIGET. The 60 associations had participated in the elections and had won. The Government was therefore not only refusing to engage in dialogue with the legitimate representatives of the employers, but was also creating fake associations to replace the legitimate partners. In light of those events, the employers' organizations had appealed to the Constitutional Chamber of the Supreme Court, which had ordered precautionary measures, and to the Office of the Public Prosecutor to undertake the corresponding criminal investigations. In January 2018, in accordance with the provisions of the legislation, ANEP had designated a director of the Road Conservation Fund (FOVIAL) and proposed a shortlist for the El Salvador Tourism Corporation (CORSATUR). Five months later, the Government had not made appointments to those positions or convened meetings. With reference to the election of representatives to the Institute for Access to Public Information and the CNSM, the employers' organizations were pursuing appeals under the Constitution. With regard to the Autonomous Port Executive Commission, the situation was more complex. The Government was refusing to give effect to the ruling by the Constitutional Chamber of the Supreme Court which had found unconstitutional the Decrees of 2012, as a result of which employers' organizations had recovered the capacity to designate and appoint directors of autonomous public bodies freely and independently. In brief, there was a long list of violations of the Convention by the Government, including the fact that ANEP had been waiting for a year to receive its official credentials.

**The Government member of Bulgaria**, speaking on behalf of the European Union (EU) and its Member States, as well as Albania, Bosnia and Herzegovina, Montenegro, Norway, Serbia and the former Yugoslav Republic of Macedonia, recalled the commitment undertaken by the Government under the trade pillar of the EU–Central America Association Agreement to effectively implement the fundamental ILO Conventions. It was regrettable that the case had already been discussed at the Committee in 2017, at

which time the Committee had urged the Government to reactivate the CST and ensure positive developments on the right of the social partners to appoint their representatives. However, it had to be welcomed that a direct contacts mission had taken place in July 2017, and that the Government had attempted to reactivate the CST during an inaugural meeting in June 2017, in which the employers had, however, not participated, alleging non-conformity of the workers' representation mechanism. The social partners had the right to freely appoint the representatives of their choice in joint and tripartite bodies without interference from the Government. As an essential measure to build trust among the different stakeholders, she urged the Government to take measures to include all social partners in consultations related to employment and labour policies, in a transparent manner, before a decision was taken. The Government should reconstitute the CST as a matter of urgency. To this end, it should promptly establish, in consultation with the social partners, clear and transparent rules for nomination of their representatives to the CST, based on the criteria of representativeness of organizations and in compliance with the Convention. Furthermore, the Government should explore all possible ways to promote social dialogue, and all social partners should engage in tripartite dialogue in a constructive manner. She strongly encouraged the Government to continue to avail itself of ILO technical assistance, and emphasized the commitment of constructive engagement with the country, including through EU and Member States cooperation projects, which were aimed to strengthen the Government's capacity to address all issues raised in the observation of the Committee of Experts.

**The Government member of Paraguay**, speaking on behalf of the group of Latin American and Caribbean countries (GRULAC), welcomed the information provided by the Government regarding compliance with the Convention. Furthermore, she referred to the report of the Committee of Experts with regard to: (i) the inclusion of El Salvador as a case of progress, in which the Committee had expressed satisfaction at some of the positive measures adopted by the Government in reply to its comments; (ii) the holding of a direct contacts mission in June 2017, in response to the Conference Committee's conclusions from the previous year; (iii) the Government's demonstration, during the direct contacts mission, of its willingness to carry out the actions indicated and agreed upon in the context of the mission, in order to continue to promote social dialogue and the agreements between the sectors, thus contributing to the activation of the CST; and (iv) the Government's request for technical assistance in October 2017, which was already being provided by the San José Office. She was confident that the Government would continue to comply with the Convention.

**The Government member of Panama** supported the statement made by GRULAC, and said that he had listened closely to the information provided by the Government and the points raised by the Employer members and the Worker members, from which diverging opinions could be observed. In the current conditions, the establishment of dialogue was difficult. However, the Government had made efforts to reactivate the CST, which was the mechanism created in order to put tripartism into practice. It was hoped that such a mechanism would be able to function, respecting the will of the Salvadorean people and without interference by outside parties. He congratulated the ILO for the backing given on the ground, and reiterated his support for the Government in its efforts to create social justice and comply with the provisions of the Convention.

**The Worker member of Guatemala** expressed concern at developments in labour relations in El Salvador, in particular when social partners questioned the representativeness of others. In El Salvador, as in Guatemala, there had been

too many years of war, deaths and victims, and immense value was therefore attached to peace and the need to change ways of relating within a context of democracy and respect. For there to be freedom of association and representativeness of employers' and workers' organizations, it was first necessary to consolidate a legal and social framework to enable the organizations to exist, develop and perform their activities without them or their members being persecuted. Organizing a workers' trade union, especially in the private sector, still implied a major risk, since the reaction from the enterprise was likely to be dismissals or reprisals, as had been communicated time and again to the national authorities and the ILO. In some cases, trade union activities implied a risk to life, as had been demonstrated by the murders of trade unionists from El Salvador and Guatemala, whose cases remained open for years without the authorities shedding light on the perpetrators and instigators of their deaths. He supported the recommendations made by the direct contacts mission in 2017, in which the competent authorities had been encouraged to ensure that the necessary measures were taken, in consultation with the employers' and workers' organizations concerned, to ensure full respect for the autonomy of employers' and workers' organizations to appoint their representatives. Furthermore, social dialogue was too important to be paralysed by procedural aspects. Where one or more of the sectors participating in or invited to consultation forums had internal difficulties in being considered representative, that issue should be resolved among the sectoral organizations themselves, in what was considered an appropriate manner and time. Lastly, he called on all parties to overcome difficulties and resume the social dialogue processes that had been promoted, since that was the only possible way to carry out the fundamental task of improving the living and working conditions of millions of Salvadoreans who were currently enduring difficult personal situations, far removed from the decent work recommended by the ILO.

**The Government member of Honduras** reaffirmed the support shown for the Government in the GRULAC statement regarding the application of the Convention. The Government had taken action in response to the Committee's requests from the previous year and the recommendations of the direct contacts mission of July 2017. For example, it had held institutional consultations and validated labour procedures, and had also invited representatives of the three sectors to attend the inaugural meeting of the CST. He expressed regret that the meeting had not taken place and urged the Government to continue its efforts to promote tripartite dialogue so that the CST could soon be restored and fully operationalized. It would also be an opportunity to implement good practices that enabled consultation with social partners, thereby ensuring full tripartite participation. In a spirit of constructiveness, the mandatory nature of tripartite consultations continued to result in effective procedures for promoting the application of international labour standards. Hence, any decisions taken regarding the due observance of fundamental, governance and technical Conventions not only required a clear willingness on the part of the Government to carry out the steps specified and agreed, but also commitment on the part of the tripartite constituents and technical assistance from the ILO. Lastly, the Government should continue its efforts to implement the necessary measures and establishing dialogue mechanisms which contributed to consultation with the social partners leading to tripartite solutions.

**An observer representing the World Organization of Workers (WOW)**, speaking on behalf of the National Union of Workers of Venezuela (UNETE), the Democratic Union Alternative for the Americas (ADS) regional confederation and several Salvadorean trade unions, said that in the previous nine years, El Salvador had experienced a clear regression in terms of tripartism, social dialogue, freedom of

association and the conclusion of collective agreements. In July 2017, the direct contacts mission had made a series of recommendations, which had not been implemented by the Government, given that the CST had still not met a year after it had been established. No consultations had been held with trade union federations or confederations to determine procedures for electing CST representatives, until 17 May 2018, when the Ministry of Labour had invited the trade union representatives to a meeting with an advisor to discuss the reform of the regulations, maintaining that it was thereby complying with the recommendations of the direct contacts mission, which showed that it only aimed to deceive the Committee, given that no actions had been carried out in that regard since the previous session of the Conference. The situation in the country had deteriorated. For example, the procedure to legally register various organizations had been made more complicated, imposing requirements not laid down in the legislation. Various comments had been made on the records of union assemblies of organizations which were considered by public officials to be unsound. There had been delays of 60 to 90 days in issuing the respective credentials, thereby hampering trade union representation because the organizations did not have the necessary accreditation. Additional requirements placed only on trade unions identified as not being compliant constituted discriminatory treatment. Public sector agreements were not implemented and tactics had been employed to prevent collective bargaining, such as in the cases of the Health Solidarity Fund (FOSALUD). Lastly, there was constant interference in trade union autonomy by the Ministry of the Interior and Territorial Development and the Ministry of Labour, which affected the independence and free exercise of trade union rights. The Government had not taken any steps to ensure the full application of the Conventions in law and practice, and had not initiated the process for the submission of the Conventions for ratification by the relevant bodies. Social dialogue was notably absent, as exemplified in the adoption of a national employment agreement and policy, without consultation with all the workers' organizations. In addition, there were plans to adopt an Act on the public service, which essentially did away with trade unions, denied them the right to collective bargaining, eliminated public servants' employment stability and was a flagrant breach of the ILO Conventions. The Government should reform national legislation with a view to removing obstacles to freedom of association. For example, it should take action to reduce the number of members required to establish a trade union, as municipal and central government workers employed in institutions with fewer than 35 employees, who were also unable to establish unions at enterprise level, were prevented from exercising their right to organize. Moreover, it was necessary to remove the requirement that trade union leaders must be Salvadorean by birth, because this excluded migrant workers from other countries who worked in construction and agriculture. It was also necessary to remove the rule that allowed workers to join only one trade union, even if they worked in two different economic sectors, and remove the obligation to elect the executive committees of trade union federations and confederations on an annual basis.

**The Government member of the Dominican Republic** endorsed the statement by GRULAC, and expressed her support for the information provided by the Government regarding the application of the Convention. She acknowledged the positive measures adopted by the Government, which clearly demonstrated its determination to encourage and strengthen social dialogue and consensus between the sectors, thus facilitating the activation of the CST. She also thanked the ILO for its contribution to strengthening the capacity of governments through technical cooperation, which was currently being provided to the Government.

**The Worker member of the Bolivarian Republic of Venezuela** indicated that the determination of the Government and the workers to promote social dialogue through the CST was noticeable. Dialogue should be honest, sincere and responsible, but it was being used as a tool to undermine the rights that workers had fought to obtain. In this case and others, the desire of the employers to destroy social dialogue could be observed, at a time when some governments were finally engaging in it and complying with the ILO Conventions. When they suffered defeat, the employers denied that they had been consulted and avoided dialogue, accusing governments of interfering. In cases of murders of trade unionists, students, teachers, environmentalists and journalists, the same forcefulness was not seen. It was necessary to protect trade unionists, activists and environmentalists and to impose severe penalties on those who violated, for example, the human rights to decent work, life, education, health and housing. It was also necessary to acknowledge that governments, along with their workers and honest employers, were surpassing and improving the ILO Conventions.

**The Government member of Cuba** expressed support for the statement made by GRULAC and welcomed the information provided by the Government. The points made in the report by the Committee of Experts, which examined the implementation by El Salvador of the Conference Committee's 2017 conclusions, must be taken into consideration. The report included the country on the list of cases in relation to which the Committee of Experts had expressed satisfaction at the measures adopted and the processes implemented by the Government relating to tripartism and social dialogue. The Government had expressed its willingness to comply with the Convention. ILO technical assistance and cooperation could contribute to such a process.

**The Worker member of Paraguay**, speaking on behalf of the National Confederation of Workers (CNT) and the ADS, expressed concern at the Government's lack of willingness to adopt the measures needed to promote and guarantee effective consultations and social dialogue with the workers' and employers' organizations, and its failure to observe the rules used as a basis for the development of mature dialogue, thus violating the right to freedom of association. The situation in the country was alarming, as the Government did not comply with the Convention and transgressed and violated the spirit and principles of social dialogue and effective consultation, which were pillars of the ILO and the work of the Committee. The Government had not supported the processes of social dialogue and tripartite participation which had been carried out, which had thereby had an adverse impact on the workers' and employers' organizations, and on the international community. It was important to have national and international bodies within which governments could ensure inclusive and effective consultations and collaboration for the proper development of common interests. Such bodies should be free from discriminatory practices and guarantee the respect of freedom of association and tripartism in order to make improvements at national level that would transform labour relations in a successful and positive manner. Social dialogue played a crucial role in the promotion of dignified and decent work with the necessary guarantees, freedom, security and dignity. The Government must transform its willingness into a powerful driving force.

**The Employer member of Honduras** recalled that the case had been examined last year as a double-footnoted case and the Committee had once again urged the Government to accept a direct contacts mission before the end of 2017. This was an indication of the seriousness of the Government's repeated violations, both of the Convention and of the principles of the ILO. Furthermore, the Committee, having noted a lack of genuine consultation with repre-

sentative and independent workers' and employers' organizations, had urged the Government to: (i) immediately reactivate the CST; and (ii) ensure that tangible progress was made with regard to the freedom and independence of the employers' and workers' organizations to appoint their representatives, without being subject to intimidation. The final report of the direct contacts mission recommended that the CST should be reactivated and the freedom and independence of the elections of representatives of workers and employers should be guaranteed. It also called on the Government to guarantee, in law and in practice, full respect for the independence of employers' and workers' organizations in appointing their representatives. It was a source of concern that the Government had not adopted any of the recommendations of the Committee or the direct contacts mission, and that it was ignoring the shortcomings of its own constitutional oversight bodies, thus violating labour standards and destroying the trust that should prevail in social dialogue. The Committee had a duty to promote compliance with international labour standards through the relevant mechanisms. In view of the Government's repeated omissions, the speaker asked that: (i) a firm demand should be made for compliance with the recommendations of the Conference Committee and the direct contacts mission; (ii) the Government should bring together the legitimate representative social actors; and (iii) reports detailing compliance with the Committee of Experts' recommendations should be presented within two months.

**The Worker member of Brazil** voiced his solidarity with the workers of El Salvador and expressed the hope that the Government would ensure the application of the Convention, establishing and guaranteeing all the conditions for doing so in a pluralistic, transparent and democratic manner. The participation of trade unions had been fundamental in the country when it came to improving minimum wages and access to social security for informal and migrant workers. It was therefore necessary to strengthen the presence of trade unions in the private sector. Employers must not support tripartism only when they derive a benefit from this, and should allow more representative workers' organizations to be incorporated into all tripartite bodies. It was necessary for those bodies to operate with the active and pluralistic participation of trade unions, governments and employers in pursuit of social dialogue and in a spirit of tripartism, with the goal of good governance, social justice, sustainable development and continued progress.

**The Government representative** said that she had listened carefully to the statements made concerning the case and emphasized that various initiatives had been introduced and would continue to be pursued until a solution was reached to reactivate the CST. The Government would continue to request technical cooperation and mediation from the Office, principally because the employers' unions only responded to invitations to discuss the topics raised when invited by the Office to talk to the Ministry of Labour. The arguments made concerning an election process in the complaint submitted by ANEP and in the statement of the Employer member regarding SIGET were baseless and reflected a divergence of sectoral interests. In El Salvador, it was not a crime to establish organizations or unions, as it had been for a decade under military rule, resulting in armed conflict. The Government stood guarantor for freedom of association, freedom of expression and civil and political rights, which were constitutional rights because they were part of the results of the dialogue and negotiation enshrined in the Peace Accords. The Supreme Court had even issued a protection order halting the election, not on account of the organizations created but because there was a conflict of interest between one of the individuals elected and the functions of SIGET. The Supreme Court had ordered the Legislative Assembly to issue

an interim provision amending the act on the creation of SIGET to reappoint the directors whose term had expired in December 2017. SIGET was acting accordingly pending a ruling in the constitutional protection (*amparo*) proceedings brought before the Supreme Court. It was therefore necessary for all parties to respect due process. Irregularity in the participation of organizations not sympathetic to the employer sector did not mean that those organizations must be illegal or that they had failed to observe the precepts of the Convention. Moreover, electricity and telecommunications were not the sole preserve of the employers' sector but matters of national interest, as they were not only an economic resource but also a resource for the development and well-being of the population. As such, various sectors had a legitimate interest in participating, expressing their views and being listened to in the decision-making process. With regard to the Employer members' comments on government interference in election processes, it was important to note that the criteria considered in appointing representatives of the workers' sector had been taken from international custom and were intended to ensure the objective application of the conclusions of the ILO concerning: (i) the reactivation of the CST without delay; and (ii) the ruling of the Constitutional Chamber of the Supreme Court stating that the Ministry of Labour was obliged to establish and maintain processes of social dialogue and tripartite participation to tackle the circumstances that were stopping the CST from functioning. In the same ruling it was stated that forums should be provided for dialogue among the trade union organizations involved, which should be given the necessary means to agree on and apply clear and permanent procedures for electing their representatives, so as to ensure that workers' representatives were appointed and participated in the aforementioned consultative body. In that respect, criteria such as the number of union members, number of member unions and number of collective agreements for each of the lists submitted were what had guided the appointments. The criteria had been assessed on the basis of data registered with the Ministry of Labour and the information supplied by the registered trade unions. The Government must guarantee that the measures ordered by the Legislative Assembly through legislation and by the Supreme Court were implemented. It followed that there had been no modification of the CST regulations of the CST, but the procedural gaps concerning the workers' delegation had persisted since 1994, resulting in the CST becoming inactive. Furthermore, the Government had given the employers an absolute guarantee of participation. The Government had respected the law and had not introduced any election procedures whatsoever that served specific interests.

**The Employer members** welcomed once again the agreement reached in the Conference Committee on the importance of social dialogue and respect for the independence of workers' and employers' organizations. However, it was a source of concern to hear the accounts of self-employed workers who claimed to have been subject to acts of discrimination, such as those pointed out by the Employers, which was a reminder of the gravity of this case. The Committee had underscored the importance of social dialogue, which was an essential building block of the Organization. For social dialogue to be fruitful, it was necessary for the legitimate representatives of employers' and workers' organizations to participate in good faith, and for the Government to acknowledge the need to facilitate such dialogue and attempt to reach consensus. Ultimately, a great deal depended on the Government's having a true democratic orientation, with a view to meeting, in good faith, its obligations arising from its international commitments and, more importantly, with the intention of enriching the vision on issues of national interest and achieving governance. It was not a case of complying with a mere formality, let

alone claiming to do so by convening bodies which were not at all representative or, even worse, which had been arbitrarily established for the purpose, suggesting a commitment to dialogue that it did not have. The statements made by the Government minutes earlier were a matter of concern, as they clearly recognized such bodies as representative employers' organizations. The Employer members reiterated that the Government could not shirk its obligations solely because negotiations with one or both of the social partners might become uncomfortable if they defended their legitimate interests. The Conference Committee could not overlook a situation such as the one referred to in the strongest terms in the case, as it would contribute to the destruction of social dialogue and a loss of trust in the supervisory mechanisms. On this occasion, the employers of El Salvador were being discriminated against, on another occasion it could be workers or employers in any other part of the world. Since the discussion of the case in 2017 and the direct contacts mission had issued its recommendations, there had been no sign of the Government's willingness to comply fully and in good faith with its obligations emanating from the Convention. It was the Committee's duty to remind the Government in no uncertain terms of the need to modify its attitude and act in accordance with the law. In light of the above, the Employer members requested that: the seriousness of the social dialogue situation in the country should be highlighted in the conclusions of this case; the Government should be urged to immediately reactivate the CST, through social dialogue with the most representative workers' and employers' organizations, in order to ensure its full operation; and the Government should be urged to develop, in consultation with the social partners, clear and stable rules in conformity with the law for the reactivation and full operation of the CST. The Government must also be urged: (i) to refrain from interfering in the composition of the employers' organizations and to facilitate, in accordance with the law, the proper representation of legitimate employers' organizations, emitting the required credentials; (ii) to immediately appoint representatives of legitimate employers' organizations to the social dialogue forums for which such appointments were pending; and (iii) to accept the technical assistance of the Office. Lastly, given the seriousness of the case, the Employer members asked for the conclusions to be included in a special paragraph of the Committee's report.

The Worker members recognized the efforts made by the Government to comply with the Convention. In previous years, the technical assistance provided by the ILO and a direct contacts mission had indeed contributed to build trust and strengthen tripartite social dialogue in El Salvador. However, there were still significant shortcomings that needed to be overcome without delay. Unfortunately, social partners in the country had been deprived for too long of the opportunity to have their views heard in relation to the instruments adopted by the ILO. They therefore urged the Government to immediately create the conditions to allow such consultations to take place. Despite some positive engagement from the Government, there were still real doubts with respect to the criteria and procedures for the election of the worker representatives in the CST. The direct contacts mission that had visited the country in July 2017 had produced recommendations to the Government that were fully supported by the Workers' group. The mission had indicated the need for effective consultation with the confederations and federations concerned for the determination of stable election procedures with precise, objective, and pre-established representativeness criteria. In addition, the mission had recommended the establishment of a working group open to all registered confederations and federations, to agree jointly clear and permanent criteria and procedures for the appointment of their representa-

tives. ILO technical assistance was currently being provided in order to set up consultations with the social partners for the reform of the CST's regulations to implement those recommendations. Both the employers and government authorities should respect this process and the choices made by the workers to allow the CST to finally start functioning. In this regard, all necessary steps should be undertaken, as recommended by the Committee of Experts, to investigate and resolve all the allegations of interference in the CST. The Employers' group had highlighted the challenges they were experiencing with regard to various bodies at national level and the allegations of interference by the Government. They expressed the hope that the Government would engage with the employers swiftly in order to find a satisfactory resolution. However, it had to be pointed out that those bodies did not deal with the matters listed under Article 5 of the Convention and should therefore not distract from the other very important issues discussed. They once again urged the Government to work with the ILO through technical assistance in order to establish long overdue progress on that matter.

### **Conclusions**

**The Committee took note of the oral statements made by the Government representative and the discussion that followed.**

**The Committee noted with concern the dysfunctional operation of social dialogue and the current non-compliance with the provisions of the Convention.**

**Taking into account the Government's submissions and the discussion, the Committee called upon the Government to:**

- **refrain from interfering with the constitution of employers' organizations and to facilitate, in accordance with national law, the proper representation of legitimate employers' organizations by issuing appropriate credentials;**
- **develop, in consultation with the social partners, clear, objective, predictable and legally binding rules for the reactivation and full functioning of the Higher Labour Council (CST);**
- **reactivate, without delay, the CST, through the most representative organizations of workers and employers and through social dialogue in order to ensure its full functioning;**
- **appoint without delay representatives of the most representative employers' organizations in the CST where such appointments are still pending; and**
- **avail itself of ILO technical assistance.**

**The Committee recommends that the Government submit a detailed report to the Committee of Experts before its next session in November 2018.**

A Government representative, Minister of Labour and Social Welfare, noted the conclusions and reiterated that the Government was firmly committed to due compliance with the Convention. The Government had fostered tripartite social dialogue as part of the national agenda in order to achieve social and labour justice and would continue with technical cooperation to ensure that the social partners had the technical tools to engage in it. In El Salvador, there was freedom of association; nobody was denied that right; and the unions representing the employers' sector enjoyed active and guaranteed participation in all tripartite forums and in almost all bipartite forums. In the case of the Higher Labour Council (CST), the regulations provided for the participation of the ANEP unions (the Chamber of the Construction Industry (CASALCO), the Chamber of Agriculture (CAMAGRO), the Chamber of Commerce and the Salvadoran Industry Association (ASI)) and ANEP itself, which, despite not having attended the inaugural meeting, had already sent their representatives to participate in the CST. Unlike for the workers' sector, which did not have an

election procedure, there were no obstacles for the employers' delegation. She welcomed the existence of the supervisory bodies, which supported countries in achieving compliance with the Conventions. Moreover, those bodies should not be used as forums for addressing disagreements which, precisely, could be resolved through active and effective participation in the bodies that had been set up for that purpose. She thanked the speakers who had acknowledged the action taken by the Government to make progress regarding compliance with the Convention and also expressed gratitude for the technical cooperation received from the Office.

#### SERBIA (ratification: 2005)

A Government representative indicated that social dialogue at the national level was a tripartite process between representatives of employers, workers and the Government, and that collective bargaining and the work of social and economic councils were the most important forms of social dialogue. The foundation of social dialogue had been set out in the Labour Code, primarily with respect to the establishment of trade unions and employers' associations, as well as the method of and requirements for determining their representativeness. The establishment of the Social and Economic Council of the Republic of Serbia (SEC) in 2004 had created the conditions for a more successful social dialogue at the national level. Social dialogue was promoted by regular staff meetings and the SEC sessions. Four sessions of the SEC had been held in 2018, and eight in 2017. With respect to the remarks made by the social partners that draft laws had not been submitted for consultations, the speaker explained that in 2017, the following laws and other acts, which had been prepared by the Ministry of Labour, Employment, Veteran and Social Affairs (the Ministry of Labour), had been communicated to the SEC for its consideration and opinion: (1) the Draft Law on Amending the Law on Peaceful Settlement of Labour Disputes; (2) the Draft Law on Amending the Labour Code; (3) the Proposal for a Rulebook on Amending the Rulebook on previous and periodical medical examinations of employees in employment at increased risk; and (4) the Proposal for a Rulebook on acquiring new knowledge relating to occupational health and safety. In addition, also in 2017, the following draft laws prepared by the Ministry of State Administration and Local Self-Government had been considered by the SEC: (1) the Draft Law on Salaries of Civil Servants and State Employees in Autonomous Province Authorities and Local Government Units; (2) the Draft Law on Employees in the Public Service; and (3) the Draft Law on Amending the Public Sector Wage System Law. Apart from the SEC established at the national level, there were social and economic councils at the level of the autonomous territories and the local government. There were 19 councils in the registry maintained by the Ministry of Labour. One of the most important forms of social dialogue was collective bargaining. The amendments to the Labour Code made in July 2014 aimed to encourage social dialogue and collective bargaining for the purpose of concluding collective agreements at all levels (enterprise, industry, local government unit, as well as at the national level). Government representatives were involved in the negotiation procedures for collective agreements covering public enterprises and corporations funded by the Republic, and for special collective agreements for public enterprises and public services. Seventeen special collective agreements and five collective agreements covering economic sectors were currently registered by the Ministry of Labour and published in the Official Gazette. For instance, special collective agreements had been concluded covering institutions in the areas of health, culture and social protection; employees in elementary and sec-

ondary schools and student homes; police officers; state authorities; and pre-school institutions. Collective agreements covering economic sectors had been concluded for such industries as: chemistry and non-metals; agriculture, food, tobacco and water management; construction and construction materials; and road maintenance.

With respect to the observation that the social partners were excluded from the process of drafting labour and social legislation, the speaker reiterated that social dialogue was a very important part of the law-drafting process. In line with the Government's workplan for 2016–18, a legal framework on strike and peaceful settlement of labour disputes was in the process of development. The working group had consisted of representatives of trade unions and of employers' associations at national level and members of the SEC. At the session on 28 December 2017, the Government had finalized a draft Bill on Amending the Law on Peaceful Settlement of Labour Disputes, and had communicated it to the National Assembly for adoption. Public discussion on the Draft Law on Strikes had been finalized on 10 May 2018, and further activities had been undertaken for this Bill to be adopted by the Government. In response to the observations made by the social partners that the Representativeness Committee had ceased to function in May 2017, the speaker stated that since the new Government had been formed on 29 June 2017, new Government representatives to the Committee had to be nominated by the Ministry of Education, Science and Technological Development, the Ministry of Labour and the Ministry of Health. Following nominations on 19 April 2018, the Representativeness Committee had held its first session on 7 May 2018. With respect to the observations made by the social partners that no consultations on international labour standards had taken place, she stated that such consultations had been regularly held. The most obvious example of the consultation results was the ratification of the Maternity Protection Convention, 2000 (No. 183). This Convention had been ratified after the meeting between the Government representatives and the trade union representatives. The ratification procedure had started at the initiative of the Trade Union Confederation "Nezavisnost", with the support of the Confederation of Autonomous Trade Unions of Serbia, and employers' associations. All reports on the implementation of ILO Conventions had been regularly communicated to the social partners on a yearly basis for their opinion and comments. All comments received were forwarded to the ILO by the Government in a timely manner. In order to prepare the delegation of the Republic of Serbia to the International Labour Conference, the Government had delivered the following documents to the SEC: the invitation letter, information on the Conference and the guidelines for participation and a request to the SEC to transmit to the Government information on the social partners' delegates to the Conference. Furthermore, the Government had delivered the following ILO documents to the social partners: the text of the newly adopted Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205); and a questionnaire on the implementation of the Social Protection Floors Recommendation, 2012 (No. 202). The SEC had met twice, in March and April 2018, concerning the participation in the International Labour Conference.

The Worker members recalled the need to organize social dialogue effectively to cover all of the problems that could arise in the context of the implementation of international labour instruments. Indeed, social dialogue was present in a cross-cutting manner in all ILO instruments, and particularly in the present Convention, which directly addressed the question of social dialogue within the context of tripartite consultation relating to international labour standards. The Convention benefited from broad support from ILO member States, as it had so far received 140 ratifications.

They recalled that a ratification campaign had been launched with the aim of achieving universal ratification of the Convention for the ILO Centenary. States which had not yet done so should initiate the process to ratify the Convention. Indeed, while the ratification of the Convention was essential, compliance with it in law and practice was just as important. The application by Serbia of the Convention which it had ratified in 2005 had been problematic. As it was a relatively recent ratification, the failings were perhaps due to the relatively short period for which the Convention had been in force in the country. It appeared difficult to find an echo in Serbia of the Convention, which set out fundamental principles of social dialogue. According to the social partners, in practice social dialogue had been reduced to the strict minimum at all levels. Although the Convention was intended to promote effective tripartite consultation, it was clear that this was far from being the case in Serbia at present. It was not by reducing social dialogue to a minimum that effective consultations could be established in accordance with the requirements of the Convention. In that regard, the social partners reported that, in general, draft legislation on social and labour issues was not always submitted to the competent consultation mechanism. It was difficult to imagine how it could be otherwise for all of the items that had to be submitted for consultation with the social partners under Article 5 of the Convention. In practice, all draft legislation was submitted directly to the Legislative Assembly without any prior consultation in the competent tripartite advisory body. Article 2(1) of the Convention provided that each member State should undertake to establish procedures to ensure effective consultation, but this did not appear to be the case in Serbia. If the Government needed to establish or re-establish such procedures, it would need to consult the representative organizations of workers and employers in this regard, in accordance with Article 2(2) of the Convention. In this respect, the representative organizations of workers indicated that their representative was no longer allowed to participate in the drafting of legislative texts in the field of social and labour legislation. This situation was compounded by the lack of dialogue with the social partners, particularly with workers' organizations. A Representativeness Committee had been established to determine the representativeness of workers' and employers' organizations, but had ceased functioning in May 2017. According to the social partners, the non-functioning of the above Committee had strongly affected social dialogue in that the Government was now determining the representativeness of organizations. The decisions taken by the Government in relation to representativeness were adopted without consulting the Committee. It was evident that this procedure, probably applied in response to the non-functioning of the competent body, should have been the subject of consultation with the social partners.

Contrary to Article 5(2), no schedule appeared to have been determined in consultation with the social partners in order to ensure tripartite consultation at regular intervals on the matters covered by the Convention. The absence of regular consultations meant that, in practice, consultations were held too late, or not at all. The Government should therefore be called upon to review the applicable procedures, in dialogue with the social partners. In light of the difficulties observed, it would appear to be useful for the Government to invite the competent authority to produce an annual report on the working of the consultation procedures, in accordance with Article 6 of the Convention. It was the responsibility of the Government to ensure that the competent authority had all the necessary resources for the preparation of the report. The report would make an assessment of the situation and would provide a basis for reviewing all of the elements which were paralysing social dialogue in the country. Serbia was already benefiting from an

ILO technical assistance programme, which was intended to strengthen the capacities of the competent authority in relation to tripartite consultation. It was important to assess the progress achieved in their context and to encourage recourse to such assistance. A tripartite workshop had also been organized by the ILO in Belgrade in 2017 to train the tripartite partners on the implementation of the Convention. Despite this assistance, it was clear from the comments of the Committee of Experts that there remained many shortcomings in the application of the Convention. The Worker members considered that the situation could be improved significantly if the Government made efforts to this end. The measures that needed to be taken to resolve the difficulties noted and re-establish effective tripartite consultation were not excessively complex and required only a minimum of political will.

**The Employer members** emphasized the importance of States complying with this governance Convention. Serbia had ratified the Convention on 13 May 2005 and, to date, the Committee of Experts had already issued seven comments, the last three dating from 2012, 2015 and 2017. In 2001, the SEC had been created as a tripartite advisory body. The legislation provided for the representation of the social partners and the Government on an equal footing. The SEC therefore appeared to be the competent national authority par excellence to assume an advisory role on ILO instruments. It seemed, however, to be well established that it was rarely consulted by the authorities, particularly with regard to the obligations laid down in the Convention. The content, procedure, time limits for consultation, outcome and frequency of the consultations were clearly still posing problems. The Employer members had expressed their concern with regard to the comments of the Committee of Experts. Having taken note of the Government's explanations, they considered that specific action was needed to apply the Convention at the national level.

The Employer members attached great importance to the Convention, given that, as stated in the ILO Constitution, tripartism was one of the pillars of the Organization. It was what distinguished the ILO from other international organizations. The Convention had the merit of flexibility, leaving it to national practice to determine the nature as well as the form of consultation procedures. Very different tripartite consultation procedures and methods could therefore satisfy the aims of the Convention. Nevertheless, to be meaningful, consultations must not be simply a matter of form, but should command the full attention of representative employers' and workers' organizations so as to assist the Government in decision-making. In that respect, tripartism was not an easy road to travel. It required appropriate means of keeping organizations informed so that they had a sufficient basis for consultation, the exchange of information on different points of view and the settlement of disputes, taking into account the positions of the social partners before any final decision was made. It was essential for final Government decisions concerning their obligations towards the ILO to take into account the points of view expressed by employers and workers. Article 5(2) of the Convention provided that consultations should be held at least once a year. It was difficult to envisage consultations being held less frequently, bearing in mind the diversity of issues warranting consultation at different times of the year. However, Governments were under no obligation to publish annual reports on how the procedure was functioning; they were required to hold consultations on whether such a report was appropriate. That being said, the burden of government reporting obligations was heavy and sometimes delayed or reduced the time available for tripartite consultation, or even prevented consultations from taking place within the time limits. The Employer members supported any initiative that eased the administrative burden of governments, while maintaining the quality of the

information they communicated. Such rationalization would facilitate the holding of tripartite consultations. With regard to the observations made by the Committee of Experts, the Employer members recalled that tripartite consultations by the Government could not be confined to draft legal texts or a purely formal consultation. It was not enough to organize the travel for employer and worker delegates to participate in the International Labour Conference, nor to provide them pro forma, selectively or at the last minute with general notes that were not conducive to meaningful consultation. Instead, a basic process of effective consultation needed to be established. Certain issues examined by the Committee of Experts had been raised on many occasions. It was therefore important for the Government to provide full, detailed and useful information in writing on the effective functioning of the SEC.

**The Worker member of Serbia** indicated that the Law on the Social and Economic Council had defined the SEC as an independent body, composed of representatives of the Government, representative employers' associations and representative trade unions. Pursuant to the Law, the SEC should take positions on issues such as development and improvement of collective bargaining, impact of economic policy and measures for its implementation with regard to social development and stability, employment policy, wage and price policies, competition and productivity, privatization and other structural adjustment issues, protection of working and living conditions, education and vocational training, health care and social welfare, demographic trends and other issues. These positions should be taken by consensus of the members of the SEC. Regarding the implementation of the Convention, the speaker regretted that draft laws in the area of labour and social legislation or those that regulated the right to work were not submitted to the SEC for review. Instead, the Government had directly submitted these bills to the National Assembly. In the course of 2017, 18 bills had been submitted to the National Assembly without having first consulted the SEC. With respect to representativeness, the speaker indicated that, pursuant to section 224 of the Labour Code, representativeness of a trade union at national level was determined by the Minister on the recommendation of the Representativeness Committee. The Committee should be composed of three representatives of each group: the Government; the trade unions; and the employers' organizations. The Committee had ceased to function from May 2017 to April 2018, due to the Government's failure to nominate its representatives. Moreover, section 229 of the Labour Code had been amended in July 2014, to provide that the Representativeness Committee could only operate and adopt proposals if at least two-thirds of its members were present at the meeting (prior to the amendment all decisions had to be taken by consensus). As a result, the representative trade union, as one of the social partners, did not have equal status in the Committee, since the Government, together with the representative employers' organizations, could make decisions and proposals even without the trade union, which was contrary to the Convention. Pursuant to section 229(7) of the Labour Code, as amended, the Government had taken over the determination of representativeness, as the Minister could take decisions in this regard without seeking the Representativeness Committee's views. With regard to sectoral collective agreements, he regretted that these were non-existent in the industrial sector. Moreover, those that were signed were not implemented or failed to obtain approval for extending its application. The speaker added that there were no employers' organizations in Serbia that met the representativeness requirement prescribed by the Labour Code as amended (more than 50 per cent of employees in a specific sector), and collective agreements could not be implemented without extending its application. The speaker therefore called on the Government to:

(i) introduce a provision in its Rules of Procedure to the effect that a draft law could not be submitted to the Government for review unless it was accompanied by an opinion of the SEC; and (ii) ensure the full implementation of the Convention through an amendment of the relevant laws.

**The Employer member of Serbia** highlighted that the Convention called for "effective consultations" for the purpose of exchanging opinions before the Government took a final decision. The Serbian Association of Employers (SAE) had never been provided with information regarding the majority of the topics covered by the Convention. There had been no exchange of opinions or consultations with employers. For example, the Convention had been ratified by Serbia in 2005, and since then, six additional Conventions had been ratified without consulting the social partners on the benefits of ratification, the improvements expected, or the changes required in national legislation. The laws related to ratification were submitted directly to the National Assembly. Hence, the employers were not given the opportunity to express their opinion on matters concerning ILO activities. The allocation of sufficient time to examine the information provided was also an important element. The Government's requests for comments from the workers' and employers' organizations on ratified Conventions were usually accompanied by an extremely short deadline for within which to reply. In response to complaints made by the social partners in this regard, the Government had introduced the practice of approving additional time where requested. Subsequently, the Government had stopped requesting comments. In 2017, bearing in mind the deadline set by the ILO, the SAE had prepared its comments in a timely manner and had sent them directly to the ILO. The scope of issues that should be subject to tripartite consultations had been selectively implemented. The Government's comments on proposed texts to be discussed by the Conference were in the form of a document called "Platform". However, this document contained only general notes and short descriptions about the Conference agenda and the relevant committees, without including any remarks on the Government's position regarding any issue on the agenda. There was nothing to comment on or add to. This year's Platform had been received by the social partners only on 25 May 2018, and no information had been included about Serbia being on the preliminary list of cases to be discussed by the Committee. The Conference was put on the agenda of the SEC, the national tripartite body, but only for formal approval of the composition of the delegation. Furthermore, there had been no requests for consultation from the Government on the denunciation of ratified Conventions, even in the case of automatic denunciation, for example, when the Maritime Labour Convention (MLC, 2006), had been ratified in 2006. There had been no consultations on examining non-ratified Conventions or Recommendations to which effect had not yet been given. With regard to reports on ratified and non-ratified Conventions, apart from the typically short deadline, which could occur during the holiday season, the speaker was not aware of any "questions arising out of reports to be made" to the Office, as required under Article 5(d) of the Convention. The employers had never been given the opportunity to read all of the comments provided by the Government, trade unions and employers in one document. In addition, they had never received the final copies of the reports that had been sent to the ILO, either on ratified or on non-ratified Conventions, pursuant to article 23, paragraph 2, of the ILO Constitution. Furthermore, no consultations had ever been held after the Conference, related to the Conference Committees' conclusions and decisions, not even when Serbia had been the subject of the discussion. In 2017, the SAE had filed a complaint to the Credentials Committee.

However, a discussion on the Credential Committee's request to the Government to act in accordance with the ILO Constitution had taken place only upon the employers' initiative, during a meeting of the SEC. The Government's comments had revealed that it had not taken the request into consideration, and that it did not intend to do so in the future.

The nature and form of consultations would have to be determined according to national practice. As the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152), explained in more detail, the Government was free to organize consultations in the most time-efficient and non-bureaucratic manner, taking into consideration cost-effectiveness. Consultations would have to be related to ILO standards, be effective and be held before a decision could be taken, and should take place at least once a year. In Serbia, there was a national tripartite body with an equal representation of government, trade unions and employers, the SEC, which had been established in 2001 based on an agreement signed by all three social partners. The SEC's purpose was to enable the development of tripartite dialogue at the national level. Considering the purpose and composition of the SEC, the speaker believed that it should be considered as the body where the discussions and consultations should be taking place among the social partners, in line with the Convention, and should not be used only for the formal approval of the composition of the delegation to the Conference. With regard to the absence of determined intervals for consultations on issues related to the Convention, the administrative capacity of all three constituents did not correspond to the scope and variety of their tasks. For this reason, it would be useful to establish such intervals. This would enable sufficient time for planning and preparation, particularly bearing in mind that, on the one hand, the reporting cycle and deadlines introduced by the ILO, as well as the items on the Conference agenda, were well known in advance and, on the other hand, that the SEC met on a regular basis. Serbia was fully equipped with an excellent framework to implement the Convention and Recommendation No. 152, but there was a lack of will to use this framework.

**The Worker member of Sweden**, speaking on behalf of the Worker members of the Nordic countries and the United Kingdom, highlighted the importance of tripartite consultations, which enabled the full inclusion of workers' and employers' representatives in legislative processes and in the implementation of international labour standards. Tripartite consultations, as set out in the Convention, were the cornerstone of the ILO and its supervisory mechanisms. Tripartite consultations could take place in various forms, but had to meet the preconditions established in the country concerned. The speaker referred to the European Economic and Social Committee (EESC), a European Union (EU) advisory body made up of representatives of workers' and employers' organizations, which delivered opinions on relevant EU legislative projects and policy initiatives. Moreover, one of the priorities of the EU was to promote social dialogue, as evidenced by the European Pillar of Social Rights, which included the promotion of social dialogue among its 20 principles. According to this pillar, social partners had to be consulted on the design and implementation of economic, employment and social policies, and were encouraged to negotiate and conclude collective agreements. In this context, the EU had identified closer cooperation with the Western Balkans, including Serbia, as one of its priorities. Serbia had recently committed to such closer cooperation as part of the measures taken toward EU accession. Highlighting that social dialogue was one of the fundamental values of the EU, the speaker urged the Government to comply with international labour standards,

particularly this Convention, thus demonstrating its true commitment in practice.

**An observer representing Education International (EI)** recalled that the Convention lay at the heart of tripartism. The Teachers' Union of Serbia (TUS) was affiliated to Education International and wanted the claims and expectations of its members to be taken into account in collective bargaining. Collective agreements had been concluded in all education sectors, apart from higher education where bargaining had begun in 2015 and had not yet been concluded. Higher education teachers did not therefore enjoy the same rights as their colleagues. The situation was problematic from the point of view of democracy and equality. According to the TUS, various ministers involved in the negotiations were obstructing the agreements, namely the Minister of Education and the Ministers of Labour and Finance, who had referred to financial difficulties. However, high-quality education was vital to economic and social development and required State investment, as recognized in the 1966 and 1997 ILO/UNESCO recommendations. Furthermore, the TUS had not been consulted on various draft laws. That had been the case, for example, with the Education Act adopted at the end of 2017. Teachers' trade unions had been consulted initially, and then excluded from negotiations. They had also been excluded from discussions on the reform of the school system, despite the inevitable consequences on the status and rights of the staff. In fact, the majority of teachers were employed under precarious conditions, especially on short-term contracts. Teachers' salaries had been reduced by 10 per cent in 2014 and, although they had increased since that time, they remained 16 per cent below the national average. With regard to the Bill on the right to strike, the TUS regretted that its voice had not been heard and questioned the functioning of the Social and Economic Council and the Representativeness Committee, which had not been operational since May 2017. Similarly, the TUS was concerned at the criteria established by the Government to assess representativeness. In conclusion, she called for full and permanent dialogue to be restored with the TUS so that its voice could be heard on those issues on an equal footing with other parties.

**The Government representative** thanked all participants in the discussion for their comments and indicated that the Government had already tackled most of the issues that had been mentioned. A new meeting of the Representativeness Committee, the authority responsible for determining the representativeness of workers' and employers' organizations, would be held on 6 June 2018. Referring to the intervention of the Worker member of Serbia in relation to a law in the field of education, the speaker stated that she was not in a position to provide concrete answers at this time, but that the Government would provide information on this matter in its next report under article 22 of the ILO Constitution, or in a separate letter to the ILO. The next report on the application of the Convention would contain a copy of the request that had been sent to the social partners. The Ministry of Labour, which was the authority responsible for drafting the report, would do its best to respond to all comments made by the Committee of Experts.

**The Employer members** reiterated that tripartism was one of the pillars of the ILO. It was fundamental for tripartism to be implemented effectively at the national and international levels. If a government was envisaging the ratification of an ILO Convention, it should examine not only its own capacity to implement the Convention in law and practice at the national level, but also its capacity to fulfil the administrative obligations arising out of ratification, particularly those relating to reporting on the implementation of the Convention and the related tripartite consultations. Taking into account this administrative burden, governments were, however, free to organize the consultations in the most effective manner possible to avoid unnecessary

bureaucracy, on condition that the following requirements of the Convention were respected: (i) the consultations had to cover all ILO standards, as indicated in Article 5(1), but there was no obligation under the Convention to consult the social partners on general economic and social matters; (ii) under Article 2(1), the consultations needed to be effective, or in other words be organized in such a way that the views of the respective organizations were taken into consideration by the Government before it took any decisions; and (iii) pursuant to Article 5(2), tripartite consultations should be held at least once a year. Having taken due note of the explanations provided by the Government, the Employer members recommended that the national authorities take the necessary and appropriate measures to ensure effective and efficient tripartite consultations with the national social partners, as required by the Convention. More specifically, they called on the Government to: (i) take the necessary measures to ensure meaningful, effective and timely consultations on all the questions covered by the Convention; (ii) take the opportunity offered by the existing tripartite social dialogue body, the SEC, to organize the tripartite consultations required by the Convention, without having to establish other bodies; and (iii) provide in writing all relevant information on the outcome of such tripartite consultations. Finally, they called on the Government to continue availing itself of ILO technical assistance in relation to their recommendations.

The Worker members thanked the Government representative for the information provided to the Committee. It was essential for the Government to take decisive measures to bring its law and practice into line with the Convention. While the ILO had set the objective of achieving universal ratification of the Convention, the Government's concern lay elsewhere: that of ensuring the respect and effective application of the Convention. Indeed, the recommendations made to the Government could easily be implemented if the political will existed. The Government should establish or re-establish procedures to hold effective consultations between its representatives and the social partners, particularly within the SEC. It was essential to hold consultations with the social partners with a view to establishing or re-establishing such procedures so that they could express their views. In that regard, it was important for the Representativeness Committee to resume its activities so that it could discuss issues of representativeness and advise the Government accordingly. The Government could not, without the advice of an independent body, make valid decisions on the representativeness of organizations. This situation could not continue. The Worker members welcomed the Government's indication that the Committee had held its first meeting on 7 May 2018, following the appointment of the Government representatives. The Government was invited to ensure the operation of the Committee in future, even if a new government was being formed. It was also important for the Government to ensure that regular consultations were established or re-established on the items covered by Article 5(1)(a) to (e) of the Convention and to establish an annual schedule for the tripartite consultations. A report on the situation, as provided for in Article 6 of the Convention, could inform the Government and the social partners with regard to compliance with the procedures set out in the Convention. The Government was requested to make every effort to ensure that the SEC had the resources to produce such a report. As the Government had benefited from an ILO technical assistance programme (the ESAP Project), it should also report on the progress achieved by the programme. Following that such an assessment, and in view of the persistent difficulties in the implementation of the Convention, the Worker members called on the Government to participate more actively in the technical assistance programme.

## Conclusions

The Committee took note of the oral statements made by the Government.

Taking into account the Government's submissions and the discussion that followed, the Committee recommends that the national authorities take the necessary and appropriate measures to ensure effective and efficient tripartite consultation of the national social partners in implementation of Convention No. 144. It further recommends the Government to:

- take the necessary steps to ensure that meaningful, effective and timely consultations on matters concerning international labour standards take place including within the framework of the Social and Economic Council of the Republic of Serbia; and
- report on the issues discussed and the frequency of tripartite consultations to the Committee of Experts before its November 2018 session.

The Committee invites the Government to avail itself of ILO technical assistance in relation to these conclusions.

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## Worst Forms of Child Labour Convention, 1999 (No. 182)

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SAMOA (ratification: 2008)

The representative of the Secretary-General informed the Committee that the delegation of Samoa was not accredited to the Conference this year. The Government had sent a communication to the Committee of Experts relating to its compliance with Convention No. 182 in which it also explained that the absence of its delegation at the 107th Session of the International Labour Conference was due to financial difficulties. The Government also communicated its commitment to provide a full report to the Committee of Experts by the end of August 2018.

The Chairperson of the Committee announced that, as specified in Part VII of document D.1, on the last day of the discussion of individual cases, the Committee dealt with the cases in which governments had not responded to the invitation of being before the Committee. The refusal by a government to participate in the work of the Committee was a significant obstacle to the attainment of the core objectives of the International Labour Organization. In the case of governments that were not present at the Conference, the Committee would not discuss the substance of the case, but would draw attention in its report to the importance of the questions raised. In such a situation, a particular emphasis would be put on the measures to be taken to resume dialogue.

The Worker members expressed regret at the absence of the Government delegation at the current session of the Conference, which prevented the Committee's examination of the case. Governments' participation at the Conference was essential to the effective functioning of the ILO supervisory system. The Worker members highlighted the key aspects of the Committee of Experts' comments that required follow-up action by the Government to redress the situation of child labour in the country. An ILO pilot study had revealed that around 38 per cent of child labour in Samoa was performed by under 15-year-olds, which compromised children's development and called into question the Government's capacity and commitment to address the worst forms of child labour. Child protection laws were inadequate and the absence of any protection for young persons between 16 and 18 years put them at particular risk of exploitation. Institutions for the protection of children did not function properly and legislative reforms had stalled. The legislative process had not advanced, for example, for bills drafted in accordance with the Optional Protocols to the United Nations Convention on the Rights of the Child, which the Government had ratified in 2016. More needed to be done to address the concerns regarding the worst forms of child labour. The Worker members urged the

**Worst Forms of Child Labour Convention, 1999 (No. 182)**  
*Samoa (ratification: 2008)*

Government to provide a detailed report on the application of the Convention to the Committee of Experts at its next session. The Government should avail itself of ILO technical assistance to comply with its reporting obligations and tackle the worst forms of child labour.

**The Employer members** echoed the Worker members' statement and expressed regret that the Government had not attended the Conference. Non-compliance with the Convention was a serious concern and the Committee of Experts had identified three main aspects in that regard: the disparity between the ratifications of the Optional Protocols to the United Nations Convention on the Rights of the

Child and the real protection of children in the country; the absence of a list of hazardous work in which the employment of young persons is prohibited; and the prevalence of under 15-year-olds exploited as street vendors and subjected to other abusive practices. The Government's failure to submit replies to those issues to the Committee, irrespective of its absence, was a matter of deep concern. The Employer members urged the Government to provide replies and commit to participating fully at the next session of the International Labour Conference.

**Appendix I. Table of Reports on ratified Conventions due for 2017 and received since the last session of the CEACR (as of 8 June 2018)**

(articles 22 and 35 of the Constitution)

*The table published in the Report of the Committee of Experts, page 615, should be brought up to date in the following manner:*

*Note: First reports are indicated in parentheses.*

*Paragraph numbers indicate a modification in the lists of countries mentioned in Part One (General Report) of the Report of the Committee of Experts.*

**Albania** **11 reports requested**

*(Paragraph 34)*

- All reports received: Conventions Nos. 29, 97, 102, 105, 122, 138, 143, 168, 176, 181, 182

**Bahamas** **10 reports requested**

*(Paragraph 34)*

- 9 reports received: Conventions Nos. 12, 17, 19, 29, 42, 97, 105, 138, 182
- 1 report not received: Convention No. MLC

**Belize** **30 reports requested**

*(Paragraph 28)*

- 15 reports received: Conventions Nos. 11, 12, 26, 42, 81, 87, 94, 95, 98, 99, 108, 135, 141, 144, 151
- 15 reports not received: Conventions Nos. 19, 29, 88, 97, 100, 105, 111, 115, 138, 150, 154, 155, 156, 182, (MLC)

**Burundi** **14 reports requested**

- 13 reports received: Conventions Nos. 1, 12, 17, 19, 29, 42, 62, 64, 90, 101, 105, 138, 182
- 1 report not received: Convention No. 27

**Cabo Verde** **10 reports requested**

- 7 reports received: Conventions Nos. 29, 87, 98, 105, 138, 182, (MLC)
- 3 reports not received: Conventions Nos. 17, 19, 118

**China** **7 reports requested**

- All reports received: Conventions Nos. 19, 27, 32, 122, 138, 182, (MLC)

**Croatia** **31 reports requested**

- 26 reports received: Conventions Nos. 11, 12, 13, 14, 19, 24, 25, 27, 29, 45, 87, 90, 100, 102, 103, 105, 111, 113, 119, 121, 122, 132, 138, 148, 155, 161
- 5 reports not received: Conventions Nos. 32, 98, 106, 156, 182

**Democratic Republic of the Congo** **27 reports requested**

*(Paragraph 34)*

- 19 reports received: Conventions Nos. 11, 12, 19, 26, 29, 62, 81, 87, 88, 98, 100, 102, 105, 111, 118, 121, 135, 138, 182
- 8 reports not received: Conventions Nos. 27, 94, 95, 119, 120, 144, 150, 158

**Eritrea** **7 reports requested**

*(Paragraph 34)*

- 4 reports received: Conventions Nos. 87, 98, 100, 111
- 3 reports not received: Conventions Nos. 29, 105, 138

<b>Estonia</b>	<b>6 reports requested</b>
<i>(Paragraph 34)</i>	
· All reports received: Conventions Nos. 27, 29, 105, 122, 138, 182	
<b>France</b>	<b>16 reports requested</b>
· 15 reports received: Conventions Nos. 11, 12, 27, 29, 36, 97, 105, 122, 124, 138, 141, 152, (181), 182, MLC	
· 1 report not received: Convention No. 137	
<b>Germany</b>	<b>8 reports requested</b>
· All reports received: Conventions Nos. 27, 81, 87, 97, 98, 129, 152, MLC	
<b>Greece</b>	<b>21 reports requested</b>
· All reports received: Conventions Nos. 11, 17, 19, 27, 42, 77, 78, 81, 87, 90, 95, 98, 100, 102, 111, 122, 124, 126, 141, 156, 160	
<b>Ireland</b>	<b>13 reports requested</b>
· 10 reports received: Conventions Nos. 11, 27, 32, 100, 111, 121, 122, 139, (MLC), (189)	
· 3 reports not received: Conventions Nos. 81, 87, 98	
<b>Italy</b>	<b>9 reports requested</b>
<i>(Paragraph 34)</i>	
· All reports received: Conventions Nos. 27, 81, 87, 97, 98, 129, 137, 143, 152	
<b>Jamaica</b>	<b>8 reports requested</b>
<i>(Paragraph 34)</i>	
· 6 reports received: Conventions Nos. 11, 19, 81, 87, 98, 152	
· 2 reports not received: Conventions Nos. 94, 97	
<b>Lao People's Democratic Republic</b>	<b>8 reports requested</b>
· 7 reports received: Conventions Nos. 29, 100, 111, 138, 144, (171), 182	
· 1 report not received: Convention No. 6	
<b>Lebanon</b>	<b>15 reports requested</b>
· 14 reports received: Conventions Nos. 17, 19, 59, 77, 78, 90, 95, 98, 100, 111, 122, 131, 150, 152	
· 1 report not received: Convention No. 81	
<b>Libya</b>	<b>10 reports requested</b>
<i>(Paragraph 34)</i>	
· 8 reports received: Conventions Nos. 81, 87, 95, 98, 102, 118, 121, 131	
· 2 reports not received: Conventions Nos. 53, 130	
<b>Madagascar</b>	<b>12 reports requested</b>
<i>(Paragraph 34)</i>	
· All reports received: Conventions Nos. 6, 26, 81, 87, 88, 95, 97, 98, 124, 129, 159, 173	
<b>Malawi</b>	<b>18 reports requested</b>
· 9 reports received: Conventions Nos. 11, 12, 19, 87, 98, 100, 111, 158, 159	
· 9 reports not received: Conventions Nos. 26, 45, 81, 97, 99, 129, 144, 150, 182	
<b>Mexico</b>	<b>15 reports requested</b>
· All reports received: Conventions Nos. 27, 87, 90, 95, 100, 102, 111, 123, 124, 131, 134, (138), 152, 155, 173	
<b>Nepal</b>	<b>4 reports requested</b>
· All reports received: Conventions Nos. 98, 100, 111, 131	

<b>Netherlands - Aruba</b>	<b>15 reports requested</b>
<i>(Paragraph 34)</i>	
<ul style="list-style-type: none"> <li>· 12 reports received: Conventions Nos. 17, 25, 81, 87, 90, 95, 113, 114, 118, 121, 122, 131</li> <li>· 3 reports not received: Conventions Nos. 94, 140, 142</li> </ul>	
<b>Netherlands - Curaçao</b>	<b>8 reports requested</b>
<i>(Paragraph 34)</i>	
<ul style="list-style-type: none"> <li>· All reports received: Conventions Nos. 10, 33, 81, 87, 90, 94, 95, (MLC)</li> </ul>	
<b>Pakistan</b>	<b>7 reports requested</b>
<i>(Paragraph 34)</i>	
<ul style="list-style-type: none"> <li>· All reports received: Conventions Nos. 27, 32, 90, 98, 100, 111, 144</li> </ul>	
<b>Paraguay</b>	<b>12 reports requested</b>
<ul style="list-style-type: none"> <li>· All reports received: Conventions Nos. 26, 59, 77, 78, 79, 90, 95, 99, 100, 111, 123, 124</li> </ul>	
<b>Rwanda</b>	<b>17 reports requested</b>
<ul style="list-style-type: none"> <li>· 16 reports received: Conventions Nos. 11, 12, 17, 19, 26, 29, 81, 87, 94, 100, 105, 111, 118, 123, 138, 182</li> <li>· 1 report not received: Convention No. 42</li> </ul>	
<b>Saint Vincent and the Grenadines</b>	<b>19 reports requested</b>
<i>(Paragraph 28)</i>	
<ul style="list-style-type: none"> <li>· 1 report received: Convention No. (102)</li> <li>· 18 reports not received: Conventions Nos. 11, 12, 19, 26, 29, 81, 94, 95, 100, 105, 108, 111, 122, 129, 138, 144, 182, (MLC)</li> </ul>	
<b>San Marino</b>	<b>19 reports requested</b>
<i>(Paragraph 34)</i>	
<ul style="list-style-type: none"> <li>· 5 reports received: Conventions Nos. 100, 103, 111, 143, 150</li> <li>· 14 reports not received: Conventions Nos. 29, 105, 119, 138, 140, 142, 144, 148, 151, 156, 159, 160, 161, 182</li> </ul>	
<b>Slovenia</b>	<b>17 reports requested</b>
<ul style="list-style-type: none"> <li>· All reports received: Conventions Nos. 27, 29, 32, 90, 95, 97, 100, 105, 111, 114, 131, 143, 144, 156, 173, 182, (187)</li> </ul>	
<b>The former Yugoslav Republic of Macedonia</b>	<b>10 reports requested</b>
<i>(Paragraph 34)</i>	
<ul style="list-style-type: none"> <li>· All reports received: Conventions Nos. 27, 32, 90, 94, 97, 100, 111, 131, 143, 144</li> </ul>	
<b>Tunisia</b>	<b>19 reports requested</b>
<ul style="list-style-type: none"> <li>· All reports received: Conventions Nos. 26, 29, 77, 81, 90, 95, 99, 100, 107, 111, 114, 118, 124, 138, (144), (151), (154), 182, (185)</li> </ul>	
<b>United Kingdom</b>	<b>7 reports requested</b>
<ul style="list-style-type: none"> <li>· All reports received: Conventions Nos. 32, 97, 100, 111, 124, 144, MLC</li> </ul>	
<b>Viet Nam</b>	<b>12 reports requested</b>
<i>(Paragraph 29)</i>	
<ul style="list-style-type: none"> <li>· All reports received: Conventions Nos. 6, 27, 29, 81, 100, 111, 123, 124, 138, 144, 182, (187)</li> </ul>	
<b>Yemen</b>	<b>21 reports requested</b>
<i>(Paragraph 28)</i>	
<ul style="list-style-type: none"> <li>· 5 reports received: Conventions Nos. 81, 87, 98, 138, 182</li> <li>· 16 reports not received: Conventions Nos. 16, 19, 29, 58, 59, 94, 95, 100, 105, 111, 122, 131, 144, 156, 158, 185</li> </ul>	
<b>Zambia</b>	<b>10 reports requested</b>
<ul style="list-style-type: none"> <li>· All reports received: Conventions Nos. 95, 97, 98, 100, 111, 124, 131, 138, 144, 173</li> </ul>	

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## **Grand Total**

A total of 2,083 reports (article 22) were requested, of which 1,543 reports (74.08 per cent) were received.

A total of 159 reports (article 35) were requested, of which 147 reports (92.45 per cent) were received.

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**Appendix II. Statistical table of reports received on ratified Conventions**  
(article 22 of the Constitution)

**Reports received as of 8 June 2018**

Year of the session of the Committee of Experts	Reports requested	Reports received at the date requested		Reports registered for the session of the Committee of Experts		Reports registered for the session of the Conference	
1932	447	-		406	90.8%	423	94.6%
1933	522	-		435	83.3%	453	86.7%
1934	601	-		508	84.5%	544	90.5%
1935	630	-		584	92.7%	620	98.4%
1936	662	-		577	87.2%	604	91.2%
1937	702	-		580	82.6%	634	90.3%
1938	748	-		616	82.4%	635	84.9%
1939	766	-		588	76.8%	-	
1944	583	-		251	43.1%	314	53.9%
1945	725	-		351	48.4%	523	72.2%
1946	731	-		370	50.6%	578	79.1%
1947	763	-		581	76.1%	666	87.3%
1948	799	-		521	65.2%	648	81.1%
1949	806	134	16.6%	666	82.6%	695	86.2%
1950	831	253	30.4%	597	71.8%	666	80.1%
1951	907	288	31.7%	507	77.7%	761	83.9%
1952	981	268	27.3%	743	75.7%	826	84.2%
1953	1026	212	20.6%	840	75.7%	917	89.3%
1954	1175	268	22.8%	1077	91.7%	1119	95.2%
1955	1234	283	22.9%	1063	86.1%	1170	94.8%
1956	1333	332	24.9%	1234	92.5%	1283	96.2%
1957	1418	210	14.7%	1295	91.3%	1349	95.1%
1958	1558	340	21.8%	1484	95.2%	1509	96.8%
<b>As a result of a decision by the Governing Body, detailed reports were requested as from 1959 until 1976 only on certain Conventions.</b>							
1959	995	200	20.4%	864	86.8%	902	90.6%
1960	1100	256	23.2%	838	76.1%	963	87.4%
1961	1362	243	18.1%	1090	80.0%	1142	83.8%
1962	1309	200	15.5%	1059	80.9%	1121	85.6%
1963	1624	280	17.2%	1314	80.9%	1430	88.0%
1964	1495	213	14.2%	1268	84.8%	1356	90.7%
1965	1700	282	16.6%	1444	84.9%	1527	89.8%
1966	1562	245	16.3%	1330	85.1%	1395	89.3%
1967	1883	323	17.4%	1551	84.5%	1643	89.6%
1968	1647	281	17.1%	1409	85.5%	1470	89.1%
1969	1821	249	13.4%	1501	82.4%	1601	87.9%
1970	1894	360	18.9%	1463	77.0%	1549	81.6%
1971	1992	237	11.8%	1504	75.5%	1707	85.6%
1972	2025	297	14.6%	1572	77.6%	1753	86.5%
1973	2048	300	14.6%	1521	74.3%	1691	82.5%
1974	2189	370	16.5%	1854	84.6%	1958	89.4%
1975	2034	301	14.8%	1663	81.7%	1764	86.7%
1976	2200	292	13.2%	1831	83.0%	1914	87.0%

Year of the session of the Committee of Experts	Reports requested	Reports received at the date requested	Reports registered for the session of the Committee of Experts	Reports registered for the session of the Conference
<b>As a result of a decision by the Governing Body (November 1976), detailed reports were requested as from 1977 until 1994, according to certain criteria, at yearly, two-yearly or four-yearly intervals.</b>				
1977	1529	215 14.0%	1120 73.2%	1328 87.0%
1978	1701	251 14.7%	1289 75.7%	1391 81.7%
1979	1593	234 14.7%	1270 79.8%	1376 86.4%
1980	1581	168 10.6%	1302 82.2%	1437 90.8%
1981	1543	127 8.1%	1210 78.4%	1340 86.7%
1982	1695	332 19.4%	1382 81.4%	1493 88.0%
1983	1737	236 13.5%	1388 79.9%	1558 89.6%
1984	1669	189 11.3%	1286 77.0%	1412 84.6%
1985	1666	189 11.3%	1312 78.7%	1471 88.2%
1986	1752	207 11.8%	1388 79.2%	1529 87.3%
1987	1793	171 9.5%	1408 78.4%	1542 86.0%
1988	1636	149 9.0%	1230 75.9%	1384 84.4%
1989	1719	196 11.4%	1256 73.0%	1409 81.9%
1990	1958	192 9.8%	1409 71.9%	1639 83.7%
1991	2010	271 13.4%	1411 69.9%	1544 76.8%
1992	1824	313 17.1%	1194 65.4%	1384 75.8%
1993	1906	471 24.7%	1233 64.6%	1473 77.2%
1994	2290	370 16.1%	1573 68.7%	1879 82.0%
<b>As a result of a decision by the Governing Body (November 1993), detailed reports on only five Conventions were exceptionally requested in 1995.</b>				
1995	1252	479 38.2%	824 65.8%	988 78.9%
<b>As a result of a decision by the Governing Body (November 1993), reports were requested, according to certain criteria, at yearly, two-yearly or five-yearly intervals.</b>				
1996	1806	362 20.5%	1145 63.3%	1413 78.2%
1997	1927	553 28.7%	1211 62.8%	1438 74.6%
1998	2036	463 22.7%	1264 62.1%	1455 71.4%
1999	2288	520 22.7%	1406 61.4%	1641 71.7%
2000	2550	740 29.0%	1798 70.5%	1952 76.6%
2001	2313	598 25.9%	1513 65.4%	1672 72.2%
2002	2368	600 25.3%	1529 64.5%	1701 71.8%
2003	2344	568 24.2%	1544 65.9%	1701 72.6%
2004	2569	659 25.6%	1645 64.0%	1852 72.1%
2005	2638	696 26.4%	1820 69.0%	2065 78.3%
2006	2586	745 28.8%	1719 66.5%	1949 75.4%
2007	2478	845 34.1%	1611 65.0%	1812 73.2%
2008	2515	811 32.2%	1768 70.2%	1962 78.0%
2009	2733	682 24.9%	1853 67.8%	2120 77.6%
2010	2745	861 31.4%	1866 67.9%	2122 77.3%
2011	2735	960 35.1%	1855 67.8%	2117 77.4%
<b>As a result of a decision by the Governing Body (November 2009 and March 2011), reports are requested, according to certain criteria, at yearly, three-yearly or five-yearly intervals.</b>				
2012	2207	809 36.7%	1497 67.8%	1742 78.9%
2013	2176	740 34.1%	1578 72.5%	1755 80.6%
2014	2251	875 38.9%	1597 70.9%	1739 77.2%
2015	2139	829 38.8%	1482 69.3%	1617 75.6%
2016	2303	902 39.2%	1600 69.5%	1781 77.3%
2017	2083	785 37.7%	1386 66.5%	1543 74.1%

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### **Armenia**

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### **Bahamas**

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Part One: General Report, para. 156  
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Part Two: B No. 111

### **Barbados**

Part One: General Report, paras 161, 170  
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### **Belarus**

Part Two: B No. 29

### **Belize**

Part One: General Report, paras 156, 160, 161, 163, 174  
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### **Bolivia, Plurinational State of**

Part One: General Report, para. 164  
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### **Botswana**

Part One: General Report, paras 161, 163, 170  
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Part Two: B No. 87

### **Brazil**

Part Two: B No. 98

### **Brunei Darussalam**

Part One: General Report, paras 161, 170  
Part Two: A

### **Cambodia**

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### **Chad**

Part One: General Report, paras 161, 163, 170  
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### **Comoros**

Part One: General Report, paras 156, 160, 170  
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Part One: General Report, paras 160, 163, 170  
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Part One: General Report, paras 156, 159, 161, 163, 174  
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Part One: General Report, paras 161, 163, 174

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Part One: General Report, paras 160, 163, 174

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Part One: General Report, para. 161

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Part One: General Report, para. 160

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Part One: General Report, para. 163

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**Vanuatu**

Part One: General Report, paras 156, 159, 161, 163, 174

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Part One: General Report, paras 161, 163

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# ***Record of Proceedings***

107th Session, Geneva, May–June 2018

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# **9C**



**Date:** Friday, 29 June 2018

## **Plenary sitting**

### **Report of the Committee on the Application of Standards**

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Friday, 8 June 2018, 14.55 p.m.

*Presidents: Ms Majali and Mr Elmiger*

## **Submission, discussion and approval of the report of the Committee on the Application of Standards**

### **The President**

The next item that we have before us is the submission, discussion and approval of the report of the Committee on the Application of Standards, contained in *Provisional Records* Nos 9A(Rev.) and 9B.

I invite the Officers of the Committee – Mr Núñez Morales, Chairperson; Ms Regenbogen, Employer Vice-Chairperson; Mr Leemans, Worker Vice-Chairperson; and Mr Rochford, Reporter – to take their seats on the podium.

I now give the floor to the Reporter, Mr Rochford, to present the report. The other Officers will then take the floor.

### **Mr Rochford**

Reporter of the Committee on  
the Application of Standards

It is a pleasure and an honour for me to present to the plenary the report of the Committee on the Application of Standards. The Committee is a standing body of the International Labour Conference, empowered under article 7 of its Standing Orders to examine the measures taken by States to implement the Conventions that they have voluntarily ratified. It also examines the manner in which States fulfil their reporting and other standards-related obligations as provided for under the ILO Constitution.

The tripartite nature of the Committee makes it a unique setting for social dialogue on the application of international labour standards worldwide. That dialogue is enhanced by the experience and in-depth knowledge of all the constituents on social and economic issues.

The work of the Committee is based on the report of the Committee of Experts on the Application of Conventions and Recommendations, which carries out an independent and technical examination of the application of ILO Conventions by member States.

The report of the Committee now before the plenary is divided into two parts. The first part contains a general report, which includes a record of the Committee's general discussion and its discussion of the General Survey of the Committee of Experts. The second part comprises a detailed record of the Committee's examination of individual cases involving compliance with ratified Conventions, and the conclusions adopted in each case.

I will outline some of the main features of the Committee's discussions in respect of both parts.

The general discussion this year again emphasized the fruitful dialogue between the Committee on the Application of Standards and the Committee of Experts. It is now established practice for both Committees to have direct exchanges on matters of common interest. Accordingly, the Vice-Chairpersons of the Committee held an exchange of views on standards-related matters and the operation of the ILO supervisory system with the

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members of the Committee of Experts at the latter's last session in November–December 2017.

The Committee also had the pleasure of welcoming the Chairperson of the Committee of Experts, Mr Koroma, to the sittings devoted to general discussion as an observer, with the opportunity to address the Committee. He shared with us a number of points relating to the latest improvements in the working methods of the Committee of Experts, and highlighted some challenges identified by that Committee in its 2018 General Survey concerning working-time instruments.

One of the key aspects of Mr Koroma's statement was the clear commitment by the Committee of Experts to maintain meaningful dialogue between the two Committees, in the interest of advocating and delivering an authoritative and credible ILO supervisory system and, ultimately, in the cause of international labour standards and social justice worldwide.

During the general discussion, reference was also made on various occasions to the informal tripartite consultations on the working methods of the Committee that have been carried out periodically since March 2016. Measures that emerged from those consultations continue to make a substantial contribution to the Committee's smooth operation during the two weeks of the Conference.

The latest measures agreed upon in November 2017 and March 2018 were intended to improve time management during the Committee's discussions and to modify its handling of the procedure for adopting conclusions in individual cases.

These revised working methods have assisted the Committee to carry out its work in a more effective and harmonious manner. There is always room for further improvement, and the informal tripartite consultations will continue to deal with other issues relating to working methods raised during these discussions.

Furthermore, the Committee welcomed the opportunity to discuss the General Survey concerning working-time instruments published by the Committee of Experts. It noted that the organization of working time has a major impact on workers' physical and mental health and work–life balance, their contribution to society, workplace safety and the competitiveness, agility, productivity and sustainability of enterprises.

The Committee recognized that finding an appropriate balance between the protection of workers and the needs of enterprises in the organization of working time remains an important goal for the realization of social justice. The Committee considered that this was all the more important in the context of the major process of change that the world of work is undergoing at the moment.

The Committee noted that transformations currently taking place in the world of work, facilitated by developments and improvements in technology and communications, were changing many of the traditional time and space dimensions in work and having an impact on its organization.

The Committee made particular reference to the emerging working arrangements, including telework and work through digital platforms. It noted that these arrangements were also being considered in the context of the Future of Work Initiative.

The Committee considered that the adoption of an appropriate regulatory framework on working time was important both to protect workers and to ensure a level playing field for employers. The Committee also noted that social partners, through social dialogue and collective bargaining, had an important role to play in setting rules and providing guidance

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on working time, and thus in ensuring that working-time arrangements better meet the concrete needs of their constituent members.

The Committee also considered serious failures on the part of member States to comply with their obligations related to standards.

The Committee again stressed the importance of the obligation to submit reports and thus ensure an effective supervisory mechanism – accurate and timely information is key to the functioning of the system. In this regard, the Committee reminded member States of the valuable assistance that the Office can provide, at their request.

The last part of the Committee’s work, and one of its key tasks, involved the examination of individual cases. This year, the Committee was able to adopt a list of 24 individual cases for discussion. In doing so, the Committee sought, as usual, to deliver a balance between the fundamental, governance and technical Conventions as well as a geographical balance and a balance between developed and developing countries.

All the governments listed, except one which was not accredited to the Conference, were present to discuss their cases. Although challenged by time constraints, the Committee was able to examine in depth 23 cases and adopt consensual conclusions with respect to all of them.

Therefore, I am happy to be in a position to report that the Committee was able, at this session, to conclude its work successfully.

In closing, I would like to thank the Chairperson of the Committee, Mr Núñez Morales (Panama), for his contribution to the work of the Committee and to acknowledge his considerable leadership in enabling the Committee to complete a formidable agenda. I would also like to thank the Employer Vice-Chairperson, Ms Regenbogen (Canada), and the Worker Vice-Chairperson, Mr Leemans (Belgium), for their expertise and collaborative spirit. I would also like to pay tribute to the Office for its dedicated work and high-quality support to our Committee during these two weeks. As always, the secretariat was diligent, professional and courteous in every engagement with the Committee members. In particular, I would like to commend the representative of the Secretary-General of the Conference, Ms Vargha, and her team for their contribution to the Committee. I would also like to acknowledge the contribution of the interpreters and translators, and indeed the interns, in helping this Committee to achieve its goals. With these words, I recommend to the International Labour Conference at its 107th Session that it approve the report of the Committee on the Application of Standards.

## **Ms Regenbogen**

Employer Vice-Chairperson of the Committee  
on the Application of Standards

On behalf of the Employers’ group, I would like to endorse the report of the Committee on the Application of Standards and recommend its adoption. This year the work of the Committee once again took place in a constructive and open atmosphere. While we have within the Committee divergences of opinion on the interpretation and application of certain Conventions, these were voiced in a spirit of mutual respect and as a reflection of the Employers’ continued commitment to a robust, effective and balanced supervisory system.

Despite the tight schedule, the Committee was able to successfully conclude its work on time thanks to the effective time management by the Chairperson and the full cooperation of delegates. This year the Committee once again demonstrated its ability to lead a meaningful, rich, relevant and results-oriented tripartite dialogue and adopt clear, consensual and straightforward conclusions.

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This work is fundamental to the guidance provided to member States regarding compliance with their international labour standards obligations. As the Reporter explained, the work of the Committee involves three distinct components: a discussion of the general section of the Committee of Experts' report; a discussion on the General Survey; and a discussion of individual cases relating to member States' compliance.

In the discussion of the general section of the 2018 Committee of Experts' report, the Employers had an opportunity to highlight what they consider to be the positive elements in that report. We took this opportunity on behalf of the Employers to make a number of proposals designed to continue working to improve the transparency, effectiveness and relevance of the tripartite governance of standards supervision.

The Employers note that this discussion of member States' compliance with their international labour standards obligations is based on the Committee of Experts' observations. To this end, the Employers' view is that there is a need for further efforts by the Committee of Experts to make their report more user-friendly. The users of the report need clear and up-to-date presentations of the issues in question. The comments made by the experts should be based on sound and balanced analysis and should explain the compliance problems in an easily comprehensible manner. Recommendations for remedial action should be straightforward, concrete and verifiable.

The experts' observations must continue to be based on up-to-date, accurate and balanced information. In a spirit of continuing to improve the transparency of the supervisory system, the Employers made comments with respect to the Committee of Experts' designation of certain cases as "double-footnoted", thereby denoting the seriousness of the case. The Employers have proposed that the experts elaborate on the reasons why a case has been double-footnoted and proposed further discussion of this issue within the subcommittee on working methods.

Taking into account the workload of the Committee of Experts, which is considerable, we also raised a question about that Committee departing from the regular reporting cycle to consider a case outside either the three- or five-year reporting cycle. And while we recognize that the Committee of Experts has this authority, we believe that this should be used only in exceptional cases and that, when the reporting cycle is broken, the experts should provide information on the reason for the early analysis.

In a spirit of endeavouring to continue improving the working methods for the consideration of individual cases in the Committee on the Application of Standards, the Employers proposed improvements in the use of "D" documents and encouraged the earlier supply of updated information by member States and the transparent sharing of this information by the Office to allow the tripartite constituents to more efficiently prepare Committee discussions in advance.

In the general discussion, the Employers also identified a number of areas in which we believe that there is room for continued improvement.

First, the Employers noted the ongoing significant failure of governments to comply with reporting obligations and the ineffectiveness of remedial action taken by the Office. This is a significant issue which we will continue to monitor and discuss.

Second, the Employers considered that there was an insufficiently clear distinction between direct requests and observations issued by the Committee of Experts. In this regard, the Employers noted that some comments within direct requests contained assessments of compliance and recommendations, and that because direct requests are not included in the Committee of Experts' report they do not form the basis for the discussion and for our work in the Conference Committee. So in the spirit of wanting to ensure transparency and good

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governance, we are of the view that direct requests should be requests for more information and should not deal with substantive issues of compliance.

Third, the Employers expressed concern in one case where the Committee of Experts had failed to take into account the conclusions on the application of standards from the discussion held in a previous year. This involves the case of Ireland, where the Committee on the Application of Standards in its conclusions called for joint action by the Government and the social partners on the matter in question, and when the Government took unilateral action the experts noted this action with satisfaction. Therefore, we use this case to highlight our continued recommendation that the Committee of Experts take into account and carefully consider the Conference Committee's conclusions.

Another area of concern that the Employers noted in the general discussion was the ongoing interpretation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), by the Committee of Experts, despite disagreement and a lack of support by Members within the ILO tripartite constituency for this scope of interpretation. In the light of the experts' observations in individual cases and to avoid any misunderstanding of the Employers' position, we wish to simply reiterate our position that we do not believe that a connection between an express right to strike and Convention No. 87 exists. To be clear, while the Employers' group recognizes a right to industrial action, we consider that the right level to set detailed rules on this sensitive matter exists at the national level.

Moving on to the next component of our work, we had a full and robust discussion of the General Survey, which this year focused on law and practice in relation to 16 ILO working-time instruments.

In this respect, the Employers noted that the organization of working time has a major impact on the physical and mental health of workers and also on the competitiveness, agility, productivity and sustainability of enterprises in an increasingly integrated and competitive economy.

As the world of work becomes more dynamic, working-time regulation has to adapt and in doing so maintain a fair balance between the protection needs of workers, on the one hand, and the needs of enterprises to respond to a changing world of work, on the other.

The social partners have an increasingly important role to play, through consultation and dialogue, in designing and providing guidance on innovative rules and practices regarding working time.

During the rich discussion, many governments and social partners took the floor and intervened, demonstrating the diversity of approaches on this issue at the national level and highlighting the fact that a number of these ILO instruments on working time were out of date, unduly detailed and overly restrictive.

We look forward to continued discussion and debate on these issues and have made proposals for the modernization and possible consolidation of these working-time instruments.

Turning then to the final component of the programme of our work, we actually examined 23 cases of member States' compliance with their international labour standards obligations, on the basis of the adopted list of 24 cases. In establishing that list, the social partners considered efforts to ensure a balance in the types of Conventions supervised and the seriousness of the issues, and consideration was given to regional balance as well as to the level of development of countries within a region. Of the cases actually examined, 16 related to fundamental Conventions, four related to governance (priority) Conventions

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and three related to technical Conventions. We think that this is an important piece of information because it demonstrates the attempt to look at different types of Convention (fundamental, governance and technical) within the work of our Committee.

There were a number of cases that were of particular concern to the Employers' group this year.

The first was the case of the Plurinational State of Bolivia in respect of its application of the Minimum Wage Fixing Convention, 1970 (No. 131). In the Employers' view, this was a serious case of non-compliance with the technical Convention involving the failure of the Government from 2006 to 2018 to consult the most representative employers' organizations and to consider economic criteria in setting the minimum wage. We welcomed this opportunity to highlight the Employers' very serious concerns regarding this matter.

We also noted concern in respect of the case of El Salvador. Among other things, this case dealt with the failure to reactivate the Higher Labour Council and with significant deficiencies in social dialogue, despite an ILO direct contacts mission in 2017.

We also had serious concerns over Serbia's application of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). The experts' observations clearly highlighted the lack of consultation by the Serbian Government with the Serbian Association of Employers on the standards-related topics covered by the Convention.

Another case of concern for the Employers' group was the case of Greece and its compliance with the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). This was one of the most important cases for the Employers this year and focused on the issue of unilateral recourse to compulsory arbitration, which is a key part of Greek law. In brief, Greek law grants to any collective bargaining party the right to have unilateral recourse to compulsory arbitration, which settles a dispute or resolves an issue relating to a collective agreement. The Employers' concern with this case focused on the conflict between this kind of unilaterally used system and the principle of free and voluntary collective bargaining, which is the underlying principle of Article 4 of Convention No. 98.

We regret very much that it was not possible to discuss the case of Samoa in the usual way. As the Reporter mentioned, the Government was not registered or accredited to the Conference and we were unable to have a discussion about what is a very serious case of non-compliance with the Worst Forms of Child Labour Convention, 1999 (No. 182).

In the case of Brazil, the Employers noted concern at the fact that the Committee of Experts issued an observation outside the regular reporting cycle and that this observation appeared to be based on incomplete information. During the discussion of the case of Brazil, which dealt with the modernization of the labour relations system, the Employers expressed the view that this labour reform is in compliance with Convention No. 98 and the principle of free and voluntary collective bargaining, and that it was undertaken in full consultation with the social partners. The Employers also noted with interest that the aforementioned reform is starting to show positive results in terms of employment creation in the country.

In addition to the cases discussed, we wish to take this moment to express our concerns at the lack of implementation of our Committee's conclusions adopted last year in relation to the Bolivarian Republic of Venezuela in respect of the Employment Policy Convention, 1964 (No. 122), and the Committee's conclusions adopted in 2011 in relation to Uruguay's application of Convention No. 98. We are bound to note at this moment that this lack of progress is regrettable and we will continue to monitor the situation in both countries.

The Employers' group highlights again this year the way in which the conclusions were drafted in the individual member States' cases. We saw real ownership by the social partners

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of the outcome of the Committee on the Application of Standards. Conclusions reflected only those recommendations which attracted consensus. It is clear that we remain committed to the adoption of short, clear and straightforward conclusions. These conclusions identify what is expected from the governments to apply ratified Conventions in a clear and unambiguous way. Conclusions reflect concrete steps to address compliance issues. Conclusions will no longer repeat elements of the discussion or reiterate government declarations which can be found in the opening and closing of the discussion set out in the *Record of Proceedings*. The CAS has adopted conclusions on the basis of consensus and those conclusions fall within the scope of the Convention being examined. If the Employers, Workers and/or Governments had divergent views, this has been reflected in the *Record of Proceedings*, not in the conclusions.

Controversial issues and disagreements continue to exist but they are not reflected and accordingly not covered by the conclusions. As already indicated, these divergent views on issues are set out in both Part 1 and Part 2 of the Committee's report (the general report and the discussion of individual cases, respectively).

I want to take this moment to express the Employers' view that the tripartite constituents should be very proud of the active and constructive engagement of the social partners in this regard. This is a key element of the work of this Committee and we are of the view that it is functioning extremely well and our work in this regard should be supported.

We would like also to take this moment to place emphasis on the importance of the follow-up to the conclusions of the Committee on the Application of Standards. Because this is a key facet of tripartite governance, we consider that the Office's technical assistance and follow-up missions should focus on matters which are the subject of consensus among the constituents and that the conclusions should provide the basis for the mission or work carried out at the national level.

We also believe it is important that the International Labour Standards Department (NORMES) should include ACT/EMP and ACTRAV specialists in the preparation and implementation of the conclusions and should also consult the Employers' and Workers' secretariats. Such consultation is to ensure that the most representative employers' and workers' organizations in the country are well prepared to contribute to the success of the respective missions, and to ensure that those national employers' and workers' organizations have the capacity to provide the most up-to-date and relevant information.

In conclusion, the Employers are positively satisfied with the operation of this year's discussion and the work of the Committee on the Application of Standards. Rich and meaningful discussions were held, consensus was reached where possible, and disagreements were highlighted where needed in a respectful and constructive spirit.

The Employers' group always sees room for continued improvement and we believe that this is a hallmark and an indication of our continued support for the supervisory system. So you will hear the Employers making proposals and standing committed to principles to continue to improve the transparency, relevance and effectiveness of tripartite governance within the ILO supervisory system. We invite all Committee members, governments and the Office to consider them in an open and constructive spirit.

The 2018 session of the Committee was the last one before the ILO centenary. The Employers' group takes this moment to acknowledge that this imminent landmark anniversary gives us an opportunity to continue committing to the improvement of the transparency, efficiency and relevance of tripartite governance within the ILO supervisory system.

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It is the Employers' view that next year at the centenary we should focus also on the issue of progress within member States regarding the application of ratified Conventions in law and practice. We believe that not using the possibility that we have in the work of our Committee to highlight best practices and showcase government efforts in consultation and cooperation with the social partners would be a missed opportunity.

So you will hear us raise this issue because we think it is very important to create a way in which we can showcase good practice, in so many countries, in the application of their international labour standard obligations. An opportunity to commend that work in a tripartite manner would encourage countries' increased compliance with their international labour standards obligations. It would also show the world of work that our Committee has a real impact outside these halls.

I would like to conclude with words of thanks and appreciation for the efforts of the representative of the Secretary-General and her team in NORMES. They work extraordinarily hard to ensure that the work of our Committee is supported.

Special thanks also go to our Chairperson for his fair, orderly and parliamentary running of the Committee's meetings this year, for steering the ship even through difficult discussions and for his excellent time management.

Furthermore, we thank our Reporter, who ensured that the Committee's work was properly placed on record this year.

Please allow me also to thank my Employers' group. I have a dedicated team of employers who have attended the Committee on the Application of Standards for many years. Without their support, dedicated attendance and participation, my job would be much more difficult than it already is. So I thank Mr Moyane, Mr Mackay, Ms Hellebuyck, Mr Mailhos, Mr Echavarría, Mr Ricci, Ms Bârsan, Mr De Meester, Mr Etala and Mr Munthali for their help in preparing and presenting the cases and the General Survey. Thank you for making me look good.

I would finally like to express gratitude to Ms Anzorreguy and Ms Robert of the International Organisation of Employers and to Mr Hess and Ms Palmi Reig from ACT/EMP for their inestimable support, as well as to Ms Cano Prentice and Mr Hotham for their dedication to our work.

Last but of course not least, let me thank Mr Leemans, my Worker counterpart, and his strong team for their constructive collaboration and spirit of mutual respect in which we have conducted our discussions, expressed our views and worked towards contributing to meaningful compliance with international labour standards.

Finally, let me thank the interpreters for their efforts to make sure that we are all understood.

**Mr Leemans**  
Worker Vice-Chairperson of the Committee  
on the Application of Standards

This year I have the honour once more of co-chairing the Conference Committee on the Application of Standards, and I wish to thank the Workers' group for the confidence placed in me.

The presentation of the report of the Committee to the plenary of the Conference provides an opportunity to take stock of the progress made this year and to take up some more general questions.

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I would like to recall that the task of the Committee on the Application of Standards is a fundamental one. Through the influence it exerts on the application of international labour standards, the Committee plays a part in fulfilling the founding purpose of promoting social justice to which the ILO dedicated itself at its creation. On the eve of the centenary of the Organization, it is more fitting than ever to recall the fundamental character of that task.

The Committee began its work with a general discussion. This was an opportunity for the Workers' group to recall that, in order to ensure the consistency and stability of the supervisory mechanisms of the Organization, their cohesion and harmony must be protected as well.

The two supervisory pillars of ILO standards are the Committee of Experts on the Application of Conventions and Recommendations and the Conference Committee on the Application of Standards. As you know, the way pillars work is that they are independent from each other but both designed to hold up the same building. And if one of the pillars happens to be weakened, not only will the second pillar feel the effects but the whole building may collapse. The same goes for the Committee of Experts and the Committee on the Application of Standards.

If I had to sum up in three words the bond that unites these two pillars, I would say: independence, respect and dialogue. Independence and respect are not an impediment to engaging in the necessary dialogue to ensure the coherence of the supervisory mechanism as a whole. And dialogue can take place directly, which is what happens when the two spokespersons are invited by the Committee of Experts to a special meeting, or when the Chairperson of the Committee of Experts attends the meetings of our Committee.

But dialogue can just as easily take an indirect form. This is what happens when, during the discussions of our Committee, reference is made to the interpretations and reports of the Committee of Experts, or when the latter concerns itself with the follow-up to our conclusions. However, the dividing line between dialogue and interference is sometimes a fine one and our Committee must take care to respect it. In that regard, the Workers' group cannot accept that the work of the Committee of Experts should be constantly challenged. Some people have even gone as far as to disparage the observations made by the experts. Yet it is beyond dispute that the experts' task is defined by the very clear mandate given by the International Labour Conference and reproduced in the report of the experts.

The Committee of Experts has been heavily and repeatedly criticized for taking the opportunity to request a report outside the normal reporting cycle. But paragraph 64 of the experts' report nonetheless recalls clearly and unequivocally the circumstances in which the Committee of Experts may choose to interrupt the reporting cycle.

It is perfectly legitimate for a member to challenge the observations of the experts, but this should be done with due respect for the work accomplished. Furthermore, we regret that very few governments have taken the trouble to recall these elementary facts. It has to be said that the challenges to the work of the experts had nothing to do with them overstepping their mandate but were designed to intimidate the Committee and denigrate their activity, which is unacceptable.

Similarly, some speakers went even further and claimed, in the course of the work of our Committee, that our Organization was being manipulated. Such statements discredit those who deliver them. They say a lot about their discomfort at their own situation, in which they are obliged to explain to our Committee the violations for which they have been reproached.

Such statements aim, above all, to be a distraction and ensure that the discussion gets bogged down in deliberations which have nothing to do with the observations put forward

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on the case in question. The ILO's standards supervisory bodies can be compared to thermometers. When a fever is rampant in the body, no one would think of challenging the readings of the thermometer, however unwelcome they may be. Instead, reason dictates that effective treatment is sought for the problem presented.

After the general discussion, the work of our Committee continued with the discussion of the General Survey. This provided the opportunity for an interesting exchange on the extremely important issue of working time, the subject of this year's Survey, and the Reporter of the Committee has already had occasion to comment on it.

Our Committee then had the opportunity to examine the individual cases, and the list of cases that we adopted at the beginning of our work was a consensual list. The list comprised 24 cases of serious failure to comply with fundamental, governance and technical Conventions, and our Committee was faced this year with a very special and deeply regrettable case.

In fact, the case of Samoa could not be examined owing to the fact that the country did not have accreditation for the Conference. Consequently, only 23 instead of 24 cases could be discussed by our Committee. With such a short list of cases examined by our Committee by comparison with the number of serious violations of international labour Conventions recorded in the experts' report, this was a real opportunity lost for an in-depth examination of a case of serious violation of international labour Conventions.

Even though the Workers' group was bound to be contented with the consensual adoption of the list of individual cases, the inevitable disappointment that this list elicited in some Worker members, who were expecting much from the examination of their cases by the Committee only to find that they did not appear on the list, has left a certain blemish. Allow me to give them a few moments, even though they deserved to have their situation addressed at greater length.

The workers of Bangladesh have been exposed over and over again to harsh repression by the State, in particular to intimidation and the violent repression of peaceful demonstrations.

Despite the examination of this case at almost every session of our Committee since 2000, the Government has done nothing more to guarantee the protection of the right to freedom of association, while its repeated failures to meet its obligation to bring its law and practice into conformity with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), leaves us wondering whether this case should not be the subject of a complaint under article 26 of the ILO Constitution. In this regard, we will monitor developments in the country closely in the course of the year to come.

Democracy in Turkey is still in crisis. The state of emergency has placed civil liberties and fundamental rights at work in grave peril. Arrests and dismissals of trade unionists without due process have become commonplace. In addition, the Government has prohibited many demonstrations in the glass and metal sectors on the grounds of a threat to national security. We will also closely follow changes to the situation in Turkey.

The case of Malawi also deserved to be addressed given the very worrying predicament of children who are regularly put to work in alarming conditions, including on tobacco and tea plantations.

In addition, we are concerned about the state of inspection services in Pakistan. This situation would have merited a discussion to highlight the serious violations of the Labour Inspection Convention, 1947 (No. 81), in this country despite the two examinations of this

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case by our Committee in 2013 and 2014. More broadly, the situation of inspection services throughout the world is especially troubling.

The situation in Kazakhstan is also a source of concern for the Workers' group. We insist – and will continue to insist – that the Government take action in response to the numerous questions, including from our Committee, so as to guarantee workers the freedoms and fundamental rights to which they are entitled.

There are many other countries that deserve mention but there are just too many of them, which indeed reflects the troubling state of the fundamental rights of workers in the world. This fact should give rise to the most scrupulous vigilance on the part of our Organization.

Some governments have continued to challenge the process for drawing up the list of cases, failing to understand the reasons why they appear on such a list. As we do every year, we wish to remind them that the list of criteria applied to the selection of cases is provided in the working documents of the Committee. With my counterpart from the Employers' group, I also convene a special meeting, immediately after the adoption of the list of cases, for the benefit of the governments concerned, so that they may ask all the questions they wish regarding the drawing up of the list of cases and, if need be, the reasons why they appear on the list.

All these measures are apparently still not enough for some governments. They also demand the right to intervene in the preparation of the list or even in the drafting of the conclusions. I think it is important to recall a very elementary fact. Our Committee is tasked with evaluating the application of ILO standards by member States. To assign a more important role to the latter in the preparation of the list of cases and in the drafting of the conclusions would amount to granting them the role of both judge and defendant. Moreover, what would be left of the Committee's independence if States could decide on the composition of the list of cases and the conclusions to be adopted? How could anyone fail to see all the obvious aberrations that would result from that? We invite those who make such proposals to show some responsibility.

The tripartism of our Committee is guaranteed by the opportunity given to States to come and explain themselves and present their observations. It is also guaranteed by the statements that States are permitted to make when cases are discussed. Some States play an active role, many of them do much less. I will come back to this point a little later.

Now that our work is done, I am glad that the Committee has again reached consensual conclusions on the cases before it. This is an important point that confirms the dynamism and vitality of our supervisory body. Of course, there are still differences of opinion between employers and workers, in particular on the fundamental issue of the link between Convention No. 87 and the right to strike.

In the course of the discussions, the Workers' group has had occasion to recall its position on this point and to confirm that, according to both its own position and that of the experts, the right to strike is guaranteed by Convention No. 87. All the same, our divergence of views with the Employers on this question has not prevented us from once again reaching consensual conclusions, and that is cause for celebration. To adopt conclusions is a good thing, but to see them implemented in practice is another thing, and that depends in large part on the good will of governments and their spirit of cooperation and collaboration. The fact that cases that have been examined at our last session are on the list again this year shows that these two ingredients are not always present.

The Workers' group of our Committee has invited the Governments concerned to show their determination by following up our conclusions. In some cases, implementation also

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requires the valuable assistance of the Office, and on behalf of the Workers' group I would like to appeal for the necessary resources for technical assistance to be made available.

I would also like to congratulate the members of our Committee on the quality of the discussions and their many and varied contributions, which made for a rich debate, eliciting divergent views on many occasions, as is very much to be expected given the composition of our Organization. This specific feature represents added value which should be asserted and defended because it allows conflicting interests and points of view to come together around a common objective. It is from the opposition of ideas that progress is made. I would nonetheless like to see all the participating groups express themselves to a comparable extent and, in this regard, I must take this opportunity to express the disappointment of the Workers' group at seeing some governments, in their statements, display a complete lack of respect for workers. Some of them have even dared to make insulting comparisons which we can neither repeat nor accept. Serious discussions can only be conducted in an atmosphere of respect and courtesy.

Last year, we noted the emergence of a phenomenon that at that time we dubbed "violation diplomacy". This referred to statements by governments seeking to defend counterparts whose compliance had been questioned. That is evidently a legitimate right that we do not dispute. Yet those same governments happen to be far from exemplary in their respect for fundamental international labour standards in their own countries. And it is to be regretted that this phenomenon has resurfaced this year. A kind of negative solidarity is thus establishing itself among these States which is the complete opposite of the true spirit of our Organization.

Furthermore, I would like to commend the solidarity, the cohesion and the discipline demonstrated by the members of the Workers' group during the examination of some especially difficult cases.

I would also like to mention two matters which have tarnished our work and that call for attention. We have noted with regret that, during the examination of certain cases, some members of the Committee have seen fit to advise States to denounce Conventions referred to in the course of the examination. That type of remark goes completely against the very foundation of our Organization and its essential principles.

In addition, we have deplored the fact that some governments have threatened to denounce the ILO Conventions and to ratify no more of them if they continue to be challenged by the supervisory bodies. Apart from the fact that denunciation of the Conventions would not necessarily place them beyond the reach of supervision, it is important to emphasize how negative a signal this kind of attitude sends. It amounts to saying that some States would prefer to withdraw from our Organization simply to avoid being held to account regarding their compliance with these standards.

I would like to point out that ratification is not a superficial action intended to obtain international credit that is not at all justified by the social conditions within a country. On the contrary, it represents a commitment to the other constituents and implies that the member State concerned agrees to be subject to the supervisory mechanisms mandated to check that this commitment is honoured.

The Committee on the Application of Standards does not always have an enjoyable task. It does not have the satisfaction, as other committees do, of contributing directly to the elaboration of new rules aimed at achieving greater social well-being. On the other hand, it does have an imperative duty to take stock of the situation every year, to recall what is indispensable if the work done is not to be in vain and the march of social progress is to continue.

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**Mr Núñez Morales**

Chairperson of the Committee on  
the Application of Standards  
(Original Spanish)

I am pleased to take the floor to make a few comments on the work of the Committee on the Application of Standards, which it has been my honour to chair.

First, I would like to highlight, as the Vice-Chairpersons have just done, the enormous amount of interest that the constituents of this Organization have shown in the work of the Committee on the Application of Standards.

It should also be noted that the various contributions and the constructive tone of the different interventions led to a rich and far-reaching discussion about the Committee's vision of the role it should play in the ILO supervisory system.

The Committee on the Application of Standards is a forum for dialogue where, based on the independent technical examination carried out by the Committee of Experts on the Application of Conventions and Recommendations, tripartite discussions take place on the measures that need to be taken for the effective implementation of international labour standards.

The conclusions adopted by the Committee help significantly in guiding member States in this task and contain specific measures to support the tripartite constituents in finding solutions that give effect to the Conventions both in law and in practice.

On this occasion, the Committee examined the issue of member State compliance with their constitutional obligations relating to standards, highlighting the fundamental importance of the timely submission of reports containing sufficient information to ensure the proper functioning of the supervisory system.

All the constituents welcomed the discussion on the topic of working time, which was based on the General Survey prepared by the Committee of Experts on the 16 instruments related to this subject. Conclusions were adopted in this regard, in which it was emphasized that the organization of working time has a major impact on the physical and mental health of workers, work-life balance, the contribution of workers to society, safety in the workplace and the competitiveness, productivity and sustainability of enterprises.

The Committee recognized that finding an appropriate balance between the protection of workers and the needs of enterprises in the organization of working time remained an important goal for the realization of social justice.

The Committee was confident that the conclusions of the General Survey would contribute to future tripartite meetings on this subject. The Office was also requested to provide technical support to member States requiring it on issues relating to working time.

With regard to the individual cases considered, which were jointly selected by Worker and Employer members, it should be noted that they dealt with the implementation, in countries in different geographical areas, of relevant and fundamental Conventions relating to freedom of association and collective bargaining, child labour, forced labour, discrimination, minimum wages, tripartite consultations, labour inspection, working time and employment promotion.

I trust that the countries whose cases were examined will be able to draw from the discussions that took place much-needed guidelines on finding solutions to all the issues that were raised, with ILO technical assistance if necessary.

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On behalf of my country, Panama, I would like to express my appreciation for the honour bestowed on me in nominating me to chair this important Committee. As a founding country of this Organization, Panama has had a smooth relationship with this house, as demonstrated by its strong support for the ILO supervisory system, of which this Committee is a key component.

As was also mentioned in the discussion, we hope to contribute to the important measures that the constituents are putting in place to improve the working methods of the Committee. We underscore the importance of finding an appropriate space in which to hear about cases that are showing relevant progress, so that other States can also learn about good practices first hand in the Committee's tripartite discussions.

Panama is committed to social dialogue, which it perceives as essential to a democratic model of labour relations. The dialogue round tables set up in Panama have led to the establishment of a national body which has no intention of replacing the ILO supervisory bodies but works in close coordination with them to settle at the national level disputes that have already been brought to their attention, or are likely to be in the future. Moreover, and this is very important, we have found a way to move ahead on adapting our national law and practice in response to the observations of the supervisory bodies.

I should like to thank Mr Koroma, the Chairperson of the Committee of Experts, who once again attended the sessions of the Conference Committee. The presence of Mr Koroma during the Committee's work and the interaction with its members are an indication of the strong relationship between the two committees based on a spirit of mutual respect, cooperation and responsibility.

I would like to convey special thanks to the President, Vice-Presidents and Secretary-General of the Conference for visiting the Committee. It was a pleasure to be able to welcome them. I would also like to thank the Reporter of our Committee, for carrying out his task so efficiently. Thank you also to the Employer Vice-Chairperson and the Worker Vice-Chairperson and to their teams for the courtesy and cooperation shown to me as Committee Chairperson.

My thanks go also to the representative of the Secretary-General, as well as to Ms Curtis and Mr Guido and the other members of the secretariat for the quality of their work during these two weeks. I also commend the technicians and interpreters on their excellent work during the sessions.

I would like to invite our constituents from the Americas to attend the ILO American Regional Meeting from 2 to 5 October, an appropriate and timely forum in which to continue dealing with issues related to the standards supervisory system.

Lastly, I invite you to approve the report of the Committee on the Application of Standards.

**The President**  
*(Original French)*

I declare open the discussion of the report of the Committee on the Application of Standards.

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**Mr Brizuela**  
Government (Paraguay)  
(Original Spanish)

The group of Latin America and Caribbean countries (GRULAC) takes note of the report of the Committee on the Application of Standards submitted to the plenary of the Conference, and thanks the Office, the social partners and the governments for their efforts.

GRULAC has expressed its views on numerous occasions, including during the latest sessions of the Conference and the Governing Body, on the need to review the working methods of the Conference Committee on the Application of Standards and the Committee of Experts on the Application of Conventions and Recommendations. The group observes that, as on previous occasions, the same problems that it has been pointing out for some time resurfaced during the 107th Session of the International Labour Conference. GRULAC took the floor during the opening sitting of the Conference Committee in order to highlight aspects on which there was no consensus that are leading us away from a transparent, predictable, effective and fully tripartite mechanism.

This is not helpful in building trust in the system and strengthening its credibility. Under the circumstances, GRULAC would like to make the following comments on the working methods of both the Conference Committee and the Committee of Experts. We do not support breaking the regular cycles because this would not maintain the legal certainty of existing procedures. We do not understand why we are discussing two different cases for the same country at the same session of the Committee on the Application of Standards, as happened this year. We advocate seeking a better balance in the situations that are examined, based on the level of development of the countries contained in the preliminary and final lists of cases to be examined by the Conference Committee. We propose that greater consideration be given to the particular characteristics of the legal systems in the region. Lastly, GRULAC does not accept inferences made on the basis of foreign legislation or jurisdictions when the countries in its region have not been involved in the development of those provisions.

The final list of cases to be examined by the Committee should be published as early as possible, and always prior to the opening sitting of the Conference. This would enable governments – which, incidentally, are not allowed to have any involvement in drawing up the list – to prepare adequately and provide high-level responses. GRULAC considers that the most serious cases according to the technical criteria in the Committee of Experts' report should be given priority for examination by the Committee. With reference to the drafting of the Committee's conclusions on country cases, the Chairperson of the Committee could also play a role in formulating recommendations that are based as closely as possible on tripartite consensus.

The governments concerned should also be informed sufficiently in advance of the conclusions relating to their respective cases, so that they can transmit to the competent authorities all relevant information for the purposes of internal coordination, which would enable them to provide an adequate response.

The Committee on the Application of Standards should observe better parliamentary practices when adopting conclusions on cases. If it so wishes, the government concerned should be allowed to take the floor before the adoption of the conclusions in the plenary sitting. The government in question would therefore have an opportunity to clarify its views on the conclusions, which is not currently the case. A small change of this kind could significantly improve perceptions of respect for governments.

The General Survey should be discussed in advance, in informal tripartite discussions, to ensure that all constituents are aware of the views of the different groups before the

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Committee on the Application of Standards begins its work. Moreover, GRULAC requests that a more active follow-up of the conclusions of the General Survey is undertaken. Once again, we regret that the conclusions of the General Survey were adopted after less than 24 hours of analysis, during a very brief sitting with no substantive discussion, and only a few hours after its publication. An opportunity should be provided to make corrections to individual statements, not only with respect to the discussions on the cases themselves, but also in relation to the discussion of the General Survey. We regret that the Committee has not examined cases of progress, bearing in mind that one of the aims of the supervisory system should also be to share good practices and recognize successes.

In GRULAC's view, these proposals are self-evident, but very important. The group is reiterating these points because it values highly the work of the Committee on the Application of Standards within the ILO standards supervisory system. Moreover, with the centenary approaching, GRULAC is a strong advocate of effective tripartism, which benefits from having the important viewpoints of governments and is in keeping with the quest for consensus, which is at the heart of this Organization.

Lastly, a large majority of the countries in Latin America and the Caribbean would like to thank Mr Núñez Morales for the wisdom, calmness, impartiality and courtesy he has shown in chairing the discussions. Under his leadership, the Committee was able to adopt conclusions in all of the cases under examination.

**Ms Farani Azevêdo**  
Government (Brazil)

Brazil aligns itself with the statement made by Paraguay on behalf of GRULAC and would like to make the following observations in its national capacity.

We would like to express our gratitude to the Chairperson and the Worker and Employer Vice-Chairpersons of the Committee on the Application of Standards. I also thank the Office.

We thank all governments and social partners who have joined us in our call for a comprehensive reform of the supervisory system, both in the Committee on the Application of Standards and elsewhere during this session of the Conference. This system is too important to be left unguarded against political bias and lack of transparency.

We are confident that the ILO constituents can seek consensus towards building an effective, truly tripartite and universal mechanism for standards supervision. Let me stress what I mean by truly tripartite: a system that ensures balanced participation of workers, employers and governments in all stages of decision, for example from the selection of the experts to the working methods of both Committees.

Let me also stress what I mean by universal: a system that does more than monitor those governments who are party to the ILO Conventions. The principle of supervising the laws and practices of only those countries who commit to ILO labour standards is wrong and above all unsustainable. ILO labour standards, especially those established in the fundamental Conventions, are universal and universal is what their supervision should be.

We also thank GRULAC for its courageous engagement with essential procedural issues before the Conference Committee.

We reiterate our concern at the application of paragraph 65 of this year's Committee of Experts' report. This paragraph contains general criteria for breaking reporting cycles and for allowing comments of the Committee of Experts outside those cycles. Brazil is fully aware of this section of the report. Yet we have requested and not received comments from

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the Committee on the particular reasons which have been taken into consideration by the experts in the application of paragraph 65. This is another improvement in the system that seems to be essential.

Brazil notes that a clear majority of Conference Committee members have expressed criticism of the working methods of the Committee of Experts in relation to the Brazilian case. There can be no misrepresentation of that. We therefore urge all parties to give full consideration to this important fact.

The examination of the Brazilian case was in breach of the most basic principles of due process. A system allowing for this to happen, with no effective checks and balances, fails the purpose and objectives of the ILO. It also impairs the necessary strong and shared perception by member States and social partners that the system should function in a fair and equitable way, based on the technical merits of the case.

Moreover, we have presented robust technical and legal arguments on the relevance and timeliness of our labour modernization, which is creating jobs, formalizing important sectors of our economy, preserving labour rights and promoting collective bargaining in full compliance with our international obligations and, in particular, with the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

If information on this case was incomplete, it was not due to a lack of political engagement from the Brazilian Government. It was rather a matter of reality imposing itself. Our reform is still six months' old and facts could not and should not be fabricated.

As to the conclusions on our case, we shall examine in due course the text that was submitted to us yesterday. We had no opportunity to assess those conclusions before entering the Governing Body room for their adoption. And we were not able to speak before the adoption of the conclusions during yesterday's session. This bears witness to the improper manner in which the Committee operates. We need to make progress. If appropriate, we shall provide a response to those conclusions.

Notwithstanding all this, the Brazilian Government is ready to engage in social dialogue with workers and employers to address current and perceived challenges relating to our labour laws. We are already working on that.

In conclusion, Brazil rejects attacks made on its institutions during the proceedings of the Conference Committee and this session of the International Labour Conference. Over the last two years, Brazil has faced a political crisis and an economic recession that predate the current Government. We have implemented important economic and labour reforms, enacted key legislation and promoted positive changes. Democracy in Brazil is alive, civil society is vibrant, political debate is in full force, the rule of law is in place and strong, and the judiciary remains fully independent.

**Mr Matsui**  
Employer (Japan)

On behalf of Japanese employers, the private sector and other citizens of Japan, I will focus on the conclusions relating to Japan regarding the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

I am very disappointed that some parts of the conclusions have not been fully reflected, a fact repeatedly emphasized by the Government of Japan to the Committee on the Application of Standards last Monday. We believe that Japan is a democratic country, therefore without the support of Japanese citizens a bill cannot be approved. Even though the Committee called upon the Government to develop a time-bound action plan, I strongly

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believe that the Japanese workers concerned need to convince Japanese citizens first. Indeed, the responsibility for convincing citizens rests with them and not the Government, as pointed out by the Government member of Brazil in an independent statement.

I do not think the workers have yet succeeded in gaining the support of the majority of Japanese citizens. Accordingly, I would like to submit a reservation regarding the time-bound action plan for the implementation of the recommendations until the Japanese workers concerned have successfully convinced Japanese citizens to support them. The same Japanese case was examined at the current session of the Committee on Freedom of Association and its report will be submitted to the Governing Body tomorrow for approval. This case is neither serious nor urgent, as acknowledged by the Worker Vice-Chairperson, who repeatedly pointed out that there were many other more serious cases which the Workers would have preferred to include in the shortlist. This is a concrete example of the shortcomings of the supervisory mechanism in this house.

Last but not least, we expect workers who have concerns about the Government of Japan as an employer to work together and resolve their issue at home rather than rely on an international forum like this one.

**The President**  
(Original French)

We shall now proceed with the approval of the report of the Committee on the Application of Standards.

If there are no objections, may I take it that the Conference approves the report of the Committee on the Application of Standards, as contained in *Provisional Record* Nos 9A(Rev.) and 9B?

*(The report as a whole is approved.)*

Allow me to thank the Committee on the Application of Standards. Once again, the Committee has successfully completed its work in a constructive spirit of dialogue. It is quite clear that the work carried out by the Committee is one of the cornerstones of the ILO's mission to promote social justice. I believe that the Committee is capable of dealing with cases that can be both complex and difficult, and it is in the quest for consensual solutions that we have the possibility of making progress with the full support of the tripartite constituents and the secretariat.

*(The Conference continues its work in plenary.)*



**Fourth item on the agenda: Effective ILO  
development cooperation in support of  
the Sustainable Development Goals**

**Reports of the General Discussion Committee:  
Effective development cooperation:  
Resolution and conclusions submitted  
for adoption by the Conference**

This *Provisional Record* contains the text of the resolution and conclusions submitted by the General Discussion Committee: Effective development cooperation for adoption by the Conference.

The report of the Committee on its proceedings has been published on the Conference website in *Provisional Record* No. 7B and is submitted for adoption by the Conference subject to corrections, which Committee members will be able to submit until 15 June 2018, 6 p.m.

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## **Proposed resolution concerning effective ILO development cooperation in support of the Sustainable Development Goals**

The General Conference of the International Labour Organization, meeting at its 107th Session, 2018,

Having undertaken a general discussion on effective ILO development cooperation in support of the Sustainable Development Goals,

1. Adopts the following conclusions;
2. Invites the Governing Body of the International Labour Office to guide the International Labour Office in giving effect to the conclusions; and
3. Requests the Director-General to:
  - (a) prepare a plan of action to give effect to the conclusions, for the consideration of the Governing Body; and
  - (b) communicate the conclusions to the relevant organizations at the global and regional levels for their attention.

## **Conclusions concerning effective ILO development cooperation in support of the Sustainable Development Goals**

The 2030 Agenda for Sustainable Development (2030 Agenda) reaffirms the importance of international instruments relating to human rights and international law and integrates decent work into its goals and targets.

In support of the achievement of the 2030 Agenda, the International Labour Organization (ILO) should promote the understanding and recognition of its values, mandate and standards in its development cooperation and partnerships. This action is anchored in the ILO Declaration on Social Justice for a Fair Globalization (2008) (Social Justice Declaration), the Universal Declaration of Human Rights (1948) and the Buenos Aires Plan of Action for Promoting and Implementing Technical Cooperation among Developing Countries (1978). The United Nations Guiding Principles on Business and Human Rights (2011), the Addis Ababa Action Agenda (2015) and the Paris Agreement on Climate Change (2015) also recognize the importance of decent work.

Transparency and accountability should underpin ILO development cooperation, taking into account, as appropriate, the Busan Principles (2011) and the Nairobi Outcome Document (2016) of the Global Partnership for Effective Development Cooperation.

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## **I. The new development cooperation landscape: Responding to a changing world of work**

1. The world of work is experiencing rapid change through, among others, technological transformation, globalization, climate change, demographic trends and labour migration. Yet poverty persists. While there are new opportunities to accelerate economic growth, poverty reduction, structural transformation and job creation and to promote respect for fundamental human rights, countries are also tackling a range of decent work deficits and income inequalities, including those faced by youth, women and persons with disabilities in the labour market. Access to decent work remains a challenge in the informal and rural economies. Crisis situations arising from conflicts and disasters have impacted many countries, leading to forced displacement. In particular, the large numbers of refugees may place unduly heavy burdens on the economies of host countries; these burdens should be reduced through international cooperation so as to ensure more predictable and equitable burden-sharing and responsibility-sharing.
2. Building on the four strategic objectives (employment, social protection, social dialogue and rights at work) of the ILO's Decent Work Agenda, global challenges demand effective responses and innovative approaches which are adapted to country-specific realities. The Social Justice Declaration and the resolution on advancing social justice through decent work adopted by the Conference at its 105th Session (2016) provide critical guidance for shaping ILO responses through its development cooperation and assisting Members in achieving the Sustainable Development Goals (SDGs).
3. The implementation of the 2030 Agenda implies massive resource mobilization. In this regard, full implementation of the Addis Ababa Action Agenda and of SDG 17 is imperative. Moreover, the value of official development assistance (ODA) remains fundamental to ensuring independent and transparent policies and instruments and the advancement of development cooperation. The 0.7 per cent commitment of many donor governments in allocating resources to development cooperation is important. Though ODA continues to be an important source of financing for development, there is an increased emphasis on domestic resource mobilization, multi-stakeholder partnerships, private financing and repositioning of international cooperation while fighting against illicit financial movements. To achieve the SDGs, there is a need for sustainable fiscal provisions and innovative financing instruments, including pooled funds, requiring greater policy coherence and support at all levels.
4. Financing for development is likely to depend on sustainable investment that can be achieved in countries. This implies a fundamental role of the ILO in raising the awareness of its constituents with respect to trade and labour linkages and supporting the participation and capacity of the social partners to engage in the development of trade and investment policies and programmes of multilateral and regional institutions and development banks.
5. The ILO's future development cooperation strategy needs to take into consideration the changing realities in the world of work, including the diverse forms of work and new forms of employment, while promoting the Decent Work Agenda.

## **II. An ILO fit for purpose in a reformed United Nations development system**

6. The 2030 Agenda is based, among others, on respect for human rights, including gender equality, supported by the three dimensions of sustainable development (social, economic and environmental), endeavours to leave no one behind and places the ILO's Decent Work Agenda at its core. The United Nations (UN) Secretary-General's reforms to deliver the 2030

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Agenda will bring about bold changes which will have profound implications for development cooperation.

7. As a unique tripartite specialized agency of the United Nations, the ILO has a key role to play in the implementation of the processes of the UN development system (UNDS) reform to enhance the effectiveness of development cooperation. In a reformed UNDS, the ILO will have to grasp the new opportunities to strengthen its advocacy, outreach and visibility in order to proactively promote its mandate, normative role and social dialogue and provide technical expertise across the four strategic objectives of the Decent Work Agenda. The future approach to development cooperation should ensure that the ILO better serves its constituents, while empowering them to participate in national implementation processes in order to give them a genuine role in the reformed UNDS and contribute towards achieving the SDGs. An ILO fit for purpose today will secure its relevance tomorrow.

### III. Guiding principles for future ILO development cooperation

8. As the ILO approaches its Centenary, its development cooperation is an integral part of its service delivery to meet challenges in the world of work, build a global community with a shared future of decent work for all and support constituents in promoting the Decent Work Agenda within an overarching SDG framework. The ILO and other UN agencies play an important role in assisting countries in monitoring and implementing the objectives of the SDGs. The unique role of the ILO defined by its Constitution, its tripartite structure and its normative mandate, including its supervisory system, is fundamental to fulfilling this role and should be fully taken into account in any future system of funding and programming. A more effective and innovative approach to ILO development cooperation will be underpinned by the following guiding principles:

- (a) *Enhanced country ownership and relevance.* Development cooperation should be demand-driven, adapted to regions' and countries' specific needs, in particular decent work deficits as defined in national development frameworks, and identified through social dialogue processes with ILO constituents. As representatives of the world of work, the ILO's social partners need to be actively engaged in the implementation, monitoring and evaluation of the 2030 Agenda. Decent Work Country Programmes (DWCPs) are for the ILO the primary vehicle for supporting countries in achieving the SDGs. The reassessment of DWCPs and their alignment with United Nations Development Assistance Frameworks (UNDAFs) and national development plans is critical for the continued relevance of ILO development cooperation.
- (b) *The ILO's four strategic objectives.* The ILO's four strategic objectives should be promoted and integrated into the elaboration of DWCPs and UNDAFs, in coordination with UN Resident Coordinators.
- (c) *A more coordinated and coherent strategy.* Effective development cooperation requires greater policy, programmatic and budgetary coherence within the ILO, with and between the constituents, in the UNDS and among a broader spectrum of stakeholders, including international financial institutions (IFIs), enterprises, development partners and other government ministries involved in the implementation of decent work policies and the SDGs. ILO development cooperation should promote all the pillars of decent work in a balanced manner.
- (d) *The ILO's role enhanced in a more integrated UNDS.* The ILO's value added to development cooperation continues to be its balanced approach to the world of work through tripartism, social dialogue, social protection, standard setting and its

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supervisory function. The ILO's technical expertise spanning the four strategic objectives of the Decent Work Agenda is a key asset.

- (e) *The role of the private sector in sustainable development.* The private sector, including micro-, small and medium-sized enterprises, is instrumental in ensuring growth, investment and the creation of decent and productive employment, and in providing social protection, underpinning the achievement of the SDGs, particularly SDG 8. Moreover, the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and the conclusions concerning the promotion of sustainable enterprises (2007) constitute essential tools. The ILO development cooperation strategy should maximize the development potential of the private sector by promoting an enabling environment for sustainable and resilient enterprises.
- (f) *Leaving no one behind.* In line with the underlying premise of the 2030 Agenda, ILO development cooperation needs to strengthen its focus on gender equality and the inclusion of persons with disabilities, youth and other disadvantaged groups excluded from the labour market and not benefiting from adequate social protection, by creating conditions and environments for employment and income opportunities. The ILO should support efforts to promote access to decent work for the working poor and workers in the informal and rural economies.
- (g) *A programmatic approach for results and impact.* In order to achieve results and sustainability, development cooperation needs to take a longer-term, programmatic and focused approach, including through the ILO flagship programmes and other initiatives, bearing in mind long-term national development plans, as appropriate.
- (h) *A stronger focus on capacity development.* Effective development cooperation will depend on strengthened capacities of the ILO, its constituents, other national stakeholders and the UNDS, including the UN Resident Coordinator system, to mainstream and implement the Decent Work Agenda, while reinforcing national capacities of institutions responsible for receiving and providing development cooperation.
- (i) *Enhanced transparency and shared responsibility through social dialogue.* Improved transparency in ILO development cooperation is required to ensure financial transparency and accountability, effective participation of constituents through social dialogue and learning from results. The effective involvement of tripartite constituents and relevant stakeholders in the DWCP process and the UNDAF components is required in order to ensure shared goals and better results.
- (j) *Inclusive partnerships.* Engagement with the private sector and other stakeholders that promote decent work, including through public-private partnerships or other mechanisms, should promote understanding and recognition of the ILO's core values, mandate and standards.
- (k) *Development financing.* To achieve the 2030 Agenda, the ILO should pursue innovative partnerships and financing, while respecting the principles of accountability and transparency, to fill the resource gap and deliver at the global, regional, national and local levels, including through pooled funding and multi-stakeholder alliances.
- (l) *Greater use of South-South and triangular cooperation (SSTC).* Drawing on the expertise of all constituents, SSTC is a strategic vehicle for promoting mutually beneficial learning and cooperation in support of the 2030 Agenda.

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## IV. Roadmap

### 9. Considering the guiding principles and the changes in the world of work, development cooperation, UN reform and the SDGs:

- (1) The ILO is called upon to:
  - (a) proactively promote and advocate for its unique value added, including its tripartism, normative action and social dialogue, in the implementation of the 2030 Agenda in the reform of the UNDS at the global, regional, national and local levels, including the integration of DWCP priorities into UNDAFs;
  - (b) strengthen the capacities of its constituents to effectively participate in achieving the objectives of the 2030 Agenda, focusing more on sustainable organizational and institutional capacity building, including with the support of the International Training Centre of the ILO. Flagship programmes and other initiatives should be utilized to this effect;
  - (c) support tripartite structures at the national level to promote constituent participation in the UNDAFs;
  - (d) deepen, expand and diversify partnerships, including with other UN entities, IFIs and the private sector, and promote 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 Office should identify the opportunities and risks associated with forms of innovative finance mechanisms that are new to the ILO and report on them to the Governing Body for discussion and decision;
  - (e) facilitate SSTC as strategic, efficient and win-win modalities of development cooperation to encourage peer-to-peer learning and use of local expertise;
  - (f) enhance resource mobilization through voluntary funding for its programmes from public and private development partners, domestic funding and UN funding modalities. The ILO should share its expertise and approach in this area with other UN entities;
  - (g) assist countries in addressing recommendations from the ILO supervisory bodies regarding the implementation of international labour standards, upon request;
  - (h) promote, at the DWCP and UNDAF levels, the comprehensive employment policy framework to promote full, decent, productive and freely chosen employment, as set out in the conclusions concerning the second recurrent discussion on employment adopted by the International Labour Conference at its 103rd Session (2014);
  - (i) assist member States in strengthening the capacities of labour administration and other institutions involved in the monitoring and enforcement of national labour laws;
  - (j) explore flexible, agile and innovative modalities for in-country delivery of services, driven by national needs and priorities, with effective participation of the social partners;
  - (k) continue to find ways to reach actors in the informal economy and keep supporting the transition from the informal economy to the formal economy;

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- (l) support the implementation of decent work in global supply chains, including with multinational enterprises;
  - (m) assist member States in initiating or improving the collection and dissemination of disaggregated economic and labour-related data and statistics, including by gender and disability, as a basis for measuring progress on decent work-related SDGs, targets and indicators for which the ILO is the custodian agency;
  - (n) make better use of data collection, results-based management tools and evaluation, including impact evaluations, to demonstrate what works, support the scaling up of interventions and enhance the visibility of the Decent Work Agenda;
  - (o) review the configuration of its field structure in the context of the reformed UNDS; and
  - (p) develop a plan of action as a follow-up to the Conference guidance and conclusions concerning effective ILO development cooperation in support of the SDGs.
- (2) Governments, in consultation with employers' and workers' organizations, should consider:
- (a) strengthening policy coherence, including the role of the ILO with IFIs, and align with relevant financing modalities in support of achieving decent work and the SDGs;
  - (b) promoting engagement with the private sector as the key driver of growth and jobs, while safeguarding the interests of employers and workers; and
  - (c) creating an enabling environment in which employers' and workers' organizations can develop and function independently.
- (3) The ILO's development partners should consider:
- (a) supporting the Regular Budget Supplementary Account; and
  - (b) promoting the Decent Work Agenda and the role of the ILO when setting up or contributing to UN pooled funding arrangements and multi-partner trust funds.



**Fourth item on the agenda: Effective ILO  
development cooperation in support of  
the Sustainable Development Goals**

**Reports of the General Discussion Committee:  
Effective development cooperation: <sup>1</sup>  
Summary of proceedings**

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<sup>1</sup> The resolution and conclusions submitted by the Committee for adoption by the Conference are published in *Provisional Record* No. 7A.

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1. The General Discussion Committee: Effective development cooperation, established by the International Labour Conference (Conference) at its first sitting on 28 May 2018, was initially composed of 150 members (66 Government members, 26 Employer members and 58 Worker members). To achieve equality of voting strength, each Government member entitled to vote was allotted 377 votes, each Employer member 957 votes and each Worker member 429 votes. The composition of the Committee was modified four times during the session and the number of votes attributed to each member was adjusted accordingly.<sup>1</sup>

2. The Committee elected its Officers as follows:

*Chairperson:* Mr S. Ndebele (Government member, South Africa) at its first sitting

*Vice-Chairpersons:* Ms J. Mugo (Employer member, Kenya) and Mr M. Guiro (Worker member, Senegal) at its first sitting

*Reporter:* Mr Yutong Liu (Government member, China) at its seventh sitting

3. At its fifth sitting, the Committee appointed a Drafting Group composed of the following members:

*Government members:* Ms A. Aleksandrova (Bulgaria), Ms V. Banks (Australia), Mr N. Dumas (France), Mr N. Cunha Ferreira (Brazil), Ms J. Kumbi (South Africa), Mr Yutong Liu (China), Mr I. Ndoye (Senegal), Ms K. Sparding (United States)

*Employer members:* Mr F. Ahmed (Bangladesh), Ms K. Alsvik (Norway), Mr P. Dragun (Argentina), Mr R. Dubey (India), Mr D. Hamel (Canada), Mr E. Ladouyou (Côte d'Ivoire), Ms J. Mugo (Kenya), Ms B. Sladovic (Croatia)

*Worker members:* Mr L. De Pádua Walfrido Filho (Brazil), Ms M. González (Argentina), Mr M. Guiro (Senegal), Mr P. Ozo-Eson (Nigeria), Mr M. Paillole (France), Mr S. Sintubin (Belgium), Ms P. Soe (Myanmar), Ms S. Sulistri (Indonesia)

4. The Committee had before it Report IV, entitled *Towards 2030: Effective development cooperation in support of the Sustainable Development Goals*, prepared by the Office for

<sup>1</sup> The modifications were as follows:

- (a) 29 May: 174 members (87 Government members with 1,586 votes each, 26 Employer members with 5,307 votes each and 61 Worker members with 2,262 votes each);
- (b) 30 May: 183 members (92 Government members with 915 votes each, 30 Employer members with 2,806 votes each and 61 Worker members with 1,380 votes each);
- (c) 31 May: 187 members (92 Government members with 504 votes each, 32 Employer members with 1,449 votes each and 63 Worker members with 736 votes each);
- (d) 5 June: 108 members (95 Government members with 8 votes each, eight Employer members with 95 votes each and five Worker members with 152 votes each).

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the fourth item on the agenda of the Conference: “Effective ILO development cooperation in support of the Sustainable Development Goals (general discussion)”.

5. The Committee held ten sittings.

## Introduction

6. In his opening statement, the Chairperson stated that development cooperation had three distinct tasks in assisting developing countries. They were to guarantee the provision of universal basic social standards; advance to higher incomes and well-being, correcting inequalities; and participate in the provision of international public goods. Important changes had taken place in the development cooperation landscape since it had last been discussed at the Conference in 2006. They included continued globalization, technological development, changing demographics and climate change. The Decent Work Agenda was anchored in the 2030 Agenda for Sustainable Development (2030 Agenda) and had become a universal aspiration. International frameworks, such as financing for development and the ongoing United Nations (UN) reform also contributed to the changing context for development cooperation.
7. The representative of the Secretary-General (Mr M. Oumarou, Deputy Director-General for Field Operations and Partnerships) outlined the importance of the discussion in the context of the ongoing UN reform. The draft resolution on the repositioning of the UN development system would likely be adopted by the UN General Assembly on 31 May 2018. Key elements of the reform included changes to UN operations at the country level. The United Nations Development Assistance Framework (UNDAF) would become the most important instrument to implement UN development activities in member States and would guide the composition of UN Country Teams. By 2021, UN agencies would share premises in 50 per cent of countries. The strengthened and empowered UN Resident Coordinator system was another key element of the reform and would be achieved through an increased budget and further autonomy. The financing of the Resident Coordinator system would be based on a mixed structure, including a levy of 1 per cent on voluntary contributions coming from third parties, doubled contributions from agencies, as well as voluntary contributions to a special fund. A double reporting system for heads of agencies was envisaged. The draft resolution also emphasized the role of Regional Economic Commissions and better cooperation with UN regional teams to address overlaps and gaps. The proposals for regional restructuring would be discussed by the United Nations Economic and Social Council (ECOSOC) in 2019. The financing of the UN development system would be guided by a funding compact between the UN development system and donor countries. An increase of core resources by 30 per cent over a period of five years had been requested. Further contributions from UN agencies to joint programmes were also foreseen. At the global level, the draft resolution also requested greater strategic direction, oversight, accountability and transparency for system-wide results.
8. The operationalization of the reform provisions would be defined in working groups and task teams under the UN Sustainable Development Group. The ILO Governing Body would discuss the measures contained in the resolution that required their decision at its 334th Session in October–November 2018.
9. The deputy representative of the Secretary-General (Ms R. Vejs-Kjeldgaard, Director of the Partnerships and Field Support Department) presented some key trends and figures related to how ILO development cooperation had evolved and grown since the issue had last been discussed. She summarized the highlights of the Office report that focused on national ownership through Decent Work Country Programmes (DWCPs); the move from funding to financing; the value which the ILO added in its normative function, tripartism and social

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dialogue; and new partnerships and cooperation modalities. She concluded by highlighting the four suggested points for discussion in the Office report.

## Opening statements <sup>2</sup>

10. The Employer Vice-Chairperson attached great importance to the ILO's role in development cooperation and the effectiveness of its strategy within the context of the 17 Sustainable Development Goals (SDGs). She considered it critical for the ILO to renew its guidance on development cooperation following the last discussion on the topic at the Conference in 2006. ILO development cooperation should assist member States to adapt to changes driven by technological advances, demographic shifts, globalization, urbanization and climate change.
11. She expressed the view that development cooperation should have four main objectives in assisting developing countries: (i) to promote good governance as a means for social stability, cohesiveness and an enabling environment for business and economic opportunities for all; (ii) to guarantee the provision of universal basic social standards to their citizens; (iii) to achieve higher levels of income and well-being, correcting extreme inequalities; and (iv) to contribute to the provision of international public goods. The role of the private sector was critical to achieving those objectives as it played a key role in the creation of employment, the provision of incentives to invest in education and skills acquisition, the improvement of people's lives through increased access to good and services, the increase of tax revenues, and the encouragement of entrepreneurship and diversification of economies, in particular through the promotion of small and medium-sized enterprises (SMEs).
12. She expected to receive an assessment of the successive strategies and action taken by the ILO on development cooperation, as well as clarification on issues such as how effective the Office was in responding to constituents' needs; how DWCPs operationalized the ILO's development cooperation strategy; the extent to which ILO development programmes coordinated with other development activities at the national level; and results, evaluation and the impact of ILO development cooperation on people's lives and what worked and did not work in that regard. She remarked that the few impact evaluation reports which existed were insufficient and lacked disaggregated data. The ILO needed to reinforce its support for strengthening data collection and analysis in developing countries to seek alignment with the SDG indicators, measurement and reporting framework. The evaluation and impact measurement culture of the ILO needed to be reinforced to better support effective implementation on the ground.
13. Against that background, she highlighted four key messages: (i) the discussion needed to be placed in the context of the changes in the development cooperation environment reflecting major shifts in economic, social and political developments and within the ongoing reform of the UN to ensure it was fit for purpose and able to deliver as one; (ii) decent work was now recognized as a global goal and its achievement required going beyond the traditional ILO tripartite structure and the rights-based approach as reflected in the Office report; (iii) the ILO's development cooperation strategy should be demand-driven to meet constituents' needs at the country level, and (iv) development cooperation required innovative approaches and new financing mechanisms. There was much potential for multi-

<sup>2</sup> Unless otherwise specified, all statements made by Government members on behalf of regional groups or intergovernmental organizations are reported as having been made on behalf of all Governments members of the group or organization in question who are Members of the ILO and are attending the Conference.

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stakeholder and public–private partnerships in that regard. The ILO needed to improve its agility, demonstrate the value it added, adopt a strategic approach and more effective procedures, strengthen its delivery capacity and show evidence of results achieved in order to secure additional funds.

- 14.** The general discussion and conclusions should be guided by how the ILO could make a real difference and come up with a practical outcome providing strategic guidance for the ILO development cooperation strategy. To achieve that aim, the strategy should: (i) support employment promotion through enabling environments conducive to job creation and skills development focusing on SMEs; (ii) be demand-driven and responsive to the needs of the constituents based on realities on the ground while reinforcing capacity development; (iii) align with the ongoing UN reform which would lead to better coordination with other agencies for further partnerships and funding; (iv) take a holistic approach by improving the involvement of constituents in the design of development projects, with a focus on effectiveness, results and impact which included an improved data collection system; (v) include a comprehensive and robust strategy on public–private partnerships; and (vi) recognize the changing realities and new forms of work and business.
- 15.** The Worker Vice-Chairperson stated that development cooperation had evolved substantially since it had been last discussed at the Conference in 2006. The discussion was timely as the world of work was confronted with a number of challenges resulting from demographic changes, income inequalities, climate change, the denial of human rights, conflicts, migration and technological developments.
- 16.** With decent work placed at the heart of the 2030 Agenda, the successful achievement of the SDGs required integrated strategies that favoured inclusive economic growth while addressing social and environmental challenges. Through the rights-based approach which underpinned the 2030 Agenda, decent work and fundamental rights were essential elements across all SDGs. The normative mandate and tripartite structure of the ILO represented a unique added value for their achievement.
- 17.** In addition to the 2030 Agenda, the framework for the future ILO development cooperation strategy should also be guided by the Addis Ababa Action Agenda (AAAA) of the Third International Conference on Financing for Development, 2015, and the Paris Agreement on Climate Change, 2015, which made reference to decent work and social protection, as well as a just transition based on the rights of workers. Key aspects of effective development cooperation included national ownership, transparency, mutual accountability and inclusiveness. Those aspects were also reflected in the Global Partnership for Effective Development Co-operation (GPEDC) created in Busan in 2011. It emphasized the value of decent work and recognized social dialogue, freedom of association and collective bargaining as a means to attain sustainable development, in addition to making a direct reference to international labour standards.
- 18.** The value of official development assistance (ODA), which was to be directed to priority areas in order to achieve the SDGs, remained fundamental to ensure transparent and independent policies and instruments. The Workers' group therefore supported the commitment by donor countries to the target of 0.7 per cent of their gross national income (GNI) to development cooperation. Policy coherence, effective fiscal policies, sustainable social protection systems, decent wages and the formalization of the informal economy were important conditions to ensure the financing and implementation of sustainable development plans. Furthermore, the ILO should continue to support middle-income countries where inequalities had increased significantly by looking at supplementary financing sources, including South–South cooperation.

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19. The tripartite structure and normative framework of the ILO constituted the main assets of its development cooperation. While the ILO had achieved a number of positive results through development cooperation, there was much to be done to guarantee that development cooperation and DWCPs promoted the ratification of ILO Conventions as well as their implementation on the basis of comments made through its supervisory mechanisms. In addition, gender dimensions needed to be strengthened in ILO development cooperation programmes.
  20. Development cooperation programmes needed to be strengthened and better take into account workers' priorities. In that regard, the five ILO flagship programmes should foresee support for each category of constituents as well as capacity-building activities at the bipartite and tripartite levels.
  21. Development financing would depend for a large part on sustainable investment to be made in countries. It would imply a fundamental role for the ILO to guarantee the presence of labour provisions in trade agreements and in supporting the participation and capacity of the social partners in trade and investment issues as well as in programmes of multilateral development banks.
  22. The participation of the private sector in ILO development cooperation should be based on the respect of values and principles of the ILO and in particular international labour standards, workers' rights and tripartism. Programmes related to the Enterprises Initiative of the ILO should involve trade unions in a more systematic way. Partnerships with the private sector should be developed based on a solid commitment and monitoring criteria to ensure transparency and responsibility, as well as an evaluation framework for results.
  23. Given the implications of the UN reform on the ILO's role, it was critical that UNDAFs covered specific world of work issues. To do so, it would be necessary to ensure the integration of DWCPs in UNDAFs and enhance joint programming.
  24. Five elements were key for the discussion: (i) the strengthening of the rights-based approach, social dialogue, collective bargaining and tripartism in development cooperation; (ii) the recognition of the role of international labour standards, social dialogue and collective bargaining in regulating labour markets and in industrial relations and their integration within framework instruments of the UN; (iii) the improvement of the capacity building of the social partners and ensuring that it responded to their needs; (iv) ensuring that partnerships with private entities were in line with selection criteria based on the norms and values of the ILO; and (v) the increased participation and visibility of the ILO in policy-level decision-making pertaining to the SDGs and international development cooperation by upholding the Decent Work Agenda and social dialogue as instruments of democratic governance.
  25. The Government member of Senegal, speaking on behalf of the Africa group, acknowledged the usefulness and timeliness of the discussion. The success of development cooperation depended on how it was crafted at the regional and national levels within the context of the African continent, with particular attention given to the informal and rural economies as well as to migrant workers.
  26. Development cooperation could only be fully effective if the envisaged reform of the UN system was based on an inclusive and participatory process, taking into account constituents' needs and priorities. Africa would act as an active partner in line with aspiration 7 of Agenda 2063 of the African Union. The achievement of SDG 8 would depend on a better repositioning of the ILO in UNDAF planning exercises, taking into account the views of the tripartite constituents.

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- 27.** The consolidation of tripartism and normative action would place the ILO at the heart of UN reform and would give the international community the opportunity to realize the Decent Work Agenda. The ILO should therefore seize the opportunities offered by the 2030 Agenda to promote the ILO Declaration on Social Justice for a Fair Globalization, 2008 (Social Justice Declaration). Development cooperation must rely on the contribution of technical and financial partners as well as innovative mechanisms and non-traditional donors, on a bilateral or multilateral basis, including South–South cooperation. In 2017, ILO constituents in the African region had adopted a framework for action for South–South cooperation for decent work in the same spirit as the priorities set out in the Addis Ababa Declaration. Workers and employers were important actors in the implementation of the Decent Work Agenda and the development of public–private partnerships.
- 28.** The Government member of Australia, speaking on behalf of the Asia and Pacific group (ASPAG), noted that the ILO had a central role in implementing the SDGs, particularly SDGs 8 and 5, and that the group supported the ILO’s engagement in UN development system reforms to pursue greater policy coherence. Development cooperation was strategic and should be responsive to the needs of recipients. A strategy for effective development cooperation needed to be inclusive and respond to the needs of all constituents. The group supported the proposed shift in focus from short-term, project-based opportunities to a more programmatic approach to make cooperation more effective. The joint ILO–International Finance Corporation (IFC) Better Work programme was a strong example in that regard and its lessons were replicated in other settings. South–South and triangular cooperation was an important means to achieve the SDGs and should be expanded to become an integral part of the objectives and capacity-building efforts of the ILO.
- 29.** The Government member of Bulgaria, speaking on behalf of the European Union (EU) and its Member States, indicated that Albania, Bosnia and Herzegovina, Serbia and the former Yugoslav Republic of Macedonia aligned themselves with the statement. The speaker noted the changes in the global framework for ILO development cooperation that had occurred since the last Conference discussion in 2006, and recalled that the European framework had also evolved with the adoption of the European Consensus on Development in 2017 and the commitment to provide 0.7 per cent of GNI as ODA within the time frame of the 2030 Agenda. The partnership between the EU and the ILO was strong; and the EU and its Member States were the largest donor to the ILO. The ILO’s Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) was one important tool for achieving the AAAA. Creating decent jobs for populations living in poverty, particularly for women, youth and persons with disabilities, was essential for inclusive and sustainable growth. The EU encouraged a strong gender equality focus in all of the ILO’s work.
- 30.** The EU promoted a favourable and just economic environment and inclusive economic transformation that created decent jobs and opportunities for eliminating poverty while also supporting social protection and global transitioning into a low-carbon economy. There was a strong commitment to promote core labour standards, in particular target 8.7 of SDG 8 to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including inside global supply chains. She expressed strong support for the UN reform, which was a key priority of the EU. Increased integration, coherence, transparency and accountability were needed in the process; an independent and empowered Resident Coordinator was instrumental in the achievement of those aims. The UN reform would have an important impact on the policies and organization of the ILO.
- 31.** Policy coherence within the ILO and with international financial institutions and other UN agencies was needed. In the context of the UN reform, ILO development cooperation needed to promote increased coherence in dialogue with governments on issues related to decent

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work and social protection. The DWCP would be a key tool for the promotion of the fundamental principles and rights at work. The UN reform represented an opportunity for the promotion of tripartism, technical assistance for social partners at the country level enabling their engagement with the UN Development Group, as well as ILO guidance to UN Resident Coordinators and Country Teams on how to involve social partners.

- 32.** The ILO ought to improve effectiveness and impact through better integration of results-based management practices as well as promoting comprehensive multi-stakeholder partnerships converging on common initiatives supporting the Decent Work Agenda. Recognized human rights standards, guidelines, principles, gender equality and commitments on responsible business conduct, environmental impact of investments and sustainable development, transparency and corporate social responsibility (CSR) needed to be central elements of private sector investments and built into business models. The ILO was encouraged to continue its relation with the private sector.
- 33.** The Government member of Norway, speaking on behalf of the eight countries (Belgium, Denmark, Germany, Italy, Luxembourg, the Netherlands, Norway and Sweden) contributing to the Regular Budget Supplementary Account (RBSA), stated that, in its ten years of existence, the RBSA mechanism had shown its clear strategic value. It allowed the ILO to provide quick responses to challenges which emerged, facilitate partnerships and had contributed to greater alignment with other development and humanitarian actors. The RBSA could play an important role in ensuring continuity and the scaling up of interventions for long-term sustainability. Being fully aligned with the ILO's programme and budget and with a common reporting system, it allowed more funds for actual implementation. The RBSA modalities were in line with the UN reform and an effective way of supporting the ILO's implementation of the 2030 Agenda. She called upon other countries to consider RBSA for their future support of ILO development cooperation.
- 34.** The Government member of Belgium aligned himself with the position expressed on behalf of the EU and its Member States. He highlighted the need for the ILO to be engaged in the UN reform for more effective development cooperation, and stressed the added value of the Organization to contribute to the 2030 Agenda. In order for the priorities of the ILO to be reflected in the UNDAF, the number of priorities in each country should be focused and limited. In the future, equal emphasis should be placed on the promotion of access to decent jobs and universal social protection, in addition to social dialogue and tripartism. He recalled the Global Partnership for Universal Social Protection launched by the Government of Belgium in 2016, pointing out that the ILO was the only UN body with expertise in that area. The ILO should extend its resource base through partnerships with the private sector and innovative financing. Public-private partnerships could be an effective means to support access to decent jobs and social protection. All those actions would increase the volume of available funding and boost outcomes and impact.
- 35.** The Government member of Turkey mentioned some of the challenges that had negatively impacted the world of work and recalled that governments were responsible for supporting and taking measures for good governance and well-functioning labour markets. He emphasized Turkey's commitment to support the achievement of the SDGs also through its Tenth Country National Development Plan (2014–18) and the subsequent one, which guided national development policies and priorities. He reaffirmed his country's commitment to support SDG 8 and sustain the other SDGs that promoted inclusive growth, in continued cooperation with the ILO. Adapting development cooperation approaches to national circumstances was important.
- 36.** The Government member of Ethiopia supported the statement made by the Government member of Senegal on behalf of the Africa group. She acknowledged the existence of uneven development gains and persisting challenges and called for shared responsibility in

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addressing them through the SDGs. Ethiopia had made progress in mainstreaming the SDGs into its development plan. International partnerships were needed to accelerate sustainable development. The ILO could play a role in incorporating priority issues into its development cooperation programmes, with due attention to their fit-for-purpose nature and national contexts.

- 37.** The Government member of Nepal called for stronger policies, strategies and commitments at the national and international levels to respond to the changing world of work. The ILO played an instrumental role in the creation of synergy with the UN development system and member States, for the creation of decent jobs, productive employment and the attainment of social justice. The knowledge and exchanges brought about by North–South, South–South and triangular cooperation were key instruments in support of the transition to the future of work. Tripartism and social dialogue were strong vehicles for the ILO to leverage effective development cooperation and contribute to meeting several of the SDG targets, and attention should be given to the special and differentiated needs of least developed and landlocked countries. The Global Compact for Migration would not be effective in safeguarding the interests of workers without the ILO’s fundamental principles and rights at work.
- 38.** The Government member of France fully supported the reform initiated by the Secretary-General of the UN. The ILO should adapt its modalities of intervention on the ground, participate actively in the implementation of the SDGs and take the necessary decisions to support the Resident Coordinator system, while keeping its specificities intact, which were its unique tripartite structure and social dialogue. The actions of the ILO and its development cooperation for the years to come should continue to respect those specificities, in order to accompany the environmental and economic transitions necessary to achieve the SDGs. Development cooperation was part and parcel of the mandate of the ILO in view of the assistance required by member States to apply international labour standards in law and practice. Not fulfilling that mandate would undermine the effectiveness of fundamental principles and rights at work.
- 39.** France had concentrated its aid in Africa, where it supported the implementation of international labour standards in the informal sector, combating child labour, social protection and employment policies. Policy coherence at the international level was critical to prevent counterproductive and diverging policy actions. In view of its mandate, the ILO had a central role to play in that respect.
- 40.** The Government member of Switzerland confirmed that the issues raised in the Office report, including resource mobilization and partnerships, and the role of the private sector were fundamental. Her Government would have expected more concrete proposals and different scenarios as a basis for decision, in particular on the consequences of the reform in financial and personnel terms. The ILO must make every effort to advance the Decent Work Agenda, by demonstrating concretely where and how it would bring added value. Further work with the ILO Centenary Future of Work Initiative, and continued efforts to ensure coherent policies were needed. Synergies with other international organizations should be sought, including with the World Bank, regional banks and the International Monetary Fund (IMF).
- 41.** The Government member of Saudi Arabia underscored the work towards the achievement of the SDGs, as it required respect for international labour standards. It was important for countries to work within their national strategies and plans to reach those goals. Through its standard-setting, normative approach and tripartite structure the ILO presented a key added value to achieve the SDGs, in particular SDG 8. Achieving decent work and employment required looking at issues such as wages, fiscal gain, multilateral approach and synergies with other organizations.

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42. The Government member of China aligned himself with the ASPAG statement. He highlighted that it was an opportune time to discuss how development cooperation could be more effective, which was important for his Government as China was both a recipient and a donor country. Countries needed to discuss how national priorities and plans could be aligned with the efforts to promote the SDGs. It was the responsibility of the ILO to translate its expertise into added value. An increase in the level and quality of capacity building was needed.
43. The Government member of the United States recognized the 2030 Agenda as a global framework for sustainable development that can help countries work toward global peace and prosperity. She supported the call for shared responsibility in the 2030 Agenda and emphasized that all countries have a role to play in achieving its vision. Countries had primary responsibility for planning, implementation and follow-up to the SDGs, based on their individual national plans. She supported national responsibility stressed in the Agenda and the mobilization and effective use of domestic resources and partnerships with the private sector. She appreciated the emphasis of the Office report on capacity development in support of national development strategies, leveraging domestic resources, and exploring partnerships with the private sector and the recognition that the ILO could better apply results-based monitoring and management. She underscored the importance of evidence-based development cooperation. The framework provided by the SDGs and the UN reform constituted an opportunity for the ILO to further advance its comparative advantage on labour and employment-related issues. She stressed that the purpose of the current discussion was to provide the Office with guidance on the ILO's approach to development cooperation.
44. The Government member of Colombia noted the far-reaching changes at the global level in the social, economic, environmental, political and other spheres and the challenges they presented to the achievement of the objectives of the 2030 Agenda. In Colombia, such challenges were reflected at the national level in the context of the recent peace agreement with the Revolutionary Armed Forces of Colombia. The technical support of the ILO was critical to the formulation of national policy and strategy for economic development to create decent work opportunities in urban and rural settings at both the national and local levels. To help ensure effective follow-up and evaluation of the specific impacts of its support, the ILO could establish data banks to store information on good practices and successful outcomes in the areas of decent work and gender equality, which would be a useful tool to assist countries in planning their own projects and to enhance coordination with academic institutions and civil society. In Colombia, ILO guidance remained critical to the formulation of strategies to address poverty, education and environmental conservation, while taking into account other national and international priorities in the pursuit of effective development.
45. The Government member of India noted that her country believed it was essential to adopt an integrated approach on the part of national, state and local governments to the achievement of the SDGs of the 2030 Agenda, especially since 15 of the 17 SDGs related directly to activities implemented at the local level. In India, that approach had resulted in regional action plans to eliminate child labour and human trafficking, as well as projects on competitive and responsible enterprises, agricultural insurance, the India–Brazil–South Africa Facility for the Alleviation of Poverty and Hunger, and the South Asia Initiative to End Violence Against Children. Economic globalization and modernization had created multiple challenges for labour rights and the quality of work as covered under the Decent Work Agenda. It was necessary to decentralize ILO projects at the country and regional levels, with national inputs, to ensure the effectiveness of development cooperation. Partnerships, local resource mobilization and cooperation with countries from the South were essential to achieve the SDGs.
46. The Government member of Brazil highlighted the importance of multi-stakeholder partnerships and South–South cooperation. Social dialogue was essential to help

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governments and social partners to work together in South–South and triangular cooperation. In order to keep pace with global trends and build on the ILO’s South–South and triangular cooperation strategy discussed by the Governing Body in March 2018, it was important to expand concepts and standards to acknowledge the diversity of emerging approaches to South–South and triangular cooperation.

47. The Government member of Mexico noted the key role of the Committee in defining the path towards implementation of the labour-related goals of the 2030 Agenda and improving ILO arrangements for development cooperation within the UN and broader international contexts. The Committee could contribute to the creation of new architecture for international cooperation in which all countries would collaborate according to their competitive advantage and would benefit on the principle of “leave no one behind”.
48. The Government member of the Russian Federation noted that the report represented a key document for the implementation of the SDGs while responding to the challenges faced in global development cooperation. The Russian Federation supported the ILO’s promotion of decent work opportunities, especially for youth, which was supported by the ILO Office in Moscow. The Russian Federation was grateful for the efforts of the ILO to support the upholding of labour standards, in particular its translation of such standards into Russian. It would continue to collaborate with the ILO at the regional level on labour standards and labour inspection.
49. The Government member of Japan noted that his country would continue to promote the realization of decent work and SDGs primarily in Asian countries, while cooperating with other partners and contributing to ILO development cooperation. The topic of effective development cooperation in support of the SDGs was key to the future of the ILO and the Committee’s discussion would provide valuable input to the forthcoming Centenary discussions at the Conference. The ILO needed to engage in wide-ranging collaboration with related partners to develop more effective and efficient means of implementation. Funding should be expanded beyond member States’ contributions to the private sector and non-governmental organizations (NGOs) while paying attention to the image and activities of the ILO. Duplication of the efforts of intergovernmental organizations should be avoided. Strong cooperation between governments, employers’ organizations and workers’ organizations was important, and the ILO was well placed to achieve that through its normative agenda, tripartite structure and social dialogue principles and practices.
50. The representative of the International Transport Workers’ Federation (ITF) stated that the ITF had recently opened a liaison office with the International Civil Aviation Organization (ICAO) in Montreal to connect international policy-making to national contexts in aviation and ensure the centrality of decent work. He called for collaboration between the ICAO and the ILO to ensure decent work in the aviation sector. International framework agreements also had the potential to promote policy coherence, embed labour standards and support social dialogue and accountability at the country level. The ITF had signed an agreement with a global logistics company operating in Asia and the Pacific, which would lead to significant investment to raise standards and safety, as well as secure ILO values and social dialogue. On financing for development, partnerships with private entities needed to ensure accountability, transparency and results, for which the ILO should have a role in upholding the criteria within the UN. The ILO should consider initiatives such as the Committee on Workers’ Capital, an international labour union network for dialogue and action on the responsible investment of workers’ capital.
51. The Employer Vice-Chairperson supported issues raised such as national ownership, the participation of the social partners in development cooperation projects, the shift from short-term projects to long-term programmes, the lack of analysis and data, the need to refocus the efforts of the ILO on a few identified priorities, and on financing. The balance between a

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rights-based approach and an employment creation-based approach remained a concern for her group, as well as the inclusion of labour clauses in trade agreements. Enabling the private sector to play a key role in the implementation of SDG 8 was needed. She questioned how the private sector could be boosted if its involvement was conditioned. It was important to anchor the discussion on development cooperation in the context of the Future of Work Initiative.

52. The Worker Vice-Chairperson reiterated that standards laid the basis for human dignity. A rights-based approach and respect for trade unions were aligned with the 2030 Agenda. That would lead to social dialogue and productivity, which was the final goal of an enterprise. It was expected that the general discussion would provide for a better understanding of the need to balance the respect of rights with economic growth. Capacity building for all constituents was a key element to achieve that.

## General discussion

**Point 1. How can ILO development cooperation adapt to the new context with a view to best supporting constituents at national, regional and international levels in achieving the Sustainable Development Goals, all the aspects of decent work they are calling for, and, in particular, SDG 8, which calls for promotion of inclusive and sustainable economic growth, full and productive employment and decent work, and other relevant goals for the ILO?**

53. The Worker Vice-Chairperson said that ILO development cooperation should reflect a holistic approach of inclusive and sustainable economic growth and the promotion of workers' rights was at the heart of economic, social and environmental development and multilateralism. The ILO should also take an active role in the achievement of other SDGs, in particular 1, 5, 10, 13 and 16, and apply its normative approach, social dialogue and tripartism to the SDGs, UN reform and the new generation of UNDAFs. The comprehensive framework of employment policies to promote full, decent, productive and freely chosen employment, adopted by the Conference in 2014, was important to achieve economic growth and decent work and had a significant impact on the quantity and quality of jobs. The framework should be promoted in the context of UNDAFs.
54. Concerning the efforts made by the ILO and its constituents at the national level to achieve the SDGs and ILO goals, the 88 existing DWCPs were a positive development as they advanced industrial relations, workers' rights and social progress. Their number should be increased and quality enhanced to incorporate all four strategic objectives. The social partners had a key role to play in the design, implementation, monitoring and evaluation of ILO projects, in particular the flagship programmes. The training of local trainers was required so that they would become the main drivers of change in their country or region and thus ensure sustainability. The ILO must support constituents in the implementation and monitoring of the SDGs at the national level. In that regard, the ILO should play an essential role in strengthening their capacity to engage in social dialogue and in supporting their participation and collaboration in the development of national plans for the implementation of the SDGs. Workers' organizations must play a proactive role and open up debates at the national level on UN reform to help the ILO place the promotion of decent work and the role of tripartism at the centre.

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- 55.** The international dimension of the Social Justice Declaration was fundamental to strengthen the role of the ILO in the multilateral system and respond to the challenge of global governance. The ILO resolution concerning decent work in global supply chains, adopted by the Conference at its 105th Session (2016), and the recently revised MNE Declaration were important instruments for promoting the work of the ILO within the 2030 Agenda.
  - 56.** The distribution of extra-budgetary resources had to be balanced across the four pillars of the Decent Work Agenda in all regions as well as in centralized projects. Building the capacity of constituents was important in order to strengthen social dialogue and tripartism, particularly in the flagship programmes, and the International Training Centre of the ILO in Turin (ITC–ILO) had a key role to play in that regard. ILO development cooperation should be aligned with the priorities of the social partners and take into account principles such as coherence, transparency, accountability, partnership, sustainability, inclusion and equality, democratic ownership and autonomy. The ongoing discussion regarding the ILO Centenary Future of Work Initiative would provide inputs for the future role of the ILO in development cooperation.
  - 57.** The Employer Vice-Chairperson highlighted key elements of the new context in which the discussion should be framed. ILO constituents shared the view that unemployment, new technologies and changing employment relationships were the most important trends that influenced ILO development cooperation. In order for the ILO to adapt to the fast-changing world of work, its development cooperation strategy should be framed in the context of the Future of Work Initiative. The challenge before the Committee was to make the ILO fit for today and relevant for tomorrow. A rethink of the ILO’s development cooperation strategy would be required to facilitate its adaptation to the new way of working of the UN Country Teams and ensure that the comparative advantage of the ILO, in particular on employment promotion through social dialogue, was reflected in UNDAFs.
  - 58.** Against that background and given the value which the ILO added in comparison to other UN agencies, the ILO’s development cooperation strategy should favour an approach based on employment promotion as a relevant overarching framework to tackle the colossal labour market challenges faced worldwide and to support SDG 8.
  - 59.** The technical aspects of development cooperation would need to shift in order to address the needs of employers and enterprises and help create an environment conducive to sustainability and growth. An employment-based approach that recognized the role and potential of the private sector as an engine for inclusive and sustainable economic growth should be promoted. Operational aspects of ILO development cooperation included effective utilization of new modalities such as public–private partnerships.
  - 60.** With regard to the role of the constituents in development cooperation and the UN reform, member States were in the driving seat. It would be critical for employers as the voice of business to have a seat at the UN table to provide the perspective and expertise of the private sector and to participate in policy dialogue at the highest level. At the national level, member States should foster and champion enabling environments for employment promotion. Democratic and representative employers’ organizations should be the voice of businesses, especially on the ground.
  - 61.** ILO development cooperation needed to be focused on effectiveness, as well as results and impact. The Employers’ group attached great importance to the achievement of results and accurate reporting based on comprehensive and reliable data. Effective capacity development should depend on rigorous and results-based monitoring and management. Urgent action would need to be taken regarding the determination of performance-based objectives and targets as well as to assess and prioritize capacity-building needs. In order to encourage an enabling environment for sustainable enterprises, the ILO’s development

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cooperation strategy should also address the challenge of informality in SMEs through fair regulation and integrated strategies.

- 62.** A balanced, needs- and demand-driven approach that placed an equal emphasis on the economic and rights dimensions of decent work was required. In that respect, the institutional and organizational capacity of ILO constituents should be strengthened with technical knowledge and financial support in order for them to play an effective role at the national level, especially addressing the decline in funding for employers' organizations.
- 63.** Finally, the Employer Vice-Chairperson highlighted the critical juncture for the ILO to remain relevant for the future.
- 64.** The Government member of Senegal, speaking on behalf of the Africa group, said that the ILO should adapt its development cooperation activities following on from the 2008 economic crisis which had exacerbated global inequalities and increased unemployment and poverty. Africa should remain a priority for ILO development cooperation. The ILO should support regional and national policies and focus on three main issues: (i) the informal economy, which accounted for nearly 55 per cent of sub-Saharan Africa's gross domestic product; (ii) the rural economy, which had a strong potential for the creation of decent jobs; and (iii) labour migration for which the ILO's cooperation activities should focus on finding durable solutions to unregulated migration. The strategies defined in the 2030 Agenda and Agenda 2063 of the African Union were intended to establish better conditions for migration, the mobility of workers, the promotion of inclusive and sustainable economic growth, full and productive employment and decent work for all. Furthermore, the digital economy had strong potential for the creation of productive and decent employment. Finally, South-South cooperation, for instance on the green economy and with Latin America, could be beneficial for the African region.
- 65.** The Government member of Bulgaria, speaking on behalf of the EU and its Member States, indicated that Bosnia and Herzegovina, Norway and Serbia aligned themselves with the statement. The speaker stated that there was a need to align the ILO's development cooperation strategy with the 2030 Agenda and that there were three key elements for achieving that. First, the ILO needed to focus on its core priorities and mandate in order to achieve the most relevant SDG targets. Second, it needed to contribute to SDGs that were cross-cutting in nature (in particular SDGs 1, 5 and 17) and others that were interlinked with the ILO's mandate and pivotal to the achievement of the pledge to "leave no one behind"; capacity and outreach to strengthen internal ILO coherence and cross-agency cooperation were key in that respect. Third, it needed to provide specific expertise to help constituents achieve the SDGs; in order to achieve that, the ILO should re-examine its relevance to ensure that it could deliver its development cooperation mandate, especially in the Global South. The research capacity and knowledge base of the ILO should be made easily available so as to provide solid analysis on socio-economic issues and trends and high-quality technical advice to constituents, particularly in times of crisis and disaster. Disaggregating ILO data was important, including by disability. Innovative methods for collecting and working with open and big data could be explored, particularly when linked to the four strategic objectives of the Decent Work Agenda. The 2030 Agenda and ILO priorities were fully compatible and reinforced one another and the ILO's new development cooperation strategy would be a key tool in pursuing the achievement of both.
- 66.** The Government member of the United States stated that the ILO should use its comparative advantage and expertise to support its member States in their efforts to achieve the SDGs. The ILO can lend its experience on key issues, such as promoting the fundamental principles and rights at work and advancing occupational safety and health. It can assist its constituents to build their own institutions' capacities. Effective labour law enforcement was critical to achieving SDG targets such as those related to addressing child labour, forced labour and

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the promotion of safe working environments. Assistance to build and maintain effective labour inspectorates was an area that required greater attention. Greater operational agility and flexibility was important to increase the effectiveness of ILO development cooperation. While the sustainability of results and scaling up effective practices to enhance impact should be overarching goals and an overall shift to a more programmatic approach was appropriate, specific short-term project-based activities could still have a place in ILO development cooperation. It was important to demonstrate effectiveness and use agile management structures able to quickly adapt to programmatic needs. The ILO should become the go-to source for evidence that would be based on rigorous data collection and top-notch evaluation practices. The ILO should use evaluation findings to inform future actions.

- 67.** The Government member of Algeria expressed his support for the statement made by the Government member of Senegal on behalf of the Africa group. The achievement of the SDGs required a new approach to cooperation. The ILO had addressed agenda items relevant to development cooperation in other instances such as during the 95th Session of the Conference in 2006 and at the 332nd Session of the Governing Body in March 2018. The ILO had the relevant tools for development cooperation and it should make use of instruments developed by other entities in the context of the revitalization of the Decent Work Agenda and DWCPs.
- 68.** The Government member of the Philippines highlighted the support from the ILO which had helped the country achieve important decent work goals, notably on social dialogue. The Philippines had placed decent work at the centre of its national Eight-Point Labor and Employment Agenda that pursued inclusive and sustainable development. The resolution on advancing social justice through decent work adopted during the 105th Session of the Conference in 2016 provided ILO guidance to effectively assist its Members in their efforts to achieve the full potential of the Social Justice Declaration. The ILO should continue the implementation of the priority areas for action under the aforementioned resolution.
- 69.** The Government member of Indonesia said that his country was actively involved in discussions on the SDGs in international, regional and national forums. The country's national development programmes promoted inclusive and sustainable economic growth, with an impact on job creation, as well as the realization of decent work for all in line with SDG 8. Addressing the impact of technological development and digitization on the world of work, including job shifting, new skills and the transformation of industrial relations, could be part of the achievement of SDG 8. The achievement of the SDGs could be further enhanced through more productive and harmonious partnerships among governments, workers and employers. That could be realized, among other methods, through constructive and productive social dialogue, especially to address employment challenges.
- 70.** The Government member of India stated that the international community needed to collaborate and create synergies for policy development, capacity building, financial pooling and technical assistance to facilitate the achievement of the 2030 Agenda. The opportunities and challenges presented by new technologies also required consideration. Progress made so far included the shift from the concept of technical assistance to development cooperation, the increase in transparency and accountability and the design of a funding compact. The need to combine public and private financing for least developed countries and fragile States should not compromise the interests of regular donors. New forms of financing for development should ensure effectiveness and accountability and target specific outcomes. Multi-stakeholder partnerships allowed for policy coherence and the division of responsibility, while complementary modalities such as South–South cooperation recognized countries' specific needs for contextual responses. Effective development cooperation called for project decentralization and diversified and decentralized resource mobilization for increased predictability and convergence of efforts.

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71. The Government member of Iraq said that, despite the challenges presented by terrorism and the drop in oil prices, Iraq had launched its 2018–20 development plan, which was aligned with both the SDGs and the ILO’s objectives. Its collaboration with the ILO had been fruitful for the development of national employment policies, the reform of labour legislation, the establishment of a database for employment opportunities and the reinforcement of social dialogue. Continued support was needed for the development of a national development strategy aimed at achieving full employment and growth through the Decent Work Agenda as a way to address the consequences of terrorism in his country, such as the flow of refugees and destroyed infrastructure.
72. The Worker Vice-Chairperson noted that the converging views expressed so far on the 2030 Agenda, with the emphasis on rights, capacity development and social dialogue, were promising for reaching consensus.

**Point 2. The ILO offers a particular added value through its normative agenda, tripartite structure and social dialogue principles and practices. In view of the rights-based approach of the 2030 Agenda, what could be done to strengthen the link between this ILO added value and development cooperation and in particular how could ILO development cooperation assist in effectively addressing gaps at national level, in the ratification and implementation of international labour standards as well as in social dialogue and tripartism?**

73. The Employer Vice-Chairperson stated that the ILO’s expertise on labour was its value added to economic growth and transformation. As the lead source of technical expertise on labour, the ILO should prioritize employment promotion through social dialogue. Employment promotion development programmes were instrumental in the design of policies conducive to job creation, enhancing skills development, supporting SMEs and the formalization of the economy. Given that productive employment and decent work were core deliverables of the AAAA, the ILO needed to better understand how business worked, business issues and challenges, and should build on the good results of its Enabling Environment for Sustainable Enterprises programme and provide appropriate resources.
74. Development cooperation activities and strategies should promote gender equality, address issues of skills mismatch, be disability-inclusive and include partnerships with companies and technical and vocational education training in order to enable youth to enter the labour market. Social dialogue was essential for both labour relations and social harmony and resilience; it should not be based on a single, supply-driven approach but should reflect the diversity of constituents, cultures, traditions, legal systems, relationships and expectations. There was no single model that should be promoted as superior over others.
75. There was a challenge to maintain and promote the value of the tripartite approach, especially in the context of changes impacting business and the workplace. The ILO should refrain from considering one-country-driven initiatives that lacked the support of the national constituents and providing supply-driven approaches for developing countries. The ILO was best placed to promote social dialogue through development cooperation if all constituents needed to be on board.
76. The support of the ILO for strengthened workers’ and employers’ organizations should be central to its development cooperation strategy. The future of tripartism in the ILO depended

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on its ability to commit the necessary resources and demonstrate its value to its constituents, including by its support for the SDG implementation process, capacity building and the increased involvement of employers and workers in decision-making. A more holistic and long-term approach was needed, which included organizational and institutional capacity development.

77. The ILO should consider national contexts, establish demand-driven and needs-based priority areas and promote social dialogue, in particular the strengthened participation of employers' organizations. The normative action was at the core of the ILO's mandate but should not be the panacea for all challenges. The ILO could improve the links between its supervisory bodies and its development cooperation activities in a balanced way that would be aligned with the outcomes of the Standards Initiative. Employers were concerned that the limited findings of a research paper on labour provisions in international trade were cited as "facts" in paragraph 70 of the Office report. Calls made in the report to promote those findings through ILO development cooperation were worrying.
78. The Worker Vice-Chairperson said that it was important for the ILO to continue its mission to develop, adopt and monitor international labour standards in an increasingly globalized economy in order to ensure inclusive and sustainable growth and social justice, in particular the fundamental principles and rights at work. The ILO should utilize its DWCPs as an essential contribution to the achievement of the SDGs and the design of UNDAFs. UN Resident Coordinators should receive training from the ITC-ILO and other UN institutions to ensure that development cooperation programmes, including UNDAFs, recognized the importance of international labour standards. The ILO's DWCPs should promote the ratification and application of core ILO Conventions while taking into account the feedback of the supervisory bodies.
79. The Office needed to dedicate adequate resources to development cooperation activities and the strengthening of the capacity of constituents, and should establish closer collaboration with tripartite constituents in the design, implementation, monitoring and evaluation of ILO programmes.
80. A new strategic approach to development cooperation activities was needed, giving the normative role of the ILO greater visibility within the UN system and incorporating the four strategic objectives of the Decent Work Agenda, especially in the context of the Second High-level UN Conference on South-South Cooperation, to be held in Argentina in 2019.
81. The Government member of Senegal, speaking on behalf of the Africa group, encouraged the ILO to seize the opportunities offered by the 2030 Agenda to promote the Social Justice Declaration, DWCPs and their effective implementation. The adoption of international labour standards facilitated their inclusion in trade agreements at the bilateral, multilateral and national levels. Such standards, once taken into account in the elaboration of national plans, would contribute to combating unemployment, growing inequality, poverty and social exclusion. He called for the strengthening and modernization of the supervisory system and welcomed initiatives that were under way. The MNE Declaration was a successful example of tripartite achievement and represented an opportunity to improve respect for rights in the workplace. For the successful implementation of development cooperation programmes, the ILO should ensure prior consultation with the social partners on policy design and constituents should receive regular training on international labour standards and be made aware of their scope. The experiences of social dialogue, the measurement of trade union representativeness, collective bargaining and social stability pacts should be the subject of knowledge sharing between constituents.
82. The Government member of Bulgaria, speaking on behalf of the EU and its Member States, indicated that Albania, Bosnia and Herzegovina, Montenegro and Serbia aligned themselves

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with the statement. The speaker stated that employment-based and rights-based approaches were mutually reinforcing. The ILO should strengthen the link between its normative work and its development cooperation, by working towards the goal of universal ratification of all fundamental Conventions. She was concerned that 126 ratifications were still required from 45 member States before that goal could be attained. The Office should keep that fact in mind when preparing its development cooperation strategy.

- 83.** The findings and recommendations of the ILO supervisory system should be given more importance in identifying and designing intervention strategies, as they could contribute to forging a common goal and vision at the country level for all UN agencies and could be used as a primary reference for action. That required the ILO to engage closely with UN Resident Coordinators and other UN agency staff for them to become prime advocates of the ratification of ILO Conventions. The ILO's development cooperation strategy should pay particular attention to capacity building in non-ratifying member States. Participation in national-level dialogue required presence and the Office should find innovative ways to enhance presence in the Global South countries where the need was greatest. Traditional and untraditional partnerships, virtual communication solutions, mobile policy units, adequate travel budgets, as well as a stronger UN Resident Coordinator system were essential.
- 84.** The Office should seek synergies and wider outreach with other stakeholders to mainstream the Decent Work Agenda. In that context, the ILO could ensure that workers were involved in policy formulation and dialogue between government and private sector investors. The DWCPs should be the main tool of the ILO at the country level to promote social dialogue and tripartism and more DWCPs should include activities related to the promotion of the fundamental principles and rights at work. The ILO must operationalize a better communication strategy about its work and its added value through its normative agenda, tripartite structure and social dialogue principles and practices.
- 85.** The Government member of Canada called for investment to strengthen statistical capacity at the country level to achieve the SDGs and to facilitate evidence-based policy advice and planning. Comprehensive evaluation and monitoring of development cooperation were key to facilitate informed decision-making, while ownership and the enhanced integration of social dialogue and tripartism were beneficial for development cooperation. DWCPs were useful in responding to national situations and priorities. Integrating labour in a more holistic approach to development and creating synergies with development agencies would further support progress towards the 2030 Agenda. The ILO should continue to research, analyse and promote the impact of trade and labour linkages, in particular in relation to improvements in fundamental principles and rights at work. Free trade agreements that incorporated labour provisions could contribute to long-term sustainable and inclusive economic growth by ensuring that the benefits of trade were shared more broadly. Canada was collaborating with the ILO on capacity building to help its partner countries to meet their labour commitments in free trade agreements.
- 86.** The Government member of India recalled that the ratification of ILO Conventions by member States was a voluntary exercise. That was the case for the ratification by India of the two core ILO Conventions concerning child labour – the Minimum Age Convention, 1973 (No. 138), and Worst Forms of Child Labour Convention, 1999 (No. 182). The ILO should continue to provide support on ratification and implementation of international labour Conventions and on gap analysis to understand issues hindering their ratification. Social dialogue mechanisms needed to adapt to changes brought about by globalization, technological revolutions and the rise of non-standard forms of employment. The ILO should continue to provide support to its tripartite members to better understand the impact of those changes. However, it should be careful when expanding social dialogue to other Members not to adversely affect the traditional tripartism.

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- 87.** The Government member of the United States attached great importance to the work of the supervisory bodies of the ILO. She supported ILO development cooperation aimed at assisting countries to address recommendations made to them by the supervisory bodies, including through DWCPs. The ILO could promote understanding and coordination on international labour standards between labour ministries and the ministries responsible for national budget and resource allocation. The ILO could promote greater understanding throughout governments on the socio-economic impact of international labour standards on workers and businesses. The ILO needed to strengthen its relationships with other international organizations and sensitize them to international labour standards, as they needed to be aware of the country's commitments in relation to ratified ILO Conventions.
- 88.** The Government member of China stated that key aspects for development cooperation included the principle of “leaving no one behind”, notably by mainstreaming gender in development cooperation programmes, but also by ensuring adequate coverage of persons with disabilities and other vulnerable groups. Development cooperation had to be furthered as a public good through increasing ODA and complementing it with South–South and triangular cooperation. Integrated funding modalities leading to increased UN system funds were required, as was integration of DWCPs in UNDAFs and the promotion of public–private partnerships.
- 89.** The Government member of Iraq said that his country was experiencing difficult times and that youth and persons with disabilities had difficulty finding access to decent work. His country would support measures, such as the application of international labour standards, to help itself move on.
- 90.** The Government member of the Syrian Arab Republic said that his country had applied community-driven participatory methods that included the collaboration of different sectors to achieve all the SDGs. He stated that in order to close the gap at the national level, capacity building was key to understanding international labour standards. He asked the ILO to provide assistance for the needed ratification of Conventions.
- 91.** The Government member of the Philippines concurred with the Government member of Canada that the interconnectivity between the added value of the ILO and development cooperation had to be strengthened by utilizing an evidence-based analysis of the progress and situation with regard to the critical areas of decent work and challenges at the national level. That would facilitate the identification of gaps for the key labour market indicators as well as ways to fill them, and would also allow the establishment of a baseline for monitoring purposes. Decisions about ILO priorities would be supported based on identified decent work deficits and the priorities of constituents. With such an analysis, potential duplication between the work of the ILO and other UN entities would be addressed. Increased efforts to gather data of a broader nature could also complement the DWCPs. Collaboration with other institutions, such as the World Bank, could be helpful in that regard.
- 92.** The Employer Vice-Chairperson said that she was pleased that Government members had echoed many of her group's statements, including the need for economic stability as a basis for development and an enabling environment for enterprises, as well as the need for capacity building for accurate policy formulation and the achievement of the SDGs. She agreed with the need concerning the alignment of national strategies with development cooperation. It was important to support research that would inform international agreements such as trade agreements. Employment promotion and social dialogue had to be considered in the varying country contexts.
- 93.** The Worker Vice-Chairperson said that the discussion had highlighted that there was no “one-size-fits-all” option and that the rights-based approach was an excellent strategy to support workers' rights. He agreed with the statement made by the Government member of

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Bulgaria that the two proposed approaches – a rights-based approach and employment promotion – were not contradictory but complementary. Those complementary elements pointed towards convergence on key points. Key areas that required further work included the ratification of Conventions relating to freedom of association and collective bargaining, better integration of international labour standards into DWCPs and capacity building for UN Resident Coordinators on international labour standards.

**Point 3. Considering the reforming UN at the country level, how can ILO development cooperation best support its constituents in facilitating policy coherence and in mainstreaming decent work into national development strategies and budgets? How can the DWCPs be strategically used as a demand-driven vehicle for the effective involvement of ILO constituents in mainstreaming the integrated Decent Work Agenda and gender equality into national development planning and UN Development Assistance Frameworks?**

94. The Worker Vice-Chairperson noted that while the 2030 Agenda represented an ambitious multilateral strategy to achieve global prosperity, sustainability and social justice, his group was concerned that the approach to the UN reform should not reduce the scope of activity of the UN system, in particular the ILO's work regarding rights-based employment, social protection and social dialogue. Key elements that needed to be preserved included the tripartite structure and normative mandate of the ILO, labour-related funding and programmes and ILO country and regional offices.
95. The role of international labour standards, social dialogue and collective bargaining must be recognized in UN instruments, in particular UNDAFs. The ILO had to be actively engaged in them to ensure adequate reflection of labour issues and the integrity and effectiveness of DWCPs. To facilitate the adoption of relevant economic and social policies at the national level, it was important that those instruments supported comprehensive employment policy frameworks in keeping with the resolution concerning the second recurrent discussion on employment adopted by the Conference in 2014.
96. Within the new strategic approach of the ILO to development cooperation, DWCPs should function as policy documents to guide ILO activities and ensure their coherence with the four strategic objectives of the ILO and the SDGs, especially SDGs 1, 3, 5, 10 and 16. Governments, and in particular their ministries of finance, local governments, the ILO and employers' and workers' organizations should all participate fully in the DWCP process, including through the allocation of resources.
97. Constituents should be fully represented and played a key role in UNDAFs. The ILO, with the support of UN Resident Coordinators, should promote social dialogue in countries where it was not recognized and strengthen the institutional capacity of its constituents to play an active role in it. An ILO strategy was needed to advance a culture of "social rights" within the reformed UN development system, with an expanded role for the social partners and wider recognition of social dialogue. Tripartism should become a key governance tool for the real economy and globalization through the integration of decent work in economic and social policies.

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- 98.** Further efforts were needed to expand the visibility and influence of the ILO by producing academic studies on the impact of the right to organize, collective bargaining and comprehensive employment policies.
- 99.** The Employer Vice-Chairperson stated her group's support for a strong UN system. Reforming the UN provided greater outreach opportunities for the ILO and its constituents to global and national policy-makers. A key challenge of the reform was to ensure the preservation of the core ILO principle of tripartism by fully integrating it in UNDAFs. In addition, the reformed UN Country Teams and Resident Coordinator systems should safeguard the ILO's autonomy and utilize the ILO's comparative advantages. The ILO should improve the responsiveness, efficiency and effectiveness of its field structure in light of the new UN Country Team configuration. It was critical that partnerships with the private sector prioritized representative voices of business, such as the International Organisation of Employers (IOE) and its member federations. The UN Global Compact as a "UN office" did not contain the necessary mechanisms to develop policies and therefore could not speak for businesses.
- 100.** To optimize policy coherence, the ILO should ensure that ministries of labour fully participated in policy-making and expanded their engagement with ministries of finance, foreign affairs and planning. ILO initiatives should be internally coherent to foster office-wide synergies, including by closely integrating its activities with the wider development cooperation activities of the SDGs. The importance of policy coherence had been highlighted by the Conference in 2016 as part of the review of the impact of the Social Justice Declaration, and it would be critical in framing the new generation of UN Country Teams. Since UNDAFs had the potential to improve policy coherence at the national level, it was critical that DWCPs were aligned with them and their relevance, ownership and impact enhanced. There was a need for a forward-looking reassessment of the DWCPs to improve their relevance, national ownership and impact.
- 101.** Governments had a responsibility to create an enabling environment for the private sector and would need to build strong partnerships with businesses if the SDGs were to be achieved. It was important for constituents to be closely involved in project design and implementation, as recommended by meta-analysis of several ILO project evaluations. Employers viewed DWCPs as conceptual rather than results-based documents and believed that there was a need for the ILO to shift, with the effective participation of the social partners, from a project- to a programme-based approach that focused on outcomes and impact.
- 102.** The Government member of Senegal, speaking on behalf of the Africa group, stated that the budgets of ministries of labour could not adequately respond to decent work needs. In view of the fragmentation of governmental entities responsible for the promotion of decent work, ILO support was required to ensure greater policy coherence, improved coordination and increased economies of scale during the planning of country interventions. DWCPs were central in that respect. Ministries of labour should play an enhanced coordination role to bring together multiple government bodies and tripartite actors. As part of the UN reform, Resident Coordinators should possess an advanced knowledge of the ILO to enable consultations with employers' and workers' organizations.
- 103.** It was key that ILO assistance was also extended to governments during the elaboration of national budgets and that awareness was raised about decent work among ministries and national administrations. Specific strategies to attract investors through fiscal reforms or trade agreements should be developed so that foreign direct investment (FDI) contributed to job creation in specific sectors, including through public-private partnerships. Collaboration with other UN entities and alignment with regional economic plans was critical in that regard.

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- 104.** The Government member of Bulgaria, speaking on behalf of the EU and its Member States, indicated that Albania, Montenegro and Serbia aligned themselves with the statement. She reiterated that the EU and its Member States were strong supporters of the UN reform, including the repositioning of the UN development system. The ILO was expected to fully support the Secretary-General's reform agenda as a key implementing partner. To support policy coherence, decent work should be embedded in UNDAFs through the participation of the social partners, and extended to cover national development strategies and budgets. The ILO had to contribute towards the expanded cost-sharing mechanism and strengthen the capacity of UN Resident Coordinators and UN Country Team agencies to engage with the social partners and achieve decent work results, including through innovative partnerships and joint UN programmes. It was recommended that the ILO conducted a renewed review of its field operations to ensure their effectiveness, including through enhanced staff mobility and ad hoc deployment of staff to respond to emerging needs. UN reform was considered as an opportunity to promote tripartism. In order to mainstream the Decent Work Agenda, attention had to be paid by the ILO to vulnerable populations, poverty reduction, decent work for youth and persons with disabilities. It also implied the promotion of economic opportunities and job creation for refugees and in refugee-hosting countries. A strong focus on gender equality and social inclusion was needed in the development cooperation strategy.
- 105.** The Government member of Australia, speaking also on behalf of the Government members of China, New Zealand, Norway, United Kingdom and the United States, commended the ILO's efforts to place gender issues in the mainstream of development cooperation programmes, such as in the Better Work programme. The progress made in the implementation of the ILO Action Plan for Gender Equality was encouraging and the ILO could further embed the issue of gender equality in its operations. Disability should also be mainstreamed in the medium term across ILO development cooperation initiatives, specifically in the development of the new strategy. Disability was a cross-cutting driver to achieving decent work for all. While much remained to be done, the work of the ILO in that respect was reflected in the ILO Global Business and Disability Network and through its membership of the Global Action on Disability Network. She supported the efforts and call to action made by the Government of Kenya together with the United Kingdom and the International Disability Alliance, which would be jointly hosting a Global Disability Summit in July 2018.
- 106.** The Government member of Norway strongly supported the UN reform efforts and acknowledged the flexibility shown by UN member States in reaching an agreement on the draft UN resolution on the repositioning of the UN development system. Key to the reform was the role of UNDAFs as the main instruments for planning and implementing UN development activities, and the establishment of an independent Resident Coordinator. It was particularly important for the ILO to reach a clear understanding, with all parties, on how its tripartite structure could be both protected and promoted through the new structures and UNDAFs. UN reform should be considered as an opportunity to bring social dialogue into the mainstream of development planning and implementation, as the social partners were too often excluded from local and national development processes. The ILO needed to work with other UN partners with a normative mandate to ensure that future Country Teams were enabled to fulfil the UN's normative functions, including the universal ratification and implementation of the eight ILO fundamental Conventions. The ILO should also critically assess how its operations at the country level could contribute to the pooling of resources, including logistical and office services.
- 107.** The Government member of Algeria noted that the Paris Agreement on Climate Change, the AAAA and the Sendai Framework for Disaster Risk Reduction 2015–2030 provided a useful framework to guide the work of the ILO and its future development cooperation strategy. The adaptation and extension of the Partnership for Action on Green Economy to other countries would be useful and could be considered as a channel for development assistance.

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The tripartite nature of the ILO and the instruments at its disposal meant that the ILO would be very well placed to fulfil a leading role in such an initiative. Moreover, ILO influence in the High-Level Committee on Programmes should be harnessed to further promote the mandate of the Organization.

- 108.** The Government member of Mozambique appreciated the shift from technical assistance to development cooperation. He noted that in the past, projects implemented with ILO assistance had not been aligned with national priorities and lacked the involvement of other UN agencies. The ineffectiveness of some projects was a result of a lack of mobilization of funds by the ILO and weak national ownership. There had been a marked change in 2015 when the ILO and the Government opted to incorporate strategies to promote decent work in the national employment policy, involving all public institutions and the social partners. He highlighted the experience of the Southern African Development Community (SADC) regional forums for best practices as a key contribution to development cooperation. In conclusion, employment should be central not only to the ILO and other UN agencies but also to IMF and World Bank programmes.
- 109.** The Government member of Sri Lanka said that the tripartite nature of the ILO was key to the achievement of the SDGs. Social dialogue could play a major role in mainstreaming decent work in national development plans. The ILO should develop a network of ministries to help advocate decent work, which would need to be adjusted to countries' changing priorities and aligned with national policies. The ILO should provide countries with technical assistance in data collection and analysis to provide for evidence-based policy making and the reduction of knowledge gaps.
- 110.** The Government member of the United States encouraged the ILO to continue to play an active role in the UN reform process at the highest level and within UN Country Teams. It was important to promote understanding of employment and labour issues, including in countries where the ILO did not have an office. In countries in which the tripartite partners have negotiated a DWCP, the ILO should bring that understanding to the table in national development and UNDAF processes. The ILO's response to national priorities should be premised on evidence-based programmes to demonstrate outcomes, which contributed to national strategies. Shifting from pilot projects to the scaling up of approaches that had proven to be effective was needed. It was critical for the ILO to demonstrate the impact of its programmes and projects through rigorous evaluations. The findings of evaluations needed to be integrated across the spectrum of the ILO's work.
- 111.** The Government member of the Republic of Korea said that the ILO had made a substantial contribution to the SDGs and to the implementation of development policies at the national level through the DWCP and within the UNDAF. The multilateral partnership of the GPEDC collaborated with different stakeholders to enhance the effectiveness of development cooperation and the ILO could strengthen its ties with the GPEDC. Since 2004, the Korea–ILO Partnership Programme had striven to improve the linkage with DWCPs in its implementation process and enhance performance assessment. It was important to secure policy coherence at the national level, prevent project fragmentation and improve performance-based assessment in order for DWCPs to contribute effectively to UNDAFs. In that regard, ILO regional offices played a key role in reflecting the needs and priorities of countries in the design and resource allocation of development cooperation projects.
- 112.** The Government member of Mexico noted that collaboration with UN resident agencies was a priority in the development of joint programmes. An analysis of the impact of national trends, demographic changes, technology, informality and climate change should be incorporated in DWCPs and UNDAFs in order to contribute to SDG 8. Addressing the AAAA and the 2030 Agenda required partnerships between the public and the private sectors for a transition towards sustainable development models, with an integrated approach

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addressing economic inequalities, deterioration of ecosystems and technological and demographical changes. Against that backdrop, the Mexican Agency for International Development Cooperation had established the Alliance for Sustainability, a platform for strategic collaboration between the public and private sectors for international development cooperation projects for the implementation of the 2030 Agenda.

- 113.** The Government member of the Philippines said that alignment with national development plans and UNDAFs provided clarity in relation to the ILO's work on the SDGs, easier collaboration with the UN and other partners and therefore created greater efficiency and effectiveness. It also opened access to broader sources of funding for ILO constituents. The interrelated and interconnected nature of the SDGs echoed the four mutually supportive strategic objectives of the Decent Work Agenda, which were key to addressing the challenge of policy coherence. The UN system, in particular UN Country Teams, had to seek joint priorities and modes of implementation. The ILO was well placed to contribute across the full range of SDGs.
- 114.** The Government member of the Syrian Arab Republic highlighted the repercussions of his country's current situation with regard to workers' rights and decent work. It was important to address the specific needs of Syrian refugees in Jordan and Lebanon, many of whom were living in poor conditions and with their labour rights denied. His Government had made efforts towards the facilitation of the return of workers, and labour policies in that regard were being established.
- 115.** The Government member of Iraq said that the UN and the ILO played complementary roles, as reflected in human rights treaties. In particular, there was a significant link between the work of the ILO and the Universal Declaration of Human Rights, which established the basis for achieving social justice in the world of work. The Social Justice Declaration offered protection against the risks of unregulated globalization. The broad implementation of those principles through targeted efforts should be ensured. His country fully supported the SDGs, particularly SDGs 3, 5 and 16, and considered that the best approach to address needs at the national level would be to increase exchanges and mutual support among ILO regional offices, and to encourage national tripartite dialogue. To that end, the involvement of the private sector would be extremely important. There was a need to boost capacity in the interest of fostering economic development, decent work and economic growth.
- 116.** The Government member of New Zealand welcomed the inclusion of the just transition to environmental sustainability as a cross-cutting policy driver in the ILO's Programme and Budget for 2018–19, along with the launch of the Green Initiative, as a recognition of the importance of climate change in the context of the SDGs. Just transition required long-term planning and immediate action to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. Policy coherence was critical to ensure that technological development would lead to inclusive and sustainable economic growth. An integrated approach covering sustainable enterprises, skills development and social protection would be required, as well as cooperation and partnership among all levels and all actors. New Zealand supported the continuation of the ILO's efforts and leadership to adjust to the future of work through a just transition.
- 117.** The Government member of Argentina recalled the importance of the 2030 Agenda and the key role of the ILO through its international labour standards, its tripartite structure and the universal nature of the Decent Work Agenda. His country supported the ILO's efforts for greater integration in order to achieve the SDGs and had started to adapt the SDG targets to the national context through participatory, people-centred and efficient policies. His country attached particular importance to complying with the targets related to the achievement of decent work, quality youth employment, safe and secure working environments and the eradication of forced and child labour. Although committed to achieve all of the SDGs,

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Argentina considered decent work as an essential pillar of sustainable development. Compliance with SDG 5 was also deemed critical to create the conditions for women to benefit from economic transformation and growth. The achievement of the SDGs called for additional resources and the development of strategic and long-term alliances with multiple stakeholders. UNDAFs would be the most important tools to ensure increased relevance, impact and sustainability of capacity development activities. Development cooperation would only be effective if the State assumed responsibility for retaining and sustaining the capacity developed.

- 118.** The Government member of India underscored the relevance of DWCPs and the importance of their planning, monitoring and evaluation with the involvement of different ministries. The alignment between DWCPs and UNDAFs was critical to both increase the level of engagement among partners and identify resource gaps. More care should be given to national priorities and strategies to build and reinforce DWCPs. Training programmes for social partners and the sharing of knowledge and practices could contribute to mainstreaming decent work into national policies and strategies.
- 119.** The Government member of Canada supported the UN reform to reduce overlaps between the roles and responsibilities of the UN development system and a results-oriented mandate for coherence and collaboration. UN leadership capacity was critical to enable strengthened integration of cross-cutting themes, such as gender equality and climate change. The realignment of the functions of UN Country Teams and Resident Coordinators and of UNDAFs to be the central instruments for UN development system efforts at the country level was important to ensure coherence and integration in programming. Gender equality and the empowerment of women needed to be at the centre of policies and efforts.
- 120.** The Government member of Ghana supported the Africa group's statement and reiterated that SDG 8 was central to the SDGs. Robust DWCPs, effectively mainstreamed into national development plans, were an effective way to advance decent work and contribute to the SDGs' commitment of leaving no one behind. Capacity building, strengthened labour administration and labour market information to support informed policy decisions were critical aspects for the implementation of the SDGs. The lack of productivity measurement tools should be addressed by the ILO as productivity gains could strengthen domestic private and public investments towards the financing of the SDGs.
- 121.** The Government member of Lebanon underscored that the Syrian refugee crisis in Lebanon presented serious repercussions, in particular on employment and livelihoods. She explained that the situation could not be solved by the Government alone and that collaboration with the UN development system and other actors was crucial. Such collaboration required not only resources but also strengthened technical capacity.
- 122.** The Worker Vice-Chairperson noted the points of convergence coming out of the discussion, such as the centrality of tripartism, social dialogue and decent work in the UN reform process, the need to engage social partners in UNDAFs, the importance of policy coherence among various ministries and within the UN system, as well as the need to strengthen the capacity of UN Resident Coordinators to uphold ILO principles and instruments.
- 123.** The Employer Vice-Chairperson highlighted the opportunity presented by the UN reform for the promotion of decent work and the need to integrate labour issues in national development plans and UNDAFs. Employment promotion, including in collaboration with international financial institutions, and the role of the private sector were important for the achievement of the SDGs. DWCPs should be opened up to other government entities, and their performance and impact on livelihoods continuously monitored and measured.

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**Point 4. In the context of the financing for development, partnerships and innovative funding trends – also being promoted in the UN reform – what are the roles and responsibilities of governments, employers’ and workers’ organizations and the Office in ensuring the achievement of decent work outcomes at national level at large? What would be the optimal combination of partnerships and modalities, including with business and civil society for adequate funding of an effective and accountable ILO development cooperation?**

124. The Employer Vice-Chairperson noted that in the context of SDG 17 on partnerships, the private sector played a key role in development cooperation. Public–private partnerships, multi-stakeholder platforms and business networks had all successfully advanced the ILO’s Decent Work Agenda in support of the SDGs by providing expertise and new products, technologies and services, as well as cost-sharing and in-kind contributions. Therefore, the ILO’s public–private partnerships policy needed to be strengthened with a focus on building the capacity of employers’ organizations, and a comprehensive multi-stakeholder partnerships strategy should be adopted to build long-term, integrated and multifaceted partnerships with the private sector. In addition, a greater emphasis on results-based management and monitoring and performance-based objectives was needed to retain and expand the ILO’s partnership base.
125. New SDG initiatives, such as Alliance 8.7, the Global Initiative on Decent Jobs for Youth and the multi-stakeholder partnership for SDG target 1.3, should establish clear objectives, buy-in from constituents and ensure better responsiveness to countries’ needs to ensure coherence and avoid duplication. Dedicated business networks, such as the Child Labour Platform, the Global Business Network for Social Protection Floors, the ILO Global Business and Disability Network and Global Business Network on Forced Labour and Human Trafficking, had demonstrated how to effectively share knowledge and good practices. The ILO should expand its collaboration with other agencies, including the World Bank, the Organisation for Economic Co-operation and Development (OECD) and the United Nations Development Programme (UNDP), whose business model was exemplary for development cooperation. Such collaboration was necessary for pooling synergies for the promotion of job creation, lifelong learning and formalization.
126. A conducive business environment, especially for SMEs, was critical given the enormous financial contribution of the private sector to national development, both directly through taxation and indirectly through wages. FDI needed to be promoted as a crucial source of financing and the ILO should support policy solutions that optimized the positive effects of FDI. Competition for resources among UN agencies should not lead the ILO to compromise on the core principles of social dialogue and tripartism. The ILO’s share of resources for development cooperation was relatively small and often too widely dispersed to have a significant impact.
127. Governments should increase national funding to the DWCPs, which should be reassessed to reflect national priorities. The ILO must demonstrate a greater agility and capacity to deliver, with evidence of results achieved, in order to attract increased resources for development cooperation, including from UN pooled funds and joint programmes. That could be achieved through the ILO flagship programmes, which were intended to demonstrate impact and collaboration with constituents but needed to be adequately funded in a manner that was complementary to other priority outcomes. The ILO should influence the design of, and participate in, the funding compact foreseen by the UN reform and seek

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innovative financing mechanisms and solutions, including technology-based approaches and tax incentives to foster private investment.

- 128.** The Worker Vice-Chairperson said that governments could save large numbers of citizens and workers from poverty and inequality by respecting the ILO's standard-setting framework and putting into practice the Decent Work Agenda and social protection systems. ODA, in particular the commitment to earmark 0.7 per cent of GNI for development cooperation, remained a key resource for implementing the 2030 Agenda. The private sector also had a key role to play in the implementation of the SDGs, in terms of respect for trade union and labour rights, decent wages, input to social protection systems and respect for occupational safety and health and for environmental standards. The normative framework of the ILO, the revised MNE Declaration and the UN Guiding Principles on Business and Human Rights were examples of important tools that guided private enterprises to contribute to the SDGs. However, tax evasion by the main multinational enterprises had diverted enormous sums from ODA and thereby from the implementation of the Decent Work Agenda and social protection systems. The role of the ILO was important in ensuring the incorporation of labour provisions in trade agreements and in facilitating the engagement of social partners in trade, investment and multilateral financial policy. Although the sums involved gave cause for reflection – only 1 per cent of required global development resources were available within the UN system, 1.3 per cent of which represented ILO resources – that was not a reason to privatize development or compromise on the SDGs.
- 129.** The ILO should work with enterprises to improve conditions of work in keeping with ILO Conventions and Recommendations. Public–private partnerships should be redefined not only to obtain funds for development cooperation but also to guarantee decent work and social dialogue, including across national borders and throughout the supply chain of private entities. The core values, normative mandate and tripartism of the ILO, and inclusion of the social partners, should be taken into account when designing public–private partnerships and South–South and triangular cooperation programmes. It was important for the Office to strengthen its internal governance procedures and to centralize all requests at headquarters for the selection of private entities under public–private partnerships, in consultation with the Bureau for Workers' Activities (ACTRAV) and the Bureau for Employers' Activities (ACT/EMP). Such strategically realigned public–private partnerships would strengthen the mandate and effectiveness of the ILO at the national and international levels and in the multilateral context.
- 130.** The ILO should be an important player and promoter in the regulatory process for the new private sector financing mechanisms advocated by the UN reform and should have a set of criteria for engagement. Where new financing mechanisms were used to support development cooperation programmes with private entities, governments should ensure that principles and criteria of engagement were established that included and respected the rights of the social partners and ensured responsible governance, transparency and results-based frameworks for evaluation. There was a risk of conflict of interest in the use of public–private partnerships for the financing of infrastructure and public services, with potential negative impacts on universal access and quality of services.
- 131.** The ILO should expand its engagement and visibility in international development cooperation policies, such as with regional and global UN bodies, the Forum on Financing for Development and the Global Partnership for Effective Development Cooperation. While maintaining its core tripartite values, the ILO should actively seek alliances with other relevant actors, including civil society, and support social dialogue, freedom of association and collective bargaining as a means of implementing the SDGs. A roadmap was needed for the ILO's involvement in the High-Level Political Forum on Sustainable Development of the UN General Assembly to be held in 2019, where SDG 8 was to be reviewed.

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- 132.** The Government member of Senegal, speaking on behalf of the Africa group, noted the importance of partnerships and funding to achieve the aspirations of Agenda 2063 and stated that financing should be addressed at two levels. At the first level, it was necessary to strengthen domestic resource mobilization, with more efficient public expenditure systems, as well as financial and technical support to reinforce industrial and private sector development including the growth of trade. The Africa Action Plan for Development Effectiveness included principles and mechanisms for national resource mobilization, sovereign strategic funds through capital markets, and platforms and reinforced capacities to foster public–private partnerships. His group suggested defining tailored domestic resource mobilization and cooperation models, enhancing social and microfinance institution participation in financing, mobilizing resources from the diaspora, supporting countries in establishing partnerships for investments leading to job creation while fostering corporate social responsibility, social partners’ participation in the development of innovative programmes for economic growth, and attracting private investment for development cooperation. ILO support for a programme for the transition from the informal to the formal economy was requested. The second level involved innovative mechanisms as a means of fostering development cooperation. For example, in 2017 constituents in the African region had adopted a framework of action for South–South cooperation and decent work.
- 133.** The principles of results-based management, monitoring and evaluation and adequate resources for labour administrations were important. Employers’ organizations had to promote the respect of rights in the private sector and in public–private partnerships. Strong and representative workers’ organizations could contribute to the development of funding strategies. The Office should take advantage of the UN reform to increase efficiency and position the Decent Work Agenda at the centre of the UNDAFs. Constituents should also be supported to reinforce their capacities to absorb resources.
- 134.** The Government member of China, speaking on behalf of ASPAG, said that he provided his comments based on principles, technicalities and operations. On principles, he regarded development cooperation as critical for the provision of public goods to reduce decent work deficits that brought positive outcomes for all and constituents had a shared responsibility for the achievement of the SDGs. On technicalities, the Office had to further engage in multi-stakeholder partnerships. South–South and triangular cooperation was a vehicle for countries to address their needs with the support of other countries from the Global South, which was complementary to North–South cooperation. The Office should make efforts for more adaptable, innovative and diverse funding, including from the private sector and domestic sources. The ILO should continue to mainstream gender and disability issues into its programmes. On operations, the Office should implement the decentralization policy and strengthen field and headquarters collaboration through global task teams. Integrating DWCPs into UNDAFs and national frameworks was a shared responsibility of the constituents and country ownership in the projects was important as well as the capacity building of constituents.
- 135.** The Government member of Bulgaria, speaking on behalf of the EU and its Member States, indicated that Albania, Bosnia and Herzegovina, Montenegro, Norway, Serbia and the former Yugoslav Republic of Macedonia aligned themselves with the statement. The group was committed to providing collectively 0.7 per cent of GNI as ODA within the time frame of the 2030 Agenda, however, it was not enough and new partnerships, innovative financing models and domestic resources were required, as referred to in the AAAA. The ILO should seek productive, inclusive, innovative and multi-stakeholder partnerships such as the ones applied in corporate social responsibility and sustainable business models. Such partnerships should be aligned with labour standards, take into account climate and environmental perspectives, as well as the outcome document of the 2018 ECOSOC Forum on Financing for Development follow-up. The ILO should elaborate its partnerships and policy coherence

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strategy mentioned in the Office report as a follow-up to the 2016 Quadrennial Comprehensive Policy Review resolution. It should increase its collaboration with other multilateral agencies, civil society organizations, financial institutions and development banks, private companies and representatives of actors in the informal and rural economy, while promoting and safeguarding the principle of tripartism and social dialogue. The ILO–IFC Better Work programme was a good example of an innovative and comprehensive partnership.

- 136.** The ILO should continue to engage with donors for an increase in flexible funding modalities such as RBSA, to which some EU Member States were the first to contribute. The EU supported the introduction of the 1 per cent levy from non-core contributions and doubling the contribution of the ILO to the cost-sharing arrangement for a strengthened Resident Coordinator system. The ILO development cooperation strategy should focus on results, increased policy coherence by ensuring that both DWCPs and UNDAFs promoted labour standards, strengthened joint actions with other UN agencies and assessed impact. It should also apply internationally agreed principles such as transparency, accountability, focus on results, country ownership and inclusive partnerships. It should be adaptable and responsive to changing national priorities and take into account climate and environmental issues, support gender equality, disability inclusion, non-discrimination towards LGBTI (lesbian, gay, bisexual, transgender and intersexed) persons and include focus on social protection and youth employment.
- 137.** In conclusion, the ILO should involve the social partners in: (i) ensuring its work on partnerships at all levels to bring a wide range of stakeholders together; (ii) pursuing new forms of resource mobilization for flexible funding with traditional and non-traditional donors; and (iii) improving results reporting to demonstrate value for money.
- 138.** The Government member of the Philippines, speaking on behalf of the Association of Southeast Asian Nations (ASEAN), supported any reforms in the UN and the ILO that would strengthen partnerships among tripartite constituents and improve the living conditions of workers. The ILO had an important role to play to achieve SDG 8 and could not do it alone given its limited resources and had to be supported by its tripartite constituents. In order to reallocate funds to appropriate priorities, he recommended the assessment of the work and accomplishments of the ILO in development cooperation by a third party and the monitoring by the UN of specialized agencies, including the ILO, to prevent duplication of activities.
- 139.** The Government member of the United States stated that the Office could assist its tripartite constituents in articulating the impact of decent work on development to the policy-makers of their countries, so that this was duly considered in national budget and resource allocations. The ILO should continue to improve the data provided through its Development Cooperation Dashboard. The ILO should use learning from evaluations to strengthen its activities in areas such as labour law enforcement, apprenticeship and women’s economic empowerment. Resource mobilization and partnerships as well as South–South and triangular cooperation needed to be expanded. Effective partnerships with the private sector and other organizations could advance labour and employment issues.
- 140.** The Government member of Algeria supported the statement made by the Government member of Senegal on behalf of the Africa group. He observed the emergence of new approaches towards financing for sustainable development and resource mobilization that included private sector financing. Algeria funded a South–South cooperation programme on social protection and social dialogue as part of new approaches towards development financing.
- 141.** The Government member of Switzerland supported pooled operational services among the UN agencies in the field. The physical presence of the ILO in each region was not necessary

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but the tripartite structure had to be ensured. The ILO should intensify its cooperation with the private sector to diversify its sources of funding and develop scenarios to increase voluntary contributions by 2030. It was the responsibility of governments to create enabling conditions for promoting employment and inclusive growth and to include labour provisions in trade agreements. The ILO should be more active on issues linking trade and cooperation.

142. The Government member of Egypt supported the statement made by the Government member of Senegal on behalf of the Africa group. Promoting investment, including local investment, through the adoption of necessary legislation was important. Guarantees were required for investors and SMEs so that wages could be raised and labour provisions had to be included in trade agreements. Public–private partnerships, including with civil society organizations, should be part of the ILO’s strategy on development cooperation.
143. The Government member of the Syrian Arab Republic mentioned that all parties needed to be involved in effective development cooperation. An ILO study conducted on the situation of Syrian workers in Lebanon illustrated that Syrian workers were in competition with Lebanese workers for jobs in the construction and farming sectors. In 2007, the Syrian Arab Republic had adopted cooperation agreements with Lebanon to ensure that workers from both countries enjoyed similar working conditions. Decent work and the protection of workers’ rights were important. He supported the statement made by the Government member of China.
144. The Government member of Brazil spoke about the role and responsibilities of both the ILO’s constituents and the Office in fostering partnerships and providing adequate funding for ILO development cooperation. Capacity building and strengthening local institutions to promote the Decent Work Agenda was important. There were opportunities of trilateral cooperation between Brazil, the ILO and third countries, especially to eliminate child labour. An example of success was the South–South cooperation for the promotion of decent work in cotton-producing countries in Africa and Latin America. An improved coordination of field operations with other international organizations was required to implement both the 2030 Agenda and the UN reform and ensure increased coherence between field activities and national policies. ILO development cooperation needed to focus on key priorities, safeguard gender equality and use the MNE Declaration in its cooperation with the private sector. The ILO should play an important role in the Second High-level UN Conference on South–South Cooperation taking place in Argentina in March 2019. Caution should be observed while considering recommendations from reports of the supervisory system of the ILO in the context of the ILO’s development cooperation so as not to impose conditionalities unduly. There were limitations in promoting the Decent Work Agenda by using solely a rights-based approach; it had to be combined with an employment-based approach. Tackling youth unemployment as well as other forms of discrimination in labour markets, especially discrimination against women as well as discrimination against persons with disabilities, should be an integral part of development cooperation.
145. The representative of Palestine asked the Office and those present how it could achieve development when it was under the yoke of colonization and occupation. Palestine faced multiple obstacles to achieving development because of the occupation. He questioned how Gaza could be developed when it had been occupied for 12 years, the water and sea were polluted, schools were being demolished and it was being bombarded. The West Bank had blockades dividing its streets and limited access to its natural resources. The Palestinian Government was working seriously to implement decent work, despite the difficulties. Social dialogue had been institutionalized with the support of the ILO and three laws related to social dialogue, specifically on social security, minimum wages and trade union work, had been adopted.

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- 146.** The Government member of the Philippines noted that ILO constituents had a major role to play to promote public, private, national and international financing of decent work outcomes. ILO development cooperation could leverage a range of financial sources and ensure effective participation of the tripartite constituents in policy making and implementation so that decent work outcomes could be achieved at the national level. Greater cooperation between government, the social partners, civil society organizations and country offices was needed to deliver on agreed commitments. Regular reporting of the financial status of development cooperation projects could be maximized through the use of modern technologies to secure and maintain transparency. The AAAA emphasized domestic resource mobilization for the implementation of sustainable development strategies. The ILO would have to prepare for new challenges and opportunities by reinforcing the capacity of its constituents to position themselves prominently in national implementation strategies.
- 147.** The Government member of Ghana supported the statement made by the Government member of Senegal on behalf of the Africa group. He stated that financing for development and sustaining partnerships was an important determinant for effective implementation of national policies. The ILO needed to review the frameworks for accessing pooled funds and such frameworks had to be adapted to the specificities of member States. To ensure that economic growth would lead to the creation of decent jobs, governments had to work together with the social partners, the private sector, social actors, philanthropic institutions and civil societies. Collaboration between governments and the private sector through public–private partnerships and bilateral agreements would require an efficient and effective public service system that adequately responded to the growth and development of the private sector. Ghana was currently implementing a medium-term public sector reform programme to enable the private sector to thrive. Instituting strong national monitoring and evaluation systems to measure progress of programme outcomes was the responsibility of governments. Ghana was in a position to undertake that role with its newly created Ministry of Monitoring and Evaluation.
- 148.** The Employer Vice-Chairperson noted the responsibility of the Committee to make the ILO fit for purpose and capable of delivering on its mandate in the context of the SDGs and UN reform. From the perspective of employers, the conclusions of the Committee’s deliberations should include the following points: (i) ILO development cooperation should support employment promotion, an enabling environment for sustainable enterprises and SMEs and the transition to the formal economy; (ii) DWCPs had to be needs-based and demand-driven and embedded in the reality on the ground; (iii) supply-driven projects must be replaced by long-term programmes that delivered sustainable results and respected gender equality, including women’s entrepreneurship and leadership; (iv) while preserving tripartism and social dialogue, ILO influence in UN reform should be expanded to ensure the full integration of DWCPs in UNDAFs, and the field structure reviewed in the context of a reformed UN; (v) a more effective engagement of the ILO with the private sector was needed to promote investment, job creation, apprenticeship opportunities and workplace solutions, avoiding conditionalities which could discourage private sector engagement and making full use of public–private partnerships; (vi) capacity building should focus on the institutional development of constituents and be supported by well-resourced programmes for the social partners to help them to assert their role in the national SDG process; (vii) the ILO should resource development cooperation by a mix of traditional and new funding mechanisms; (viii) governments had to provide enabling conditions for social dialogue in national development planning, and the ILO should ensure the involvement of the social partners in such arrangements; (ix) policy coherence was key within the ILO as well as a clear responsibility of governments and the ILO should promote it in partnership with international financial institutions and UN agencies; and (x) the ILO should be wary of promoting labour clauses in trade agreements in the absence of reliable evidence to support it.

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149. The Worker Vice-Chairperson noted that governments and the private sector had an important responsibility in implementing the SDGs and development cooperation was necessary to complement their efforts. Decent work was critical to the well-being of workers, and South–South and triangular cooperation should incorporate social dialogue and gender equality. In addition, governments were responsible for ensuring the accountability and transparency of results, and for ensuring the inclusion of the social partners. The Workers’ group was concerned about UN reform and its implications for the future of the ILO, and hoped that the ILO would be invited to participate fully in ongoing discussions by the General Assembly on the reform of the Resident Coordinator system. International labour standards, social dialogue, the right to collective bargaining, the ILO’s tripartite structure and capacity building were all essential to the regulation of labour markets and should be fully integrated in UN frameworks and in ILO development cooperation. The ILO should also increase the needs-based capacity development of the social partners, in particular in its five flagship programmes. The ILO needed to increase its visibility and promote social dialogue as a democratic governance instrument.

## **Discussion of the draft conclusions**

### **Preamble**

#### ***Title***

150. The title of the preamble was adopted.

#### ***First preambular paragraph***

151. The first preambular paragraph was adopted.

#### ***Second preambular paragraph***

152. The Employer Vice-Chairperson introduced an amendment to insert “core labour” before “standards” with a view to maintaining a focus on the fundamental principles and rights at work.

153. The Worker Vice-Chairperson did not support the amendment and considered it to be restrictive.

154. The Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment and noted that it was important to take into account the entire body of international labour standards. The preamble was well balanced and did not need any further changes.

155. The Government member of Senegal, speaking on behalf of the Africa group, did not support the amendment. It was too restrictive and would exclude important technical labour standards.

156. The amendment was not adopted.

157. The Government member of Brazil, speaking also on behalf of the Government member of India, introduced an amendment to insert “, the Universal Declaration of Human Rights (1948) and the Buenos Aires Plan of Action for Promoting and Implementing Technical

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Co-operation among Developing Countries (1978)” after “(Social Justice Declaration)”. The purpose of the amendment was to reaffirm the core principles on labour-related rights which were universally acknowledged. He highlighted in that regard the provisions of Article 23 of the Declaration of Human Rights and the milestone for South–South cooperation represented by the Buenos Aires Plan of Action.

- 158.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 159.** The Government member of China supported the amendment and observed that it added weight to the preamble.
- 160.** The amendment was adopted.
- 161.** The Government member of the United States, speaking also on behalf of the Government member of Canada, introduced an amendment to replace “provide relevant guidance” with “recognize the importance of decent work”; it would emphasize the importance of decent work principles in the texts cited.
- 162.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 163.** The amendment was adopted.
- 164.** The second preambular paragraph was adopted as amended.

### ***Third preambular paragraph***

- 165.** The Government member of Brazil, speaking also on behalf of the Government member of India, submitted an amendment to replace “in line with” by “, taking into account, as appropriate,”. Given that the Busan Principles and the Nairobi Outcome Document had no binding relation with the ILO, it was not appropriate to seek a strict alignment with those principles.
- 166.** The Employer Vice-Chairperson supported the amendment.
- 167.** The Worker Vice-Chairperson did not support the amendment; it weakened the meaning of the sentence.
- 168.** The Government member of Senegal, speaking on behalf of the Africa group, pointed out that though the principles of transparency and accountability were interesting not everything in the two referenced texts was relevant. He supported the amendment.
- 169.** The amendment was adopted.
- 170.** The third preambular paragraph was adopted as amended.
- 171.** The preamble was adopted as amended.

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## **Part I**

### ***Title***

172. The title of Part I was adopted.

### ***Point 1***

173. The Employer Vice-Chairperson introduced an amendment to insert “, among others,” after “through” in the first line. It was important to acknowledge that there were other kinds of changes occurring in the world of work in addition to those specifically mentioned.

174. The Worker Vice-Chairperson supported the amendment.

175. The amendment was adopted.

176. The Employer Vice-Chairperson introduced an amendment to replace “diffusion” by “transformation” to clarify that technology was not merely spreading in the world but was changing.

177. The Worker Vice-Chairperson supported the amendment.

178. The amendment was adopted.

179. The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to add “Yet poverty persists.” after the first sentence. The aim was to emphasize the importance of the eradication of poverty in relation to SDG 1 and ILO development cooperation.

180. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.

181. The Government member of India did not support the amendment and said that she considered poverty to be independent from the factors listed in the first sentence.

182. The Government members of Bangladesh, Brazil and Eswatini (formerly known as Swaziland) did not support the amendment.

183. The amendment was adopted.

184. The Employer Vice-Chairperson introduced an amendment to delete “income”. The purpose was to acknowledge other inequalities besides income inequality that affected youth, women and other groups.

185. The Worker Vice-Chairperson did not support the amendment. A focus on income was necessary and SDG 10 alluded specifically to it.

186. The Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment.

187. The amendment was not adopted.

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188. The Government member of Senegal, speaking on behalf of the Africa group, introduced an amendment to insert “, in particular those developing in the informal economy and the rural economy.” after “labour market”. The aim was to make the text more inclusive.
  189. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
  190. The Government members of China and Eswatini, and the Government member of France, speaking on behalf of the EU and its Member States, supported the amendment.
  191. The Government member of the United States proposed a subamendment, seconded by the Government member of New Zealand, for the proposed change to read as a sentence: “Access to decent work remains a challenge in the informal and the rural economy.”
  192. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the subamendment, as did the Government members of Australia, and Senegal, speaking on behalf of the Africa group.
  193. The subamendment was adopted.
  194. The amendment was adopted as subamended.
  195. The Government member of Turkey introduced an amendment to add after the last sentence “In particular, the large volume of refugees imposes huge burdens on the economies of certain countries. These burdens should be reduced through international cooperation so as to ensure a balanced and fair burden-sharing.”
  196. The Government member of France, speaking on behalf of the EU and its Member States, supported the principle of inserting a reference to refugees. He proposed a subamendment for the sentences to read “In particular, large numbers of refugees may place unduly heavy burdens on the economies of host countries. These burdens should be reduced through international cooperation so as to ensure more predictable and equitable burden and responsibility sharing.”
  197. The Employer Vice-Chairperson stated the view that given the serious and far-reaching nature of the issue, such an amendment should not be introduced at the present stage of the discussion. The issue had not been discussed earlier in the Committee’s deliberations and her group was not in a position to support the amendment.
  198. The Worker Vice-Chairperson supported the subamendment; it was in line with the discussion on the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), which had been held in 2017.
  199. The Government member of Lebanon stated that her country supported the amendment and subamendment. She introduced a further subamendment, seconded by the Government member of Jordan, to insert “and disrupt the labour market” after “host countries”, replace “These burdens should be reduced” with “These burdens should be addressed and reduced” and add “and durable solution to refugees crisis“ at the end of the sentence. The large number of refugees in her country had a strong impact on the labour market and caused competition between refugees and nationals. Assistance from the international community was needed to reduce the burden and find durable solutions to refugee crises.
  200. The Government member of Turkey underscored that the plight of refugees in the Middle East was well known. It placed enormous responsibility on neighbouring countries and

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required concrete international coordination and response. It was important that point 1 put strong emphasis on the issue in relation to decent work and labour market issues.

201. The Employer Vice-Chairperson appreciated that the topic under discussion was a major issue. However, as the matter had not been addressed in the plenary of the Committee or in the Drafting Group, she considered the introduction of the topic through the amendment process to be a procedural problem.
202. The Chairperson drew the Committee's attention to the last sentence of point 1 which read "Crisis situations arising from conflicts and disasters have impacted many countries, leading to forced displacement." The proposed amendment enhanced that particular sentence by focusing on a specific aspect of it, and was therefore receivable.
203. The Worker Vice-Chairperson said that the further subamendment should not hold up the discussion. He supported the amendment introduced by the Government member of Turkey and the subamendment proposed by the EU and its Member States and expected both to meet broad consensus.
204. The Government member of France, speaking on behalf of the EU and its Member States, said that he understood the concerns voiced by the Government members of Lebanon and Jordan. It was important, however, to keep the text balanced; it did not need any further subamendment.
205. The Government member of Senegal, speaking on behalf of the Africa group, supported the subamendment proposed by the EU and its Member States, in the interest of reaching a consensus on the issue of refugees. He pointed out that the term "disrupt the labour market" in the subamendment introduced by the Government member of Lebanon was pejorative.
206. The Government member of Pakistan supported the subamendment proposed by the EU and its Member States. The challenge faced by host countries such as Jordan and Lebanon was understood by all. He indicated that the further subamendment proposed by the Government member of Lebanon was in line with Recommendation No. 205 and the ILO Guiding principles on the access of refugees and other forcibly displaced persons to the labour market. He called on the Employers' group to support the amendment and the subamendment.
207. The Government member of the United States did not support any amendment to the text. She shared the view of the Employers' group that this was not a feature of the plenary discussion and that the purpose of the Committee was to provide guidance to the ILO for improving the effectiveness of its development cooperation.
208. The Government member of Bangladesh supported the further subamendment introduced by the Government member of Lebanon and commented that his country faced similar challenges with Rohingya refugees.
209. The Chairperson declared that the further subamendment submitted by the Government member of Lebanon did not have sufficient support and therefore was not adopted. He moved the discussion to the subamendment proposed by the EU and its Member States and noted that there was adequate support.
210. The Government member of the United States proposed a further subamendment to replace "international cooperation so as to ensure more predictable and equitable burden and responsibility sharing" with "responsibility sharing".

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- 211.** The Employer Vice-Chairperson seconded the further subamendment proposed by the Government member of the United States.
- 212.** The Worker Vice-Chairperson reiterated his support for the subamendment proposed by the EU and its Member States and recalled that the issue had been discussed at length over the previous two years as part of the process leading to the adoption of Recommendation No. 205. His group did not oppose the further subamendment proposed by the Government member of the United States but wished to hear the views of more Government members.
- 213.** The Government member of Pakistan did not support the further subamendment proposed by the Government member of the United States and said that it removed the essence of the text.
- 214.** The Government member of Lebanon did not support the further subamendment. She stressed that it was essential to retain the reference to “international cooperation”.
- 215.** The Government member of China recalled that the conclusions were on development cooperation hence the words “international cooperation” should be kept in the text. He supported the subamendment proposed by the EU and its Member States.
- 216.** The Government members of Bangladesh, Turkey, and France, speaking on behalf of the EU and its Member States, did not support the further subamendment.
- 217.** The Government member of the United States proposed a further subamendment to retain “international cooperation” in the sentence. It was seconded by the Employer Vice-Chairperson.
- 218.** The Government member of India proposed a further subamendment to delete “host”, as disasters could happen within countries.
- 219.** The Chairperson requested that the subamendment proposed by the EU and its Member States be addressed before further subamendments were considered.
- 220.** The Government member of Pakistan did not support the further subamendment proposed by the Government member of the United States. The correct terminology on the issue of burden and responsibility sharing should be taken from Recommendation No. 205 which had clear references to it.
- 221.** The Government member of France, speaking on behalf of the EU and its Member States, did not support the further subamendment. He stated that the initial subamendment had consensus.
- 222.** The Worker Vice-Chairperson pointed out that it was an issue for governments to address within the cooperation framework. The subamendment proposed by the EU and its Member States was balanced.
- 223.** The Government member of Turkey did not support the further subamendment.
- 224.** The Government member of China stressed that the subamendment proposed by the EU and its Member States was in line with Recommendation No. 205 and he therefore supported it.
- 225.** The Chairperson declared that the two further subamendments proposed by the Government member of the United States did not have sufficient support.
- 226.** The subamendment proposed by the EU and its Member States was adopted.

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227. The amendment was adopted as subamended.

228. Point 1 was adopted as amended.

### **Point 2**

229. Point 2 was adopted.

### **Point 3**

230. The Government member of Senegal, speaking on behalf of the Africa group, introduced an amendment to insert “full implementation of the Addis Ababa Action Agenda and of SDG 17 is imperative. Moreover,” after “In this regard”. It was important to include a reference to the AAAA as it defined post-2015 funding for development.

231. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment, as did the Government member of China.

232. The Government member of France, speaking on behalf of the EU and its Member States, supported the amendment but proposed a subamendment to remove “full”, which he viewed as not realistic.

233. The Worker Vice-Chairperson, the Employer Vice-Chairperson and the Government member of Pakistan supported the amendment.

234. The Government member of the United States supported the subamendment proposed by the EU and its Member States.

235. The subamendment was not adopted.

236. The amendment was adopted.

237. The Government member of Brazil introduced an amendment, seconded by the Government member of China, to replace “ensuring independent and transparent policies and instruments” with “the advancement of development cooperation”. The original text did not fall within the scope of conclusions on development cooperation.

238. The Worker Vice-Chairperson did not support the amendment.

239. The Employer Vice-Chairperson supported the amendment.

240. The Government member of France, speaking on behalf of the EU and its Member States, proposed a subamendment to read “ensuring independent and transparent policies and instruments and the advancement of development cooperation”. He noted that it was important to mention independent and transparent policies and instruments.

241. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the subamendment.

242. The subamendment was adopted.

243. The amendment was adopted as subamended.

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244. The Worker Vice-Chairperson introduced an amendment to delete the last sentence of the point. He considered that there was no clarity on what was meant by “innovative financing”.
245. The Employer Vice-Chairperson did not support the amendment. She stated that the deletion of the sentence would not be in line with the objectives of the general discussion. Innovative financing was crucial for the achievement of the SDGs, as were fiscal provisions.
246. The Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment. He said that the ILO must find new ways to fund its development cooperation action. He added that clarification regarding innovative means of financing had been provided in the Drafting Group.
247. The amendment was not adopted.
248. The Worker Vice-Chairperson stressed the importance of a broad consensus on the issue so that the conclusions would be widely accepted. He added that a consensus had been reached in the Drafting Group and that issues related to innovative financing would be placed for discussion in the chapeau of point 9. He asked the secretariat for clarification on the procedure to be followed.
249. The Chairperson explained that the procedure accepted by the Committee and applied consistently was that if an amendment did not enjoy sufficient support, it was not adopted.
250. The Employer Vice-Chairperson stated that the social partners were accountable to each other for adherence to the correct procedures and reiterated that her group did not support the amendment.
251. The Worker Vice-Chairperson called for a positive approach, and noted his group’s good faith and respect for tripartism. They had serious concerns about innovative financing which had not been addressed, and had understood from the proceedings of the Drafting Group that they would have an opportunity to raise those concerns during the Committee’s discussion.
252. The Government member of France, speaking on behalf of the EU and its Member States, emphasized the importance of proper procedure and the need to conclude discussions efficiently.
253. The Government member of Senegal, speaking on behalf of the Africa group, urged the Committee to focus on areas of agreement rather than disagreement, and noted the need for the Workers’ group to be heard. The issue in question was covered under point 9(d), therefore perhaps compromise could be reached at that point.
254. The Employer Vice-Chairperson introduced an amendment to insert “sustainable fiscal provisions and” after “for” in the last sentence.
255. The Worker Vice-Chairperson supported the amendment.
256. The amendment was adopted.
257. Point 3 was adopted as amended.

#### **Point 4**

258. The Government member of Canada introduced an amendment, seconded by the Government member of New Zealand, to insert “raising the awareness of its constituents with respect to trade and labour linkages and” after “role of the ILO in”. The aim was to

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highlight the need for the ILO to conduct research and analysis that would increase coherence and consistency in line with SDG 8 and the conclusions concerning the second recurrent discussion on fundamental principles and rights at work adopted by the Conference at its 106th Session in 2017.

- 259. The Employer Vice-Chairperson proposed a subamendment to insert “raising the awareness of its constituents by undertaking research on trade and labour” after “role of the ILO in”, as the current knowledge base found mixed results regarding trade and labour linkages.
- 260. The Worker Vice-Chairperson supported the amendment but not the subamendment.
- 261. The Government member of Brazil supported the subamendment.
- 262. The Government member of France, speaking on behalf of the EU and its Member States, supported the amendment but not the subamendment.
- 263. The subamendment was not adopted.
- 264. The amendment was adopted.
- 265. The Employer Vice-Chairperson introduced an amendment to replace “multilateral development banks” with “multilateral and regional institutions and development banks”.
- 266. The Worker Vice-Chairperson and the Government members of China, India, and France, speaking on behalf of the EU and its Member States, supported the amendment.
- 267. The amendment was adopted.
- 268. Point 4 was adopted as amended.

### ***Point 5***

- 269. The Worker Vice-Chairperson introduced an amendment to add at the end of the point “, while guaranteeing the Decent Work Agenda.”
- 270. The Employer Vice-Chairperson supported the amendment and proposed a subamendment to replace “guaranteeing” with “promoting” as a guarantee would require unrealistic supervisory requirements.
- 271. The Worker Vice-Chairperson and the Government members of China, India, Zimbabwe, France, speaking on behalf of the EU and its Member States, and Senegal, speaking on behalf of the Africa group, supported the subamendment.
- 272. The subamendment was adopted.
- 273. The amendment was adopted as subamended.
- 274. Point 5 was adopted as amended.

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## Part II

### Title

275. The title of Part II was adopted.

### Point 6

276. The Government member of Senegal, speaking on behalf of the Africa group, introduced an amendment to insert “, inter alia,” after “is based”.

277. The Worker Vice-Chairperson, the Employer Vice-Chairperson and the Government member of France, speaking on behalf of the EU and its Member States, supported the amendment.

278. The amendment was adopted.

279. The Worker Vice-Chairperson introduced an amendment to replace “des droits humains” with “des droits de l’homme” in the French text. He requested advice from the secretariat on the proposal.

280. The Employer Vice-Chairperson, the Government members of France, speaking also on behalf of the Government member of Belgium, and Senegal, speaking on behalf of the Africa group, supported the amendment.

281. The representative of the Secretary-General advised that the French term “des droits humains” was the term which had been used in international labour standards recently adopted by the Conference.

282. The amendment was adopted.

283. The Government member of Brazil introduced an amendment, seconded by the Government member of China, to insert “and gender equality” after “human rights” in order to highlight the issue of gender equality, notably in light of the Report of the Director-General to the current Conference, *The Women at Work Initiative: The push for equality*.

284. The Employer Vice-Chairperson introduced a subamendment to insert “including” before “gender equality”, to reflect that gender equality was also a human right.

285. The Worker Vice-Chairperson, the Government members of France, speaking on behalf of the EU and its Member States, and Senegal, speaking on behalf of the Africa group, supported the subamendment.

286. In reply to a question raised by the Government member of the United States, the deputy representative of the Secretary-General confirmed that core international instruments on human rights covered gender equality.

287. The subamendment was adopted.

288. The amendment was adopted as subamended.

289. Point 6 was adopted as amended.

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**Point 7**

290. The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to replace “will participate in” by “has a key role to play in the implementation of” to emphasize the role the Office should play in the UN reform.
291. The Worker Vice-Chairperson and the Government member of Senegal, speaking on behalf of the Africa group, supported the amendment.
292. The Employer Vice-Chairperson did not support the amendment and reasoned that the original formulation better reflected the need for ILO involvement before the actual implementation of the UN reform.
293. The amendment was adopted.
294. The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to insert “to grasp the” before “new opportunities”, to clarify the wording.
295. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
296. The amendment was adopted.
297. The Worker Vice-Chairperson introduced an amendment to delete the final sentence of point 7 as it was superfluous.
298. The Employer Vice-Chairperson did not support the amendment and noted that the idea of the ILO being fit for purpose in the UN reform was an important one.
299. The Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment.
300. The amendment was not adopted.
301. Point 7 was adopted as amended.

**Part III****Title**

302. The title of Part III was adopted.

**Point 8**

303. The Government member of the United States, speaking also on behalf of the Government member of Canada, introduced an amendment to replace “build a global community with a shared future of decent work for all” with “promote a future with decent work for all” to tighten the wording and focus on the ILO’s role in achieving decent work for all.
304. The Worker Vice-Chairperson supported the amendment.

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305. The Government member of China did not support the amendment and noted that the original text better emphasized the shared responsibility of achieving the SDGs, as well as the value of development cooperation in developing countries.
  306. The Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment.
  307. The Government member of the United States proposed a subamendment, seconded by the Government member of Canada, to replace “future” with “shared future”.
  308. The Employer Vice-Chairperson supported the subamendment.
  309. The Worker Vice-Chairperson and the Government members of Brazil and India did not support the subamendment.
  310. The Government member of China, speaking on behalf of ASPAG, did not support the subamendment, noting that the original text reflected ASPAG’s aspiration for inclusive development cooperation.
  311. The Government member of Zimbabwe did not support the subamendment, noting the need to emphasize the shared responsibilities on development cooperation.
  312. The Government member of Brazil referred to the agreement that had emerged in the Drafting Group to keep the original text and did not support the amendment.
  313. The Government member of India also preferred to keep the original text.
  314. The subamendment was not adopted.
  315. The amendment was not adopted.
  316. The Worker Vice-Chairperson introduced an amendment to insert “The United Nations, the ILO and the other agencies have an essential role in monitoring the implementation of the SDGs. The unique character of the ILO, defined by its tripartite structure and its standards mandate, including its supervisory system, must be fully recognized while retaining the independence of its mandate, its Constitution, its funding and its programming.”, after “overarching SDG framework.” His group believed that it was important to reinforce the role of the ILO in the UN reform.
  317. The Employer Vice-Chairperson stated that her group was unclear about the intent of the amendment and suggested that it be shortened to provide greater clarity.
  318. The Government member of Senegal, speaking on behalf of the Africa group, said that he supported the amendment but wished to propose a subamendment to delete the last part of the sentence, “while retaining the independence of its mandate, its Constitution, its funding and its programming.”
  319. The Government member of China did not support the amendment or the subamendment.
  320. The Government member of Brazil pointed out that the topics that were added in the amendment were similar to those already in point 8(c); he did not support the amendment or subamendment.
  321. The Government member of France, speaking on behalf of the EU and its Member States, supported the subamendment proposed by the Africa group.

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322. The Government member of the United States supported the subamendment but introduced a further subamendment, for the text to read “The United Nations, the ILO and the other agencies have a role to play in supporting countries to monitor and achieve the objectives of the SDGs. The unique character of the ILO, defined by its tripartite structure and its standards mandate, including its supervisory system, should be recognized.”
  323. The Employer Vice-Chairperson introduced a further subamendment to the subamendment proposed by the Government member of the United States to replace “mandate” with “role”.
  324. The Worker Vice-Chairperson proposed a further subamendment to insert at the beginning of the point “The ILO and other UN agencies have an important role to play in assisting countries in monitoring and realizing the objectives of the SDGs. The unique role of the ILO defined by its Constitution, its tripartite structure and its normative mandate, including its supervisory system, is fundamental to fulfilling this role and should be fully taken into account in future programming and financing.”
  325. The Employer Vice-Chairperson requested clarity on the text and introduced a further subamendment, deleting “and should be fully taken into account in future programming and financing” from the text proposed by the Workers’ group.
  326. The Government member of Brazil supported this subamendment from the Employers’ group.
  327. The Government member of Senegal, speaking on behalf of the Africa group, supported the subamendment proposed by the Workers’ group as it highlighted the added value of the ILO.
  328. The Government member of China, and the Government member of France, speaking on behalf of the EU and its Member States, supported the subamendment proposed by the Workers’ group.
  329. The subamendment proposed by the Workers’ group was adopted.
  330. The amendment was adopted as subamended.

Point 8(a)

331. The Employer Vice-Chairperson introduced an amendment to insert “regions’ and” after “adapted to”.
332. The Worker Vice-Chairperson and the Government member of France, speaking on behalf of the EU and its Member States, and the Government member of Senegal, speaking on behalf of the Africa group, supported the amendment.
333. The amendment was adopted.
334. The Employer Vice-Chairperson introduced an amendment to replace “deficits” by “challenges” to reflect the broader range of decent work issues faced by countries. Decent work deficits had already been mentioned under point 1.
335. The Worker Vice-Chairperson did not support the amendment and noted that “decent work deficits” was a common ILO term. It had been used, for example, in the Conference discussion on global supply chains in 2016. He proposed a subamendment to replace “deficits” by “deficits and challenges”.
336. The Employer Vice-Chairperson did not support the subamendment.

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- 337.** The Government member of France, speaking on behalf of the EU and its Member States, indicated a preference for the more specific term “deficits” but would support the subamendment proposed by the Workers’ group if there was a consensus between the Employers’ group and the Workers’ group.
- 338.** The Worker Vice-Chairperson reiterated that his group did not support the amendment and withdrew the subamendment.
- 339.** The Government members of Eswatini and Zimbabwe, and the Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment.
- 340.** The Government members of Brazil, India and the United States supported the amendment.
- 341.** The amendment was not adopted.
- 342.** The Government member of Senegal, speaking on behalf of the Africa group, introduced an amendment to the French text to replace “concordance avec” with “alignement sur”.
- 343.** The Worker Vice-Chairperson, the Employer Vice-Chairperson and the Government member of France, speaking on behalf of the EU and its Member States, supported the amendment.
- 344.** The amendment was adopted.
- 345.** The Government member of Senegal, speaking on behalf of the Africa group, introduced an amendment to insert “and national development plans” after “(UNDAFs)”. DWCPs also needed to be aligned with national development plans.
- 346.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 347.** The amendment was adopted.
- 348.** Point 8(a) was adopted as amended.

Point 8(b)

- 349.** The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to replace “the elaboration of DWCPs and UNDAFs, in coordination with UN Resident Coordinators” by “the elaboration of DWCPs, and of UNDAFs in coordination with UN Resident Coordinators” to clarify the text and protect the priorities of the ILO.
- 350.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 351.** The amendment was adopted.
- 352.** Point 8(b) was adopted as amended.

New clause after point 8(b)

- 353.** The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to move point 8(f) to after point 8(b) for consistency and to give more importance to clause (f).

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- 354.** The Employer Vice-Chairperson proposed a subamendment to insert “and the SDGs” after “policies” in clause (f).
- 355.** The Worker Vice-Chairperson, the Government member of China, the Government member of France, speaking on behalf of the EU and its Member States, and the Government member of Senegal, speaking on behalf of the Africa group, supported the amendment and the subamendment.
- 356.** The Government member of India supported the subamendment but did not support the amendment, noting that it was more logical for clause (f) to remain where it was.
- 357.** The subamendment was adopted.
- 358.** The amendment was adopted as subamended.
- 359.** The new clause after point 8(b) was adopted.

Point 8(c)

- 360.** The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to insert “social protection,” after “social dialogue,” as it was important to explicitly mention social protection.
- 361.** The Worker Vice-Chairperson supported the amendment.
- 362.** The Employer Vice-Chairperson did not support the amendment as there was no link observed with the other items in that section, therefore the insertion of “social protection” had no clear rationale.
- 363.** The Government members of China and Eswatini, and the Government member of Senegal, speaking on behalf of the Africa group, supported the amendment.
- 364.** The amendment was adopted.
- 365.** Point 8(c) was adopted as amended.

Point 8(d)

- 366.** Two amendments submitted by the Worker members were withdrawn. One had sought to insert “and multinationals” after “medium-sized enterprises” and the other to replace “and in providing social protection” with “the creation of decent incomes and the financing of social protection”.
- 367.** The Employer Vice-Chairperson introduced an amendment to add at the end of point 8(d) “The ILO development cooperation strategy should maximize the development potential of the private sector by promoting an enabling environment for sustainable and resilient enterprises.”
- 368.** The Worker Vice-Chairperson and the Government members of China, Eswatini, India and the United States, and the Government member of Senegal speaking on behalf of the Africa group, supported the amendment.
- 369.** The amendment was adopted.

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- 370.** The Worker Vice-Chairperson introduced an amendment to insert at the end of point 8(d) “Moreover, the ILO Declaration on Multinational Enterprises (2017) and the Conclusions concerning the promotion of sustainable enterprises (2007) constitute useful tools.” The two instruments reinforced the importance of the private sector.
- 371.** The Chairperson noted that the title “ILO Declaration on Multinational Enterprises (2017)” was not correct. The correct title “Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy” would be inserted in the text by the secretariat.
- 372.** The Employer Vice-Chairperson, and the Government member of Senegal, speaking on behalf of the Africa group, supported the amendment.
- 373.** The amendment was adopted
- 374.** Point 8(d) was adopted as amended.

Point 8(e)

- 375.** The Government member of Senegal, speaking on behalf of the Africa group, introduced an amendment to insert “, workers in the informal and rural economy” after “youth”.
- 376.** The Employer Vice-Chairperson, the Worker Vice-Chairperson, and the Government member of France, speaking on behalf of the EU and its Member States, supported the amendment.
- 377.** The Government member of the United States proposed a subamendment, supported by Government members of France, speaking on behalf of the EU, and Senegal, speaking on behalf of the Africa Group, to add at the end of point 8(e) “The ILO should support efforts to promote access to decent work for the working poor and workers in the informal and rural economies.” The intention was to clarify the text to address issues concerning the working poor and workers in the informal and rural economies.
- 378.** Responding to a request for clarification from the Employer Vice-Chairperson as to whether the term “working poor” was used by the ILO, the deputy representative of the Secretary-General explained that the term was used by the ILO but that there was no set definition.
- 379.** The Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government member of China supported the subamendment.
- 380.** The subamendment was adopted.
- 381.** The amendment was adopted as subamended.
- 382.** An amendment submitted by the EU and its Member States to insert “, the working poor” after “youth” was withdrawn.
- 383.** The Government member of Senegal, speaking on behalf of the Africa group, introduced an amendment to insert “disadvantaged” after “other”.
- 384.** The Worker Vice-Chairperson, the Employer Vice-Chairperson and the Government members of China, and France, speaking on behalf of the EU and its Member States, supported the amendment.
- 385.** The amendment was adopted.

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- 386.** The Employer Vice-Chairperson introduced an amendment to replace “excluded from the labour market and not benefiting from adequate social protection” with “by creating conditions and environments for employment and income opportunities”.
- 387.** The Worker Vice-Chairperson did not support the amendment and proposed a subamendment to add “by creating conditions and environments for employment and income opportunities” at the end of the sentence after “social protection”.
- 388.** The Employer Vice-Chairperson, the Government member of France, speaking on behalf of the EU and its Member States, and the Government member of Senegal, speaking on behalf of the Africa group, supported the subamendment.
- 389.** The subamendment was adopted.
- 390.** The amendment was adopted as subamended.
- 391.** Point 8(e) was adopted as amended.

#### Point 8(f)

- 392.** The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to delete point 8(f) as its content had been moved to a new clause after point 8(b) through an earlier amendment.
- 393.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 394.** The amendment was adopted.
- 395.** As a consequence, two amendments fell. The first, submitted by the Africa group, had sought to delete “other”; and the second, submitted by the Employer members, had sought to insert “and the SDGs” after “policies”.

#### Point 8(g)

- 396.** An amendment submitted by the Government member of Cameroon to insert “and pragmatic” after “programmatic” in the heading and to replace “a longer-term programmatic and focused approach,” by “a programmatic and pragmatic approach, that integrates the DWCPs into the economic adjustment reform programmes of donors and other aid and development support bodies. This cooperation must also be included in a longer-term and focused approach,” was not seconded and thus fell.
- 397.** Point 8(g) was adopted.

#### Point 8(h)

- 398.** The Government member of Brazil, speaking also on behalf of the Government member of India, introduced an amendment to add at the end of the point “, while reinforcing national capacities of institutions responsible for receiving and providing development cooperation”. It was important to adequately recognize the role and responsibility of national institutions involved in development cooperation.
- 399.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment, as did the Government member of China, and the Government members of

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France, speaking on behalf of the EU and its Member States, and Senegal, speaking on behalf of the Africa group.

**400.** The amendment was adopted.

**401.** Point 8(h) was adopted as amended.

Point 8(i)

**402.** The Employer Vice-Chairperson introduced an amendment to add “through social dialogue” after “responsibility” with a view to bringing clarity to the point. Social dialogue was very important in the process of enhancing transparency and shared responsibility.

**403.** The Worker Vice-Chairperson supported the amendment.

**404.** The Government member of Malaysia, and the Government member of Senegal, speaking on behalf of the Africa group, supported the amendment.

**405.** The amendment was adopted.

**406.** Point 8(i) was adopted as amended.

Point 8(j)

**407.** The Employer Vice-Chairperson introduced an amendment to insert “core labour” after “and” in the last line.

**408.** The Worker Vice-Chairperson considered the term “core labour” too restrictive and proposed a subamendment to replace “core” with “relevant”. The term had been used previously in a similar context.

**409.** The Government member of the United States did not support the proposed amendment or subamendment and preferred the original text, which covered all standards, including those on occupational safety and health.

**410.** The Government member of France, speaking on behalf of the EU and its Member States, said that the issue had already been discussed in the Drafting Group and noted that the whole body of standards should be promoted. He did not support the amendment or subamendment.

**411.** The Government member of China supported the amendment. He found it consistent with the recognition of the ILO’s core values, also mentioned in the point.

**412.** The Government member of Senegal, speaking on behalf of the Africa group, recalled that the Committee had already had a similar debate. It was important to keep the original text.

**413.** The Chairperson recalled that there had been a similar proposal from the Employers’ group on the second preambular paragraph, which had not been adopted.

**414.** The Employer Vice-Chairperson withdrew the amendment.

**415.** Point 8(j) was adopted.

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Point 8(k)

- 416.** The Worker Vice-Chairperson submitted an amendment to delete “and financing” after “partnerships”.
- 417.** The Employer Vice-Chairperson did not support the amendment. It was important to retain the financing element as per the original text since the 2030 Agenda was built around partnership and financing.
- 418.** The Government member of Senegal, speaking on behalf of the Africa group, proposed a subamendment to retain the original text and insert “respecting the principles of transparency and accountability” after “and financing”.
- 419.** The Worker Vice-Chairperson supported the subamendment.
- 420.** The Employer Vice-Chairperson said that the element of transparency was already covered in point 8(i) and there was no need to mention it again. She did not support the subamendment.
- 421.** The Government member of France, speaking on behalf of the EU and its Member States, supported the subamendment.
- 422.** The subamendment was adopted.
- 423.** The amendment was adopted as subamended.
- 424.** The Government member of India, speaking also on behalf of the Government member of Turkey, introduced an amendment to replace “regional and national” by “regional, national and local”. The purpose of the amendment was to emphasize the cultural and social differences that existed at the local level for countries such as India with a multi-ethnic diversity and federal structure.
- 425.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 426.** The Government members of Bangladesh, Brazil, China and the United States, and the Government member of France, speaking on behalf of the EU and its Member States, supported the amendment.
- 427.** The amendment was adopted.
- 428.** Point 8(k) was adopted as amended.

Point 8(l)

- 429.** Point 8(l) was adopted.
- 430.** Point 8 was adopted as amended.

**Part IV**

***Title***

- 431.** The title of Part IV was adopted.

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## **Point 9**

### **Chapeau**

- 432.** The Worker Vice-Chairperson introduced an amendment to insert at the beginning of the point “The Office of the ILO should identify the opportunities and risks associated with the use of all tools for innovative development financing and report on them to the Governing Body for discussion and decision.”
- 433.** The Employer Vice-Chairperson did not support the amendment. The proposed amendment was introducing conditionality that would take away the spirit of the document, as the conclusions were intended to provide guidance to the approach of the ILO as a whole.
- 434.** The Government member of France, speaking on behalf of the EU and its Member States, introduced a subamendment to replace “the use of all tools for innovative development financing” by “forms of innovative finance mechanisms that are new to the ILO”.
- 435.** The Worker Vice-Chairperson and the Government members of Brazil and China supported the subamendment.
- 436.** The Employer Vice-Chairperson did not support the subamendment. The proposed text introduced restriction, conditions and reservations on financing for the SDGs whereas the ILO needed to be more aggressive and innovative in that regard.
- 437.** In order to facilitate the discussion and enable the Committee to reach consensus, the Chairperson suggested deleting “and report on them to the Governing Body for discussion and decision” from the text proposed by the EU and its Member States.
- 438.** The Employer Vice-Chairperson said that she had no issue with the content suggested by the Chairperson but found it odd to include such text in the chapeau of point 9. She queried whether the proposed text could be included as a new clause after clause (d) in point 9(1).
- 439.** The Worker Vice-Chairperson recalled that the subamendment proposed by the EU and its Member States had received wide support. In a spirit of consensus, his group would agree to move the subamended text to after point 9(1)(d) provided the Employers’ group would be amenable to the deletion of point 9(3)(c), proposed in a subsequent amendment.
- 440.** The Employer Vice-Chairperson agreed to the proposal made by the Worker Vice-Chairperson.
- 441.** The amendment was adopted as subamended.

### **Point 9(1)**

#### **Chapeau**

- 442.** The chapeau was adopted.

#### **Point 9(1)(a)**

- 443.** The Worker Vice-Chairperson introduced an amendment to replace “for its unique value added, in the implementation of the 2030 Agenda and” by “the tripartism, normative action and social dialogue which constitute the unique value added of the ILO in the implementation of the 2030 Agenda and in”. The purpose was to highlight the added value of the ILO and make the text consistent with the previous wording on the topic.

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444. The Employer Vice-Chairperson did not support the amendment as it omitted the other significant values added of the ILO.
445. The Government member of Senegal, speaking on behalf of the Africa group, supported the amendment as it made the meaning more specific.
446. The Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment as it repeated text included elsewhere in the conclusions.
447. The Worker Vice-Chairperson reiterated that the intention of the amendment was to specify the special value of the three components cited in the amendment.
448. The Employer Vice-Chairperson pointed out that the values of the ILO should not be confined to social dialogue, standard and tripartism. Although those values were indeed important, they should be broadened to include others.
449. The Government member of the United States proposed a subamendment, seconded by the Government member of New Zealand, to read “for its unique value added, including tripartism, normative action and social dialogue”.
450. The Worker Vice-Chairperson and Employer Vice-Chairperson supported the subamendment.
451. The Government member of China, and the Government member of France, speaking on behalf of the EU and its Member States, supported the subamendment.
452. The subamendment was adopted.
453. The amendment was adopted as subamended.
454. The Government member of India, speaking also on behalf of the Government member of Turkey, introduced an amendment to replace “regional and national” by “regional, national and local”. It was important to be consistent throughout the text regarding ownership at the local level, especially in countries which had a federal structure.
455. The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
456. The amendment was adopted.
457. Point 9(1)(a) was adopted as amended.

*Clause 9(1)(b)*

458. The Worker Vice-Chairperson introduced an amendment to replace “strengthen the capacities of its constituents” by “use the flagship programmes and other initiatives to strengthen the specific capacities of each constituent in social dialogue,” to emphasize the key role of the ILO’s flagship programmes.
459. The Employer Vice-Chairperson did not support the amendment because the focus on the ILO’s flagship programmes limited the scope of capacity building.
460. The Government member of Zimbabwe said that he did not support the amendment for the same reason.

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- 461.** The Worker Vice-Chairperson pointed out that the amendment was not restrictive as it also mentioned “other initiatives”.
- 462.** The Government member of Senegal, speaking on behalf of the Africa group, did not support the amendment as he felt the original text was more encompassing.
- 463.** The amendment was not adopted.
- 464.** An amendment submitted by the Worker members to delete the last sentence of the clause was withdrawn.
- 465.** Point 9(1)(b) was adopted.

*Point 9(1)(c)*

- 466.** The Government member of Brazil, speaking also on behalf of the Government member of India, introduced an amendment to add “, upon request” at the end of the clause to provide clarity.
- 467.** The Worker Vice-Chairperson did not support the amendment.
- 468.** The Employer Vice-Chairperson supported the amendment.
- 469.** The Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment.
- 470.** The amendment was not adopted.
- 471.** Point 9(1)(c) was adopted.

*Point 9(1)(d)*

- 472.** An amendment submitted by the Worker members to delete “innovative finance modalities and” was withdrawn.
- 473.** Point 9(1)d was adopted.

*Point 9(1)(e)*

- 474.** The Government member of Brazil submitted an amendment, seconded by the Government member of India, to add at the end of the clause “, taking into account the preparation and results of the Second High-level United Nations Conference on South–South Cooperation, to be held in 2019”. During the meeting of the ILO’s Governing Body in March 2018, the importance of the forthcoming Buenos Aires conference on South–South and triangular cooperation had been highlighted. The amendment aimed to add value to the paragraph while providing guidance to the ILO.
- 475.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 476.** The Government member of the United States did not support the amendment, stating that it was not possible to pre-empt the results of a conference that had not yet taken place.
- 477.** The Government member of Senegal, speaking on behalf of the Africa group, did not support the amendment.

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**478.** The Worker Vice-Chairperson and the Employer Vice-Chairperson said that they would follow the majority.

**479.** The Government member of China introduced a subamendment to replace “preparation” and “Second High-level United Nations Conference on South–South Cooperation, to be held in 2019” by “senior-level events on South–South cooperation”.

**480.** The subamendment was not seconded.

**481.** The amendment was not adopted.

**482.** Point 9(1)(e) was adopted.

*Point 9(1)(f)*

**483.** Point 9(1)(f) was adopted.

*Point 9(1)(g)*

**484.** The Government member of Brazil speaking also on behalf of the Government member of India, introduced an amendment to add at the end of the clause “, upon request”. It provided clarity to the circumstances of the support provided to member States and removed the idea of conditionality to benefit from ILO development cooperation that was dependent on recommendations from the supervisory bodies.

**485.** The Worker Vice-Chairperson did not support the amendment.

**486.** The Employer Vice-Chairperson supported the amendment, as did the Government member of Senegal, speaking on behalf of the Africa group.

**487.** The amendment was adopted.

*New clauses after point 9(1)(g)*

**488.** The Worker Vice-Chairperson introduced an amendment to add a new clause to read “promote, at DWCP and UNDAF level, the global framework of employment policies to promote full, decent, productive and freely chosen employment, which was adopted at the ILO in 2014;”. The amendment had been submitted as decent work, job creation and freely chosen employment were important instruments to achieve the SDGs.

**489.** The Employer Vice-Chairperson introduced a subamendment to replace “global framework of employment policies” by “comprehensive employment policy framework” and delete “which was adopted at the ILO in 2014;”. As the discussions on that topic had been ongoing since 2014, she did not want to restrict it to that particular year.

**490.** The Worker Vice-Chairperson did not support the subamendment. The original wording of the amendment had been negotiated in a tripartite framework and he felt it was important to keep it as development cooperation was being discussed.

**491.** The Government member of the United States requested clarification from the secretariat as to whether the “comprehensive employment policy framework” referred to the second recurrent discussion at the 103rd Session of the Conference in 2014.

**492.** The deputy representative of the Secretary-General confirmed that the conclusions concerning the second recurrent discussion on employment adopted by the Conference at its

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103rd Session in 2014 referred to the “comprehensive employment policy framework to promote full, decent, productive and freely chosen employment”.

- 493.** The Worker Vice-Chairperson noted that it was fully in line with the amendment he had submitted in French.
- 494.** The Government member of the United States said it was important to keep to the exact terminology.
- 495.** The deputy representative of the Secretary-General clarified that the confusion arose from the English translation; the French translation was correct. The English translation should be “comprehensive employment policy framework”.
- 496.** The Government member of the United States introduced a further subamendment, seconded by the Government member of Canada, to read “the comprehensive employment policy framework to promote full, decent, productive and freely chosen employment, adopted during the International Labour Conference recurrent discussion on employment in 2014”.
- 497.** The Employer Vice-Chairperson supported the further subamendment on the condition that the correct title was used.
- 498.** The Worker Vice-Chairperson supported the further subamendment.
- 499.** The Government member of France, speaking on behalf of the EU and its Member States, supported the further subamendment.
- 500.** The further subamendment was adopted.
- 501.** The amendment was adopted as subamended.
- 502.** The Government member of the United States, speaking also on behalf of the Government members of Canada and New Zealand, introduced an amendment to add a new clause to read “assist member States to strengthen the capacities of labour administration and other institutions involved in the monitoring and enforcement of national labour laws;”. It was necessary to acknowledge the importance of the enforcement of labour laws.
- 503.** The Employer Vice-Chairperson, the Worker Vice-Chairperson, the Government member of France, speaking on behalf of the EU and its Member States, and the Government member of Senegal, speaking on behalf of the Africa group, supported the amendment.
- 504.** The amendment was adopted.

*Point 9(1)(i)*

- 505.** The Employer Vice-Chairperson introduced an amendment to add in the last line “, including through an enabling environment for sustainable enterprises”, after “formal economy”.
- 506.** The Worker Vice-Chairperson did not support the amendment.
- 507.** The Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment.
- 508.** The amendment was not adopted.
- 509.** Point 9(1)(i) was adopted.

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*New clause after point 9(1)(i)*

- 510.** The Worker Vice-Chairperson introduced an amendment to add a new clause to read “Strengthen DWCPs to support the achievement of decent work in global supply chains, particularly in the multinational enterprises involved in PPPs with the ILO;”. He referred to the 2016 Conference conclusions concerning decent work in global supply chains and said that DWCPs were instruments that could improve working conditions in global supply chains. Development cooperation initiatives in global supply chains in the framework of public–private partnerships could provide examples of good governance for multinational enterprises.
- 511.** The Employer Vice-Chairperson opposed the amendment as the demand-driven nature of DWCP should be based on needs prioritized by constituents on the ground through social dialogue. There were a wide range of decent work challenges and global supply chains should not be singled out. It was important to look at global supply chains in a broader context. She pointed out that the conclusions concerning decent work in global supply chains adopted by the Conference at its 105th Session in 2016 should be seen as the guidance document on the matter.
- 512.** The Government member of France, speaking on behalf of the EU and its Member States, said that it was important that the issue of global supply chains was given particular attention in the framework of ILO development cooperation. He did not consider it necessary to link it to DWCPs and public–private partnerships and proposed a subamendment to read “Support decent work in global supply chains, in particular with multinational enterprises”.
- 513.** The Employer Vice-Chairperson did not support the subamendment as it confined the context even more and only focused on multinational enterprises.
- 514.** The Worker Vice-Chairperson supported the subamendment.
- 515.** The Employer Vice-Chairperson introduced a further subamendment to delete “in particular with multinational enterprises”. Referring to the 2016 conclusions concerning decent work in global supply chains and the MNE Declaration, she argued that it was not appropriate to give undue focus to multinational enterprises.
- 516.** The Worker Vice-Chairperson did not support the further subamendment and reiterated his support for the subamendment introduced by the EU and its Member States. He argued that the debate on the issue should be closed as majority support had been reached.
- 517.** The Employer Vice-Chairperson responded that new topics were being introduced into the text that had not come up during the earlier discussion in the Committee and were now being introduced as amendments. The proposed amendment had far-reaching implications for enterprises and restricted the role of multinational enterprises and public–private partnerships. Its adoption would have severe consequences for the support of the Employers’ group for the text.
- 518.** The Government member of France, speaking on behalf of the EU and its Member States, said that in an effort to find consensus he would propose a further subamendment to read “Support the implementation of decent work in global supply chains including with multinational enterprises”.
- 519.** The Worker Vice-Chairperson supported the further subamendment.
- 520.** The Employer Vice-Chairperson reiterated that she would first like to have confirmation that the issue had been addressed earlier in the Committee.

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- 521.** The Government member of France, speaking on behalf of the EU and its Member States, indicated that in the opening statement of the EU and its Member States explicit reference had been made to global supply chains.
- 522.** The Worker Vice-Chairperson stated that Report IV mentioned supply chains several times. He noted that, in their opening statement, the Workers’ group had called for partnerships with private entities, including enterprises and multinational enterprises, to reinforce the ILO’s mandate and scope of action. He said that private sector partners of the ILO should commit to improve labour conditions in supply chains.
- 523.** Based on the information provided by the secretariat at his request, the Chairperson confirmed that the issue had been discussed earlier during the work of the Committee and that amendments were therefore receivable. A decision was needed on the proposed amendments in order to move forward.
- 524.** The Government member of France, speaking on behalf of the EU and its Member States, reiterated he had suggested replacing “in particular” with “including”.
- 525.** The Worker Vice-Chairperson supported the further subamendment.
- 526.** The Employer Vice-Chairperson said that the conclusions were supposed to provide guidance to the ILO in the area of development cooperation, not global supply chains. She voiced her concern that any topic could be included in the conclusions, even if it had not been discussed substantively by the Committee. Her group was not satisfied with the proposed wording and the direction the conclusions were taking. However, in order to move forward, they would accept the further subamendment.
- 527.** The further subamendment was adopted.
- 528.** The amendment was adopted as subamended.
- 529.** The new clause after point 9(1)(i) was adopted.

*Point 9(1)(j)*

- 530.** The Employer Vice-Chairperson introduced an amendment to insert “initiating or” after “in” in the first line to encourage member States to initiate the collection and dissemination of data in case there was no system in place.
- 531.** The Worker Vice-Chairperson supported the amendment.
- 532.** The Government member of France, speaking on behalf of the EU and its Member States, supported the amendment.
- 533.** The Government member of Senegal, speaking on behalf of the Africa group, supported the amendment.
- 534.** The amendment was adopted.
- 535.** The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to insert “disaggregated” after “dissemination of”. Disaggregated data should be available to member States in order to fulfil the “leaving no one behind” principle of the SDGs.

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- 536.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 537.** The Government member of Senegal, speaking on behalf of the Africa group, supported the amendment.
- 538.** The amendment was adopted.
- 539.** The Employer Vice-Chairperson proposed an amendment to insert “economic and” after “of” to expand the scope of the data and statistics collected.
- 540.** The Worker Vice-Chairperson supported the amendment.
- 541.** The amendment was adopted.
- 542.** The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to insert “, including by gender and disability,” after “statistics”, emphasizing that statistics and collected data should take into consideration those important dimensions.
- 543.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 544.** The Government member of Brazil, and the Government member of Senegal, speaking on behalf of the Africa group, supported the amendment.
- 545.** The amendment was adopted.
- 546.** Point 9(1)(j) was adopted as amended.

*Point 9(1)(k)*

- 547.** Point 9(1)(k) was adopted.

*Point 9(1)(l)*

- 548.** The Worker Vice-Chairperson introduced an amendment to delete the clause. He noted that it was not clear why the ILO should adapt its field structure to the UN system.
- 549.** The Employer Vice-Chairperson did not support the amendment. During the discussion, the Committee had agreed on the need to make the ILO fit for purpose in the reformed UNDS and for the successful achievement of the SDGs. She recalled that the ILO was present only in around 40 countries out of 187 member States and stressed the need to revise its field structure along with its strategy in order to be more effective.
- 550.** The Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment and stressed the importance of maintaining the clause.
- 551.** The Worker Vice-Chairperson explained that the amendment sought to delete a sentence that was difficult to understand especially in the context of the UN reform. But if the Committee did not think that the clause represented an issue, then the Workers’ group would agree to keep it. He withdrew the amendment.
- 552.** Point 9(1)(l) was adopted.

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*Point 9(1)(m)*

**553.** Point 9(1)(m) was adopted.

**554.** Point 9(1) was adopted as amended.

*Point 9(2)*

*Chapeau*

**555.** The Employer Vice-Chairperson introduced an amendment to replace “and” by “in consultation with” after “Governments” as the following clauses described government action.

**556.** The Worker Vice-Chairperson, and the Government member of Senegal, speaking on behalf of the Africa group, supported the amendment.

**557.** The Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment as it would reduce the role of the social partners.

**558.** The amendment was adopted.

**559.** The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to replace “may consider” by “should” to better align and improve the coherence of the guidance to governments with that of the ILO.

**560.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.

**561.** The Government member of the United States proposed a subamendment, seconded by the Government member of Australia, to add “consider” after “should” in order to make it less prescriptive.

**562.** The Worker Vice-Chairperson did not support the subamendment.

**563.** The Employer Vice-Chairperson stated that it was up to governments to decide their level of commitment.

**564.** The Chairperson stressed that the text as currently amended was placing more emphasis on the role of governments. He recalled that the original document had in mind specific roles for each of the constituents.

**565.** The Employer Vice-Chairperson responded that the social partners would play a role towards the achievement of the SDGs, however the points raised under point 9(2) were actions under the direct responsibility of governments, which should be carried out in consultation with the social partners.

**566.** The Government member of China voiced support to keep the word “should” in order to indicate clear actions towards the achievement of the SDGs.

**567.** The Government members of Brazil, Eswatini, India, Zimbabwe, and the Government member of France, speaking on behalf of the EU and its Member States, supported the subamendment.

**568.** The amendment was adopted as subamended.

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*New clause before point 9(2)(a)*

- 569.** The Worker Vice-Chairperson introduced an amendment to add a new clause to read “Promote and facilitate, at the global, regional and national levels, the integration of the Decent Work Agenda into the 2030 Agenda;”.
- 570.** The Employer Vice-Chairperson observed that the Decent Work Agenda was already integrated in the 2030 Agenda; moreover, there was already a specific reference to the same issue in point 9(1)(a).
- 571.** The Worker Vice-Chairperson withdrew the amendment.

*Point 9(2)(a)*

- 572.** The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to the English version to replace “enhancing” by “strengthening”.
- 573.** The Worker Vice-Chairperson, the Employer Vice-Chairperson, and the Government member of Senegal, speaking on behalf of the Africa group, supported the amendment.
- 574.** The amendment was adopted.
- 575.** The Government member of India, speaking also on behalf of the Government member of Brazil, introduced an amendment to delete “, including the role of the ILO with IFIs, and align with relevant financing modalities”. IFIs provided little scope for social dialogue and their programmes were often not compatible with ILO activities.
- 576.** The Worker Vice-Chairperson and the Employer Vice-Chairperson did not support the amendment.
- 577.** The Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment. It was important to enhance policy coherence between the ILO and IFIs.
- 578.** The Government member of China supported the amendment.
- 579.** The amendment was not adopted.
- 580.** Point 9(2)(a) was adopted as amended.

*Point 9(2)(b) and (c)*

- 581.** Point 9(2)(b) and (c) was adopted.
- 582.** Point 9(2) was adopted as amended.

*Paragraph 9(3)*

- 583.** The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to replace “may consider” by “should”.
- 584.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.

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**585.** The Government member of the United States did not support the amendment as it proposed over-prescriptive language with which to address governments regarding their support for the RBSA.

**586.** The Government member of India did not support the amendment as “may” was the appropriate term to use in the context.

**587.** The amendment was adopted.

*Point 9(3)(a)*

**588.** An amendment submitted by the Government member of Brazil to add at the end of the clause “, as an example of a predictable unearmarked funding modality to the ILO” fell as it was not seconded.

**589.** Point 9(3)(a) was adopted.

*Point 9(3)(b)*

**590.** Point 9(3)(b) was adopted.

*Point 9(3)(c)*

**591.** During the earlier discussion on the chapeau of point 9, it had been agreed to delete point 9(3)(c). As a consequence, three amendments on the clause fell.

**592.** Point 9(3)(c) was deleted.

**593.** Point 9(3) was adopted as amended.

**594.** Point 9 was adopted as amended.

**595.** Part IV was adopted as amended.

## **Adoption of the title and draft conclusions as a whole**

**596.** The title and draft conclusions were adopted as amended.

## **Adoption of the draft resolution**

**597.** The draft resolution was adopted.

**598.** Before his concluding statement, the representative of the Secretary-General, having regard for the need to ensure consistency with ILO terminology, proposed to the Committee to reconsider its decision regarding the French terminology for “human rights”.

**599.** The Government member of France said that he understood the need for consistency, however his country attached importance to “droits de l’homme”.

**600.** The Government member of Belgium said that her country was in agreement with the terminology proposed by the secretariat.

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## Closing remarks

- 601.** The representative of the Secretary-General expressed his gratitude to the Chairperson for leading an inclusive and consensual process, to the Employer Vice-Chairperson and Worker Vice-Chairperson for their hard work and consensual approach. The Committee had debated the key issues for ILO development cooperation and had provided clear guidance to the ILO in a rapidly changing world for its participation in a reformed UN development system and in the achievement of the SDGs.
- 602.** The deputy representative of the Secretary-General thanked participants for their engagement in both the plenary and the Drafting Group, which had resulted in a strategically valuable and timely outcome that would shape the work of the ILO to implement the 2030 Agenda. The conclusions recognized the special value added by the ILO in development cooperation at the country level, guided by the four strategic objectives and the guiding principles of transparency, accountability and responsibility, as well as the need to strengthen the capacity of constituents and of the UN Resident Coordinator system alike. The roadmap provided specific action points that would guide ILO activities and its future development cooperation strategy. It also demonstrated the trust and confidence of constituents in the Organization's ability to deliver.
- 603.** The Employer Vice-Chairperson noted that despite the absence of information in the report about the impact of the ILO's development cooperation strategy, the discussion had been rich and had highlighted the criticality of ILO development cooperation in a changing world of work, as well as providing the elements to craft a new strategy. She expressed the disappointment of her group over the fact that employment promotion through an enabling environment for sustainable enterprises was insufficiently reflected in the conclusions. She made a strong call to embrace the role of enterprises in the UN reform given the key contribution of the private sector to achieving the SDGs. The ILO had to move to longer-term programmes so that impact and sustainable results on the ground could be achieved. Demand and needs-driven DWCPs were important in this regard, To thrive in a reformed UN arena while preserving its own DNA would involve a game change for the Organization. Despite the difficult discussion on innovative financing, she was satisfied that a consensus had been reached as innovation and access to more resources were essential if the ILO was to make a substantial contribution to the SDGs. She felt that the Committee had gone beyond its mandate by integrating references to global supply chains in the conclusions. There was recognition that the ILO needed to be fit for purpose and relevant within the broader UN family. Development would not be achieved without job creation and support to small and medium-sized enterprises, especially in developing countries.
- 604.** The Worker Vice-Chairperson expressed satisfaction that the conclusions integrated the majority of issues discussed over the previous two weeks. The Workers' group believed that job creation was a major challenge that could only be realized through a conducive environment. There was therefore a need to uphold tripartism and social dialogue in the framework of the UN reform process and it was important to stress all the aspects of the Decent Work Agenda in the implementation of the SDGs. The issue of innovative financing was of particular interest for the Workers' group; however, a number of questions in relation to its implications remained unanswered. The conclusions provided an adequate framework for the way forward. Finally, he pointed out that respect for international labour standards and the capacity building of constituents to engage in the SDGs were essential points for his group.
- 605.** The Government member of the United States thanked the secretariat, the Chairperson, the Workers' and Employer' groups and Government members for their willingness to address challenges and work in a constructive manner. The conclusions called for evidence-based programming, promoted national ownership and supported the sustainment and scaling up

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of good practices, which reflected the common interest to improve the lives of workers, including by improving the enabling environment for sustainable enterprises. Some issues included in the conclusions were extraneous to the topic at hand and so she could not endorse all its aspects. Her country disassociated itself from the notion that the “full implementation of the AAAA and of SDG 17 was imperative.” She further noted that the 2030 Agenda was non-binding and did not create or affect rights or obligations under international law, nor did it create any new financial commitments. It called on countries to implement the Agenda in a manner that was consistent with the rights and obligations of States under international law. She also highlighted that 2030 Agenda implementation must respect and be without prejudice to the independent mandates of other processes and institutions, including negotiations, and did not prejudice or serve as precedent for decisions and actions under way in other forums. For example, the 2030 Agenda did not represent a commitment to provide new market access for goods or services. The Agenda also did not interpret or alter any WTO agreement or decision, including the Agreement on Trade-Related Aspects of Intellectual Property. The United States recognized the 2030 Agenda as a global framework for sustainable development, applauded the call for shared responsibility, including national responsibility, and emphasized that all countries had a role to play in achieving its vision. The 2030 Agenda recognized that each country must work toward implementation in accordance with its own national policies and priorities.

- 606.** The Government member of Bulgaria, speaking on behalf of the EU and its Member States, indicated that Montenegro and Bosnia and Herzegovina aligned themselves with the statement. She emphasized the EU’s commitment to the AAAA and the Paris Agreement on Climate Change and reiterated the importance of inclusive and sustainable economic transition, especially for women, youth and persons with disabilities, recognizing particularly the challenges facing Africa. The promotion of all labour standards was needed, especially for the eradication of forced labour, the end of modern slavery and human trafficking, and the elimination of the worst forms of child labour, including in global supply chains. The transition from the informal to the formal economy and the creation of economic opportunities for refugees and their host countries were other key priorities. The conclusions would give to the Office the guidance it needed. There were four key elements that should be taken into account when preparing the new ILO development cooperation strategy: policy coherence; promotion of tripartism; increased effectiveness and impact of ILO development cooperation; and comprehensive multi-stakeholder partnerships in the Decent Work Agenda. The conclusions reflected the need for the ILO to engage with Resident Coordinators, mainstream the Decent Work Agenda in UNDAFs and promote the participation of the social partners in the preparation and the implementation of UNDAFs. The conclusions also reflected the need for the ILO to seek broad and sustainable partnerships. There was a need to review the ILO’s field structure, and for a strong gender equality focus. A global community had emerged to support the SDGs through the Decent Work Agenda, in line with the Global Partnership for Sustainable Development that the 2030 Agenda called for.
- 607.** The Government member of Senegal, speaking on behalf of the Africa group, acknowledged the flexibility of the Workers’ group and Employers’ group and noted that each had made sacrifices. The conclusions were of a high quality and the Decent Work Agenda would benefit from it.
- 608.** The Government member of China thanked the Chairperson and the entire Committee. Speaking from the point of view of a development cooperation practitioner, he wished to congratulate everyone for their contribution to development cooperation. The Committee was an excellent example of the effectiveness of social dialogue and he appreciated the particular emphasis on “leaving no one behind”.
- 609.** The Government member of India thanked the Committee and the secretariat for their work. In a changing world, development cooperation to achieve the SDGs was important for both

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developing and developed countries. It was important to delve much deeper into the challenges. She hoped and wished that the voices of the developing world were being heard.

- 610.** The Chairperson gave the floor to the Government member of Lebanon who had requested the right to reply in response to a statement made by the Government member of the Syrian Arab Republic during the fifth sitting of the Committee.<sup>3</sup>
- 611.** The Government member of Lebanon explained that her country was compelled to reply to the statement made by the Government member of the Syrian Arab Republic in relation to the situation of Syrian workers in Lebanon. It was important not to confuse Syrian workers who had work permits, those working without work permits and those with refugee status. Those workers who were working lawfully in Lebanon might have their rights violated but had access to recourse mechanisms. It was the sovereign right of the Government of Lebanon to organize its labour market and to protect its social and economic fabric. Her country spared no effort to fulfil its obligations as regards refugees and protecting their rights. It was important to address the effects of crisis and conflicts. She called upon countries to create the necessary conditions for workers to return to their home countries.
- 612.** The Chairperson expressed his appreciation to the Committee. The fact that different views and opinions had been expressed and that there had been a strong commitment from all members to come up with a good outcome document reflected on what was at stake and the expectations of millions of people.

Geneva, 8 June 2018

*(Signed)* S. Ndebele  
Chairperson

J. Mugo  
Employer Vice-Chairperson

M. Guiro  
Worker Vice-Chairperson

Yutong Liu  
Reporter

<sup>3</sup> See para. 143.



## **Plenary sitting**

### **Reports of the General Discussion Committee: Effective development cooperation**

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Friday, 8 June 2018, 10.15 a.m.

*President: Ms Majali*

## Summary of proceedings

### **Submission, discussion and approval of the report of the General Discussion Committee: Effective development cooperation in support of the Sustainable Development Goals**

#### **The President**

I declare open the 13th plenary sitting of the 107th Session of the International Labour Conference

The first item on our agenda is the submission, discussion and approval of the report of the General Discussion Committee on effective ILO development cooperation in support of the Sustainable Development Goals, which can be found in *Provisional Record* No. 7B.

I would like to welcome the Officers of the Committee, who are here on the podium: Mr Ndebele, Chairperson; Ms Mugo, Employer Vice-Chairperson; Mr Guiro, Worker Vice-Chairperson; and Mr Yutong Liu, Reporter

I now call on the Reporter, Mr Liu, to present the Committee's report. The other Officers will then take the floor.

#### **Mr Liu**

Reporter of the General Discussion Committee:  
Effective development cooperation

As a development cooperation practitioner with over 20 years of experience, I have the greatest honour to present to the Conference for adoption the report and conclusions of the General Discussion Committee: Effective development cooperation.

The summary of the Committee's proceedings and the accompanying conclusions are the result of the Committee's strong commitment to its objectives, tripartite approach and hard work over the last nine days. We held ten plenary sittings. We had some long nights and some strong differences of opinion. Now looking at my Committee colleagues, I see we have clearly developed new jetlag as a result. In a true spirit of social dialogue we deliberated on the issues and arrived at a set of conclusions. I am proud to say we are a live demonstration of tripartism, which is what this house treasures most.

A decisive factor that allowed our Committee to accomplish its work was the untiring commitment of the Chairperson, Mr Ndebele, and the two Vice-Chairpersons, Ms Mugo and Mr Guiro, and also the representatives of the regional government groups to find solutions and consensus on these issues. I thank all the members of the Committee for their engagement and constructive inputs, often working late in the evening. I would also like to acknowledge the dedication of the drafting group members, who held six sittings and proposed to the Committee for discussion a set of draft conclusions that reflected the deliberations of the Committee.

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I would also like to acknowledge the enormous efforts made by the Office in preparing the report to the Committee, which provided a comprehensive and forward-looking set of issues to consider. In addition, the secretariat's competence and dedication have been remarkable assets to our work. In particular I want to thank the representative of the Secretary-General, Mr Oumarou, the deputy representative of the Secretary-General, Ms Vejs-Kjeldgaard, and the staff of the secretariat, including experts, translators, interpreters and those in different supporting roles.

The International Labour Conference last discussed ILO technical cooperation in 2006. Over the last 12 years, the world of work has experienced rapid change, and labour markets are now being impacted by technology, globalization, climate change, demographics and migration, among other factors. Recognizing that poverty still persists and that not everyone has benefited from growth, in 2015 the world adopted the 2030 Agenda for Sustainable Development (2030 Agenda), which outlines a bold framework to advance the well-being of mankind, to engage in the targeted elimination of poverty and also to place the Decent Work Agenda at the heart of the Sustainable Development Goals (SDGs).

To reposition the United Nations (UN) development system to support achievement of the SDGs, the UN Secretary-General's reform is centred on an overarching mission of greater coherence, efficiency and integration, including in relation to field operations. The outcome of the UN reforms will therefore have profound implications for development cooperation. For these reasons, this Committee is timely and had the important task of providing guidance to the ILO on its future development cooperation strategy.

I now have the honour of submitting to the International Labour Conference for adoption the two key outcomes of the Committee, the summary of the Committee's proceedings and the conclusions. The report of the Committee's deliberations comprises five sections. The first section contains the opening statements of the Employer and Worker members and representatives of regional groups, individual governments and also non-governmental organizations. The other sections address the four points highlighted in the Office report to the Conference. Firstly, how ILO development cooperation should adapt to the new context. Secondly, the link between the ILO's value-added and development cooperation. Thirdly, how the ILO can best support its constituents and mainstream decent work into national development strategies. Finally, the modalities and responsibilities for financing for development, partnerships and innovative funding.

Turning to the proposed conclusions which are submitted for adoption, please allow me to share with you some highlights relating to its substantive provisions. First, in the preambular section, we acknowledge that the ILO should promote understanding and recognition of its values, mandate and its development cooperation and partnerships in support of achieving the 2030 Agenda.

The conclusions are structured around four parts, covering the new development cooperation landscape, the reforms of the UN development system, guiding principles for future ILO development cooperation, and a roadmap to take the conclusions forward.

Under Part I, the conclusions stress the diverse and complex trends affecting the world of work, while highlighting the overarching guidance provided by the ILO Declaration on Social Justice for a Fair Globalization, 2008, and the resolution on advancing social justice through decent work adopted by the Conference in 2016. This Part also highlights the fact that, while official development assistance remains an important source of financing for development, there is a need to consider other options, including South-South and triangular cooperation, domestic resource mobilization, multi-stakeholder partnerships, innovative financing and sustainable investment in countries.

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The importance of strengthening the ILO in a reformed UN development system was underscored in Part II. It was recognized by all members that the bold reforms of the UN Secretary-General to deliver the 2030 Agenda will have profound implications for ILO development cooperation. As a unique tripartite specialized agency of the UN, all members strongly supported the notion that the ILO needs to seize new opportunities through its unique value-added, its mandate, normative role and social dialogue, along with its technical expertise across all four pillars of the Decent Work Agenda.

To meet the challenges in the world of work and build a global community with a shared decent work future for all, Part III outlines 12 principles which will guide a more effective and innovative approach to development cooperation.

Based on these guiding principles and the context for development cooperation, the conclusions then define a roadmap, which, in particular, calls on the ILO to proactively promote and advocate its unique value-added at all levels and to strengthen the capacities of its constituents in order to support constituents to effectively participate in the 2030 Agenda.

I believe that our conclusions provide guidance for Office follow-up, underscoring its important role in supporting governments and social partners to promote the Decent Work Agenda within an overarching SDG framework through effective development cooperation.

The covering resolution requests that the Director-General of the ILO prepare a plan of action to give effect to the conclusions, for the consideration of the Governing Body, and to communicate the conclusions to the relevant organizations at the global and regional levels for their attention.

I now have the honour and privilege of submitting to the International Labour Conference for adoption the reports of the Committee, including the conclusions and resolution concerning effective ILO development cooperation in support of the Sustainable Development Goals.

**Ms Mugo**

Employer Vice-Chairperson of the  
General Discussion Committee:  
Effective development cooperation

Let me start by thanking the Officers of the Committee, the secretariat and the members of the Employers' group for their active participation and work in the Committee.

On the eve of the 100th anniversary of the ILO, the discussion on development cooperation was a critical one. New global developments, unprecedented changes in the world of work, the Sustainable Development Goals and the United Nations reform have changed the landscape in which the ILO delivers its services to the constituents. A new landscape requires a new roadmap. We believe that we did our best to deliver such a roadmap. We also believe that we installed some key signposts but sadly missed the opportunity to install others. During the discussion, the Employers' group emphasized the paramount role of the private sector in the achievement of the objectives of development cooperation that we tried to collectively envisage, sometimes from different angles.

In our view, employers are the drivers of inclusive growth and job creation and are therefore well placed to deliver on the promise of sustainable and socially inclusive economic development. An enabling environment for the sustainability and resilience of enterprises is key. In this framework, the Employers set out their priorities. The ILO development cooperation strategy should first and foremost support employment promotion through an enabling environment that is conducive to job creation and skills-development programmes that are adapted to labour market needs. While we are pleased that our

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deliberations and often clashing ideas led to an overall balanced outcome, we genuinely expected a smoother and much more constructive discussion on the role of the private sector in development.

We expected more support, especially from the Government group, for a balanced approach that corresponds to the needs of the constituents in the context of the United Nations reform. Moreover, the ILO's constituents should be at the table. We believe that the participation of the social partners in national SDG processes will ensure the proper integration of decent work in United Nations Development Assistance Frameworks (UNDAFs) in practice rather than in words.

The ILO must better utilize business expertise, knowledge and experience and tap the potential of public-private partnerships (PPPs) through effective and robust programmes and procedures. Any conditionality, selection process or specific criteria which could undermine the engagement of the private sector in development cooperation should be avoided.

Governments should provide incentives for the private sector to contribute to sustainable development. It is also for governments to provide enabling conditions for social dialogue, with the effective participation of workers and employers in national development planning, including Decent Work Country Programmes. The ILO should not promote dialogue frameworks without the proper involvement of the representative organizations of the social partners.

Policy coherence will be key in this process. Governments should take the responsibility to ensure internal policy coherence to maximize the outcomes of development cooperation, whereas the ILO should leverage its partnerships with international finance institutions and United Nations agencies to promote policy coherence on the ground.

Before I conclude, let me express some of the concerns of the Employers' group with the plan of action arising from the conclusions of this Committee, which should be taken into account by the ILO Governing Body going forward.

Most importantly, from our perspective, an enabling environment for sustainable enterprises should be both a means and an end for development cooperation. It creates conditions for growth, jobs, prosperity and better livelihoods for people, and helps generate the resources needed for financing development. We therefore hope that the Office will take this fully into account when developing the strategy and the plan of action.

Moreover, the Committee discussed at length the financing of ILO development cooperation. Employers called for the ILO to innovate in order to adequately resource development cooperation through a mix of traditional funding and new financing mechanisms. However, this call was not widely supported and I must say we were surprised by this, as we believe that this is a lost opportunity.

The Committee also discussed the issue of labour provisions in trade agreements. The Employers do not oppose further analysis of this topic, but we caution the ILO against promoting awareness of the subject without reliable and adequate evidence to support the positive linkage.

Last but not least, the Employers' group regrets the singling out of global supply chains in the general conclusions. We believe that this misplaces the focus from wider sectors with significant challenges, such as the informal economy. Despite some divergence of views, we believe that we still managed to come up with conclusions which could serve as a basis for the ILO Governing Body to guide the ILO in its development cooperation strategy and translate into impactful action.

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Let us make sure that the map agrees with the landscape. I thank you all for your kind attention. “Asanteni sana.”

**Mr Guiro**

Worker Vice-Chairperson of the General Discussion  
Committee: Effective development cooperation  
(*Original French*)

On behalf of the Workers’ group, allow me first of all to congratulate the Chairperson of our Committee, Mr Ndebele. His task was arduous, but he was able to bring the discussions to a successful conclusion while constantly seeking consensus.

I would also like to commend the representative of the Secretary-General and the whole Office team for all the work done. And I would like to express gratitude to the representatives of the governments and the different groups in the Committee. I hope that they, like the Workers, have appreciated the more frequent and open exchanges with everyone this year.

The Workers’ group is very happy with the work accomplished in these past two weeks and welcomes the conclusions. In this regard, I would also like to stress the crucial elements which, in the opinion of our group, are essential for implementing the follow-up initiatives.

The preamble outlines the key principles governing ILO development cooperation, the standard-setting mandate of the Organization and the international agreements on effective development cooperation.

The implementation of recommendations made by the ILO supervisory bodies on the application of standards remains a key parameter for guiding action by the Organization in the area of cooperation.

The conclusions also stress the need to maintain a balanced approach among the four strategic pillars of the Decent Work Agenda, and the importance of strengthening the organizational capacity of the constituents.

Transparency and responsibility have been recognized as fundamental criteria to be respected, particularly where innovative financing instruments and the role of the private sector in development are involved. The role of the ILO in the promotion of decent work in supply chains in conjunction with multinational enterprises has also been reaffirmed.

Finally, these conclusions provide a strong, clear position on the part of the constituents with regard to the reform of the UN system, maintaining the unique nature of the ILO’s role at the political, institutional and operational levels.

ILO development cooperation cannot remain removed from reality. It has to be in step with the evolution of policies being drawn up by the international community, while enhancing its special features based on governance of the world of work. Beside the purely technical aspects, development cooperation includes new fields such as respect of rights, proper governance, social justice and participation.

The 2030 Agenda consolidates this approach, introducing a rights-based vision. Of course the Decent Work Agenda fits in perfectly with this new conception, fostering a holistic approach which links economic growth and the protection of rights at work.

The current scenario demonstrates the central role of ILO action in development cooperation. It must strongly promote its objectives and procedures while playing a proactive and visible role on the international development stage.

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This is why we have held vigorous discussions to defend and strengthen the main principles that characterize ILO cooperation activities, such as tripartism, labour standards, application of the recommendations of the supervisory bodies, social dialogue and collective bargaining.

Regarding the ILO principles in relation to cooperation, international labour standards, their adoption, their observance and their enforcement are at the very heart of the work of the Organization. The ILO must continue its historic and constitutional standard-setting mission of ratification and implementation of international labour standards and the drawing up of new standards so as to meet the challenges arising from changes to the world of work and from the need to establish national and global governance.

The reports of the supervisory bodies must be indicators and reference points for measuring the progress and results achieved in development cooperation. They contribute in this way to the evaluation of results and the impact of projects in terms of respect for rights on the ground. As part of its development cooperation activities, the ILO should use these reports strategically to provide standard-setting guidance at the national level. In this regard, it is important to reaffirm that cooperation should be driven by demand and respond to the particular needs of countries, including in relation to decent work deficits.

The promotion and ratification of international labour standards also require a strengthening of the capacities of the constituents. Hence it is important that the conclusions also emphasize the need to maintain a balanced approach among the four strategic pillars of the Decent Work Agenda – including a budgetary balance – aimed at promoting international labour standards, their ratification and follow-up with countries that are facing difficulties in implementing ILO standards.

In particular, the flagship programmes can be used to reinforce the capacity of the social partners and, with regard to the trade unions, strengthen national platforms relating to specific themes.

The financing of development depends on sustainable investment carried out in the countries. In this regard, the ILO has played a significant role supporting the participation of the social partners and building their capacity to be involved in the drawing up of trade and investment policies and multinational development bank programmes.

The value of official development assistance for ensuring independent and transparent policies and instruments is also recognized in the conclusions.

Innovative financing modes and the role of the private sector generated some very lively discussions, since they are the source of genuine concerns regarding respect for fundamental principles such as transparency and accountability. We actively sought consensus on this point and, thanks to good understanding on all sides, consensus was found.

The conclusions refer directly to instruments such as the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, the role of the ILO in promoting decent work in global supply chains, including with multinational enterprises, and inclusive approaches to the use of innovative finance mechanisms. The conclusions envisage a preliminary discussion within the Governing Body, which could ensure a clear and transparent decision-making process.

We have also discussed at length the ILO's Decent Work Country Programmes (DWCPs). Here I would like to make a few additional comments as a contribution to the follow-up for the future.

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The Workers' group thinks that partnerships with private entities, primarily multinationals and other enterprises, should be the opportunity for the ILO to consolidate its mandate and its scope of action. This is particularly true with regard to multinational enterprises which are seeking partnerships with the ILO to improve working conditions in global supply chains.

It should be noted that this interaction with multinationals has to go beyond the search for funding. The strategic issue is to use DWCPs so that the ILO may ensure the achievement of decent work and extend its influence on the process of governance in global supply chains. This implies a support and facilitation role for the ILO, aimed at accelerating social dialogue at different levels, including at the cross-border level.

In the future, therefore, the ILO must be a key player in the process of regulating initiatives with the private sector, applying criteria for engaging with it which will be in line with its values and ways of working, and also in step with the principles of the strategy for effective development cooperation.

Finally, these conclusions set out the clear and strong position of the constituents regarding the reform of the UN system, maintaining the unique character of the ILO's role at the political, institutional and operational levels.

Of course, the challenge for the ILO is to produce a sound strategy to influence the process for the implementation of these reforms, while respecting the guiding principles contained in the conclusions.

The Workers' group is ready to support all the initiatives in this regard. By way of conclusion, on behalf of the Workers' group I would like to thank the representative of the Secretary-General, Mr Oumarou, and the deputy representative, Ms Vejs-Kjeldgaard, and also Mr Liu, the Reporter of our Committee.

I would also like to extend our thanks to the Employer Vice-Chairperson, Ms Mugo, for her fruitful collaboration during these past two weeks of work, and to the Chairperson, Mr Ndebele, who played a key role in our reaching a consensus.

Furthermore, I would like to thank the whole Workers' group, which accompanied me throughout the process, and in particular the secretariat, including Ms Simonetti, Mr Cairola and Mr Castro from ACTRAV, and everyone else who supported the Workers' group during these past two weeks.

### **Mr Ndebele**

Chairperson of the General Discussion Committee:

Effective development cooperation

I am honoured in my capacity as Chairperson of the General Discussion Committee: Effective development cooperation to present to you some observations on the proceedings of the Committee.

Let me start by noting the happy coincidence that, as South Africa celebrates the centenary of its icon, Nelson Mandela, the ILO celebrates its centenary. A common thread that binds these two events together is social justice. Social justice is about hope, about leaving no one behind, and about the ILO reaffirming the Philadelphia Declaration, which proclaimed that labour is not a commodity.

For the first time in ILO history, the Employer Vice-Chairperson, the Worker Vice-Chairperson and the Chairperson of a Conference committee – this Committee – have all been representatives from the beautiful African continent.

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Since the Conference last discussed the ILO's role in development cooperation, in 2006, many important changes have affected the development cooperation landscape and have had an impact on the world of work. The Decent Work Agenda has become a universal aspiration that is well embedded in the 2030 Agenda. Other recent international frameworks, such as financing for development, have changed the context in which we cooperate for sustainable development; lastly, there is the ongoing UN reform process. The Committee's discussion thus came at a very strategic and opportune time. It has provided us with an important opportunity to guide the ILO's future development cooperation. An ILO fit for purpose today will secure its relevance as we embark on the ILO's next century.

Now let me highlight a few points to complement the excellent account of our work in the Committee that we have just heard from our Reporter and two Vice-Chairpersons. I wish to thank the two Vice-Chairpersons in particular for their cooperation and support throughout the work of the Committee.

The Committee's work was extremely productive and constructive; it was sometimes challenging, but always cordial and collaborative. The conclusions that we are submitting to the Conference for adoption are striking proof that it is possible to forge a tripartite consensus that can help shape the ILO's work to implement the 2030 Agenda. These conclusions provide guidance for responding to a changing world of work within the new development cooperation landscape. The global challenges in the world of work demand effective responses and innovative approaches which are adapted to country-specific realities, and this requires the ILO to be fit for purpose in a reformed UN development system.

As a unique tripartite specialized agency within the UN, the ILO has a key role to play in the implementation of the process to reform the UN development system and thus to enhance the effectiveness of development cooperation. The conclusions we are giving you today provide a common vision, a set of 12 guiding principles for a more effective and innovative approach to ILO development cooperation, intended to support constituents in promoting the Decent Work Agenda within an overarching SDG framework. The conclusions set out a clear roadmap for the ILO, for governments in consultation with social partners, and for development partners.

I believe that our conclusions will be an important reference-point for the ILO to use in developing a long-term and integrated strategy for effective development cooperation.

In conclusion, I would like to extend my thanks to the representative of the Secretary-General, Mr Oumarou; the deputy representative of the Secretary-General, Ms Vejs-Kjeldgaard; and the members of the secretariat for their excellent preparations for this discussion and their support during the work of the Committee.

I am comforted by the united understanding of this Committee that we are leaving no one behind. Therefore, I am presenting to you the outcome of the Committee's deliberations.

## **The President**

I would like to thank all the Officers of the Committee for the report that has been submitted and for the work they have done.

The discussion of the report of the General Discussion Committee on effective development cooperation is now open.

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**Ms Aleksandrova**  
Government (Bulgaria)

I am speaking on behalf of the European Union and its Member States. The candidate country Montenegro and the country of the Stabilization and Association Process and potential candidate Bosnia and Herzegovina align themselves with this statement.

I would like to start by thanking Mr Liu for presenting the report and the conclusions that we welcome; the Chairperson and the Vice-Chairpersons for successfully leading the discussions during the last two weeks; the Office and the secretariat, including the interpreters, translators and other staff, for the support provided; and the Workers' and Employers' groups and the Governments for their active participation and valuable input to the discussions and the constructive manner in which they were held.

We think that the Committee succeeded in providing the Office with the guidance it requested. Ten days ago, we opened by mentioning the ILO Declaration on Social Justice for a Fair Globalization, the 2030 Agenda, the Addis Ababa Action Agenda and the Paris Agreement on Climate Change. We have continued to emphasize our commitments to those instruments and have kept them in mind throughout the debate. In order for ILO development cooperation to have the greatest possible impact on poverty reduction, we also reiterate the importance of promoting an inclusive and sustainable economic transition creating decent jobs for the large populations living in poverty, in particular for women, young people and persons with disabilities. We recognize the unique challenges faced by many developing countries in Africa.

During the discussion, we have strongly supported the promotion of all labour standards and the need for the ILO to continue contributing to eradicating forced labour, modern slavery and human trafficking, and to secure the prohibition and elimination of the worst forms of child labour, including inside global supply chains. We have also underscored the need to reach all actors in the informal sector, support the transition from the informal to the formal economy and promote economic opportunities and job creation in refugee and refugee-hosting communities.

Throughout the discussions, we have reiterated that the European Union and its Member States strongly support UN reform. We have welcomed the good news that the UN General Assembly unanimously adopted a resolution that will strengthen the UN development system. The European Union fully supports the ILO in engaging with the Secretary-General on how this almost 100-year-old but forward-thinking Organization can better contribute with its specific expertise, tripartite nature and mandate to the important process ahead of us and implement the vision for a UN development system fit for the twenty-first century.

We have stressed four key elements that should be taken into account in the preparation of the new ILO development cooperation strategy: the need for policy coherence, the opportunity for the promotion of tripartism, the need to increase the effectiveness and impact of the ILO's development cooperation and the importance of promoting comprehensive multi-stakeholder partnerships for the Decent Work Agenda. We are happy that these four elements have been adequately mainstreamed into the Committee's conclusions. We welcome the fact that the conclusions emphasize that all four strategic objectives of the Decent Work Agenda – employment creation, social protection, rights at work and social dialogue – should receive adequate attention in the forthcoming strategy.

The conclusions reinforce the links between the normative and supervisory roles of the ILO and its development cooperation. We welcome the strong linkages with the 2030 Agenda provided in the conclusions, including the principle of "leaving no one behind". This will allow the Office to continue its analysis of how the new development

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strategy will best assist in delivering on the SDGs, bearing in mind our core priorities and mandate. We think that the conclusions satisfactorily reflect the need for the ILO to engage with the Resident Coordinators, mainstream the Decent Work Agenda in the UNDAFs and promote the participation of social partners in their preparation and implementation.

We are also glad that the conclusions reflect the need for the ILO to seek broad and sustainable partnerships, while ensuring that they are beneficial in the long term and include the need to review the ILO's field structure. Furthermore, we are pleased to see that the broad consensus on the need for a continued strong gender equality focus is reflected in the conclusions. We support the Office in the development of a concrete action plan, based on those conclusions, to form the basis of the agreement of a development strategy that clearly spells out what the ILO, building on its strengths, needs to do differently to deliver on the SDGs and in the context of UN reform.

In conclusion, during the discussions we heard voices that want to build a global community to contribute to a future of decent work for all in line with the global partnership for sustainable development that the 2030 Agenda calls for. During these two weeks, this Committee has been such a community. Let us continue building it during the coming months.

**Mr Ahmed**  
Employer (Bangladesh)

I am speaking on behalf of the Employers' group. After following the discussion and the work of the drafting group, I would like to stress the following points.

For the Employers, an effective ILO development cooperation strategy should be prioritized for employment promotion because we believe that it provides an overarching framework for a comprehensive and pragmatic approach for tackling the colossal labour market challenges that we face. An approach based on employment promotion fits well with Goal 8 of the SDGs, which calls for full and productive employment. The ILO has a clear added value compared to other UN agencies in the field of employment and we believe that the ILO's contribution should be anchored to its value addition, which is employment.

Goal 8 sets the target very clearly. Under development cooperation, the ILO should create a strategy that supports employment promotion and income opportunities through an enabling environment for sustainable enterprises and job creation. I would like to emphasize, even at the risk of being repetitive, our call as employers for focusing on supporting micro-, small and medium-sized enterprises and facilitating the transition to the formal economy. We strongly believe that this is critical if we are to make a dent in tackling the decent work challenges that we face today.

The Employers emphasize the need for policies conducive to economic growth and ensuring the rule of law; in other words, encouraging an enabling environment for sustainable enterprises. It is also clear that the ILO needs to better understand how business works and what the real issues and challenges are. Once again, the Employers insist on the critical importance of an enabling environment for sustainable enterprises.

The ILO Enabling Environment for Sustainable Enterprises programme achieved good results by enhancing the capacity of constituents to formulate, implement and monitor reforms for the development and growth of enterprises. The ILO needs to promote an enabling environment for micro-, small and medium-sized enterprises, which is key for the transition from the informal to the formal economy and for enhancing employment and income opportunities for the most vulnerable groups. This should be further amplified and supported by appropriate resources.

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**Mr Cunha Ferreira**  
Government (Brazil)

First of all, I thank the representatives of Governments, Workers and Employers for their hard work in trying to reach a set of balanced conclusions to provide guidance to the ILO on its updated development cooperation approach.

The Committee had fruitful discussions and contributed a range of viewpoints that should be recognized in the framing of tripartite outputs.

Bearing in mind the Second High-level UN Conference on South–South Cooperation due to take place in Argentina in March 2019, it was crucial that the Committee recognize South–South and trilateral cooperation as a modality for development cooperation which is both successful and legitimate. The rich experience built up in developing countries should play a stronger role in the ILO’s global and field activities.

The ILO is unique, but it is not alone in the system, and it should collaborate with other actors in the reformed UN development system, seeking guidance and profiting from synergies, in order to best assist countries to achieve the SDGs.

An effective ILO development strategy requires effective coordination with governments, and should not be hindered by the imposition of unnecessary conditions on its implementation. As stated by Brazil during the Committee’s discussions, we can only have decent work where there is work. Development offers the long-term solution that is needed to make concrete steps towards achieving the Decent Work Agenda.

**Ms Sladovic**  
Employer (Croatia)

I will focus my remarks on partnership with the private sector. It is crucial to recognize the unique contribution of the private sector to finding solutions for global social problems by drawing on its resources, capabilities and wealth of knowledge. Engaging the private sector through public–private partnerships, multi-stakeholder platforms and business networks is essential for the promotion of development cooperation and has proven to be successful in many countries in advancing the ILO’s Decent Work Agenda in support of the SDGs.

Other innovative means of cooperation with the private sector are very welcome if they are implemented in a transparent and inclusive way. The private sector provides expertise and solutions as well as new products, technologies and services. Cost-sharing and collaborating with private sector partners is an effective way of mobilizing resources.

Therefore, the Employers support a comprehensive multi-stakeholder partnership strategy to ensure appropriate governance and effectiveness while avoiding duplication of efforts and fragmentation of actions, which undermine impact. The ILO must ensure that its efforts will be reoriented towards long-term, integrated and multifaceted partnerships. As my colleague has just noted, in order to work better with the private sector the ILO must better understand the private sector. This will help to optimize the outcome of the ILO’s collaboration with the private sector in a way that is mutually beneficial.

**Mr Dragun**  
Employer (Argentina)  
(Original Spanish)

The Employers have emphasized the importance of a demand-based strategy which meets the needs of the constituents in accordance with national realities and aligned with the

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reform of the UN system. The ILO constituents need to be part of this development. In this regard, capacity building is essential in order to ensure that the social partners are well resourced and fully involved in the national development of policies.

Hence capacity building continues to be a precondition for sustainable development. The ILO's strategy for development cooperation should have at its heart the institutional development of its constituents. The Office needs to devise and implement specific, well-endowed programmes to build the capacity of their constituents, particularly employers' and workers' organizations, so that they can consolidate their role in national processes to achieve the SDGs.

## **The President**

I would like to suggest that we move on to the approval of the report of the Committee's proceedings, which appears in paragraphs 1–613 of *Provisional Record* No. 7B.

If there are no objections, may I take it that the Conference approves the report of the General Discussion Committee's proceedings, bearing in mind that the Committee members have until 6 p.m. on Friday, 15 June to request any corrections to their statements?

*(The report – paragraphs 1–613 – is approved.)*

## **Resolution and conclusions**

### **Adoption of the conclusions concerning effective ILO development cooperation in support of the Sustainable Development Goals**

#### **The President**

We shall now move on to the adoption of the conclusions concerning effective ILO development cooperation in support of the Sustainable Development Goals, which are based on the work of the General Discussion Committee and have been published in *Provisional Record* No. 7A.

If there are no objections, may I take it that the Conference adopts, part by part, the Preamble to and points 1–9 of these conclusions?

*(The conclusions – the Preamble and points 1–9 – are adopted part by part.)*

If there are no objections, may I take it that the Conference adopts the conclusions as a whole?

*(The conclusions are adopted as a whole.)*

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**Adoption of the resolution concerning effective  
ILO development cooperation in support  
of the Sustainable Development Goals**

**The President**

We shall now proceed to the adoption of the resolution concerning effective ILO development cooperation in support of the Sustainable Development Goals, which also appears in *Provisional Record* No. 7A.

If there are no objections, may I take it that the Conference adopts the resolution?

*(The resolution is adopted.)*

I would like to thank the members of the Committee as well as the secretariat for their contributions to the drafting of the report, the conclusions and the resolution. I have heard that the discussions in the Committee were very active and engaging, resulting in the clear conclusions we have just adopted. Thank you again to all and congratulations to all members of this Committee.

*(The Conference continues its work in plenary.)*



**Fifth item on the agenda: Violence and harassment against women and men in the world of work**

**Reports of the Standard-Setting Committee: Resolution and proposed Conclusions submitted for adoption by the Conference**

This *Provisional Record* contains the text of the resolution and proposed Conclusions submitted by the Standard-Setting Committee: Violence and Harassment in the World of Work for adoption by the Conference.

The report of the Committee on its proceedings has been published on the Conference website in *Provisional Record* No. 8B and is submitted for adoption by the Conference subject to corrections, which Committee members will be able to submit until 15 June 2018, 6 p.m.

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**Resolution to place on the agenda of the next ordinary session of the Conference an item entitled “Violence and harassment in the world of work”**

The General Conference of the International Labour Organization,

Having adopted the report of the Committee appointed to consider the fifth item on the agenda,

Having in particular approved as general conclusions, with a view to the consultation of Governments, proposals for a Convention supplemented by a Recommendation concerning violence and harassment in the world of work,

*Decides* that an item entitled “Violence and harassment in the world of work” shall be included in the agenda of its next ordinary session for second discussion with a view to the adoption of a Convention supplemented by a Recommendation.

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## PROPOSED CONCLUSIONS

### A. FORM OF THE INSTRUMENTS

1. The International Labour Conference should adopt standards on violence and harassment in the world of work.
2. These standards should take the form of a Convention supplemented by a Recommendation.

### B. DEFINITIONS AND SCOPE

3. For the purposes of these standards:
  - (a) the term “violence and harassment” in the world of work should be understood as a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment;
  - (b) gender-based violence and harassment should be understood as violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment;
  - (c) the term “worker” should cover persons in all sectors, both in the formal and informal economy, and whether in urban or rural areas, including employees as defined by national law and practice, as well as persons working irrespective of their contractual status, persons in training, including interns and apprentices, laid-off and suspended workers, volunteers, jobseekers and job applicants.
4. Violence and harassment in the world of work should cover situations occurring in the course of, linked with or arising out of work:
  - (a) in the workplace, including public and private spaces where they are a place of work;
  - (b) in places where the worker is paid, takes a rest break or a meal, or uses sanitary and washing facilities;
  - (c) when commuting to and from work;
  - (d) during work-related trips or travel, training, events or social activities;
  - (e) through work-related communications enabled by information and communication technologies; and
  - (f) in employer-provided accommodation.
5. Victims and perpetrators of violence and harassment in the world of work can be employers and workers, and their respective representatives, and third parties, including clients, customers, service providers, users, patients and the public.

### C. PROPOSED CONCLUSIONS WITH A VIEW TO A CONVENTION

6. The Convention should include a preamble with the following wording:

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- (a) recalling that the Declaration of Philadelphia affirms that all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity;
  - (b) reaffirming the relevance of the fundamental Conventions of the International Labour Organization;
  - (c) recalling other relevant international instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Convention on the Rights of Persons with Disabilities;
  - (d) recognizing the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment;
  - (e) recalling that violence and harassment in the world of work is a form of human rights violation, is a threat to equal opportunities, is unacceptable and incompatible with decent work;
  - (f) recalling that Members have an important responsibility to promote a general environment of zero tolerance to violence and harassment in order to facilitate the prevention of such behaviours, and that all actors in the world of work must refrain from, prevent and address violence and harassment;
  - (g) acknowledging that violence and harassment in the world of work affects a person's psychological, physical and sexual health, dignity, and family and social environment;
  - (h) recognizing that violence and harassment also affects the quality of public and private services, and may prevent persons, particularly women, from accessing, and remaining and advancing in the labour market;
  - (i) noting that violence and harassment is incompatible with the promotion of sustainable enterprises and impacts negatively on the organization of work, workplace relations, worker engagement, enterprise reputation, and productivity;
  - (j) acknowledging that gender-based violence and harassment disproportionately affects women and girls, and recognizing that an inclusive, integrated and gender-responsive approach, which tackles underlying causes and risk factors, including gender stereotypes, multiple and intersecting forms of discrimination, and unequal gender-based power relations, is essential to ending violence and harassment in the world of work; and
  - (k) noting that domestic violence can affect employment, productivity and health and safety, and that the world of work, its institutions and governments can help, as part of other national measures, to recognize, respond to and address domestic violence.

7. Each Member which ratifies the Convention should recognize the right to a world of work free from violence and harassment and, in accordance with national law and circumstances, adopt, in consultation with representative employers' and workers' organizations, an inclusive, integrated and gender-responsive approach for the elimination of violence and harassment in the world of work that includes:

- (a) prohibiting in law all forms of violence and harassment;
- (b) ensuring that relevant policies address violence and harassment;

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- (c) adopting a comprehensive strategy in order to implement measures to prevent and combat violence and harassment;
  - (d) establishing and strengthening enforcement and monitoring mechanisms;
  - (e) ensuring access to remedies and support for victims;
  - (f) providing for sanctions;
  - (g) developing tools, guidance, education and training, and raising awareness; and
  - (h) ensuring effective means of inspection and investigation of cases of violence and harassment in the workplace through labour inspection or other competent bodies.

### **Fundamental principles and rights at work and protection**

8. With a view to eliminating violence and harassment in the world of work, each Member should respect, promote and realize the fundamental principles and rights at work, namely freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour and the elimination of discrimination in respect of employment and occupation, as well as promote safe and decent work.

9. Each Member should adopt national laws and regulations to prohibit violence and harassment in the world of work, including gender-based violence and harassment.

10. Each Member should adopt laws, regulations and policies ensuring the right to equality and non-discrimination for all workers, including women workers as well as workers belonging to one or more vulnerable groups or groups in situations of vulnerability that are disproportionately affected by violence and harassment in the world of work.

### **Prevention measures**

11. Each Member should take appropriate measures to prevent violence and harassment in the world of work, including:

- (a) identifying, in consultation with the employers' and workers' organizations concerned and through other applicable means, sectors, occupations and work arrangements in which workers are more exposed to violence and harassment;
- (b) taking measures to effectively protect such workers; and
- (c) protecting the privacy and confidentiality of those individuals involved, to the extent possible and as appropriate.

12. Each Member should adopt national laws and regulations requiring employers to take steps, as far as it is reasonably practicable, to prevent violence and harassment in the world of work, and in particular to:

- (a) take into account violence and harassment and associated psychosocial risks in the organization of occupational safety and health;
- (b) adopt, in consultation with workers and their representatives, a policy on all forms of violence and harassment;
- (c) identify hazards and assess the risks of violence and harassment, with the participation of workers and their representatives, and take measures to prevent and control them; and

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- (d) provide workers with information and training on the identified hazards and risks of violence and harassment and the associated prevention and protection measures.

### **Enforcement, monitoring and victim support**

13. Each Member should take appropriate measures to:

- (a) monitor and enforce national laws and regulations regarding violence and harassment in the world of work;
- (b) ensure that all persons concerned have easy access to appropriate and effective remedies and safe, fair and effective reporting and dispute resolution mechanisms in cases of violence and harassment, including:
  - (i) complaint and investigation mechanisms at the workplace level;
  - (ii) dispute resolution mechanisms external to the workplace;
  - (iii) access to courts or tribunals;
  - (iv) protection against victimization of or retaliation against complainants, witnesses and whistle-blowers; and
  - (v) legal, social, medical and administrative support measures for complainants;
- (c) provide for sanctions, where appropriate, in cases of violence and harassment in the world of work;
- (d) provide that victims of gender-based violence in the world of work have effective access to effective, safe and gender-responsive dispute resolution mechanisms, support, services and remedies;
- (e) recognize the effects of domestic violence on the world of work and take measures to address them;
- (f) ensure that workers have the right to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to life or health due to violence and harassment, without suffering undue consequences; and
- (g) ensure that labour inspectorates and other relevant authorities, as appropriate, are empowered to deal with violence and harassment, including by issuing orders requiring measures with immediate executory force, and orders to stop work in cases of an imminent danger to life or health.

### **Support and guidance**

14. Each Member, in consultation with representative employers' and workers' organizations, should seek to ensure that:

- (a) violence and harassment in the world of work is addressed in relevant national policies, such as those concerning occupational safety and health, equality and non-discrimination and migration; and
- (b) guidance, resources, training or other tools are provided to employers and workers and their organizations, and to relevant authorities; and initiatives, including awareness-raising campaigns, are undertaken.

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## Means of implementation

15. The Convention should be applied by means of laws and regulations, as well as through collective agreements or other measures consistent with national practice, including by extending or adapting existing occupational safety and health measures to cover violence and harassment and developing specific measures where necessary.

### D. PROPOSED CONCLUSIONS WITH A VIEW TO A RECOMMENDATION

16. The Recommendation should include a preamble indicating that the provisions of the Recommendation should be considered in conjunction with those of the Convention.

#### Fundamental principles and rights at work and protection

17. In adopting an inclusive and integrated approach for the elimination of violence and harassment in the world of work, Members should address violence and harassment in the world of work in labour and employment, occupational safety and health, and equality and non-discrimination law, as well as in criminal law where appropriate.

18. Members should ensure that all workers, including those in sectors, occupations and work arrangements in which they are more exposed to violence and harassment, fully enjoy freedom of association and the right to collective bargaining in accordance with 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).

19. Members should take appropriate measures to:

- (a) encourage collective bargaining at all levels as a means of preventing and addressing violence and harassment in the world of work and dealing with the effects of domestic violence on the world of work; and
- (b) support such collective bargaining through the collection and dissemination of information on related trends and good practices regarding the negotiation process and the content of collective agreements.

20. Members should take legislative or other measures to protect migrant workers regardless of migrant status, and particularly women migrant workers, in origin, transit and destination countries as appropriate, from violence and harassment in the world of work.

21. Members should ensure that provisions on violence and harassment in national laws, regulations and policies take into account the equality and non-discrimination instruments of the International Labour Organization, including the Equal Remuneration Convention (No. 100) and Recommendation (No. 90), 1951, and the Discrimination (Employment and Occupation) Convention (No. 111) and Recommendation (No. 111), 1958, and other relevant instruments.

#### Prevention measures

22. Occupational safety and health provisions on violence and harassment in national laws, regulations and policies should take into account relevant occupational safety and health instruments of the International Labour Organization.

23. Members should, as appropriate, specify that workers and their representatives should take part in the design, implementation and monitoring of the policy adopted by the employer on violence and harassment, referred to in point 12(b), and such policy should:

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- (a) state that violence and harassment will not be tolerated;
  - (b) establish violence and harassment prevention programmes with, if appropriate, measurable objectives;
  - (c) specify the rights and responsibilities of the workers and the employer;
  - [d] contain information on complaint and investigation procedures; and*
  - (e) *provide that all internal and external communications related to violence and harassment are to be duly considered and acted upon.*

24. *The workplace risk assessments referred to in point 12(c) should take into account factors that increase the likelihood of violence and harassment, in particular psychosocial hazards and risks, including those arising from third parties such as clients, customers, service providers, users, patients and the public, as well as from discrimination, the presence of unequal power relations, and gender, cultural and social norms that support violence and harassment.*

25. *Members should adopt specific measures for sectors, occupations and work arrangements in which workers are more exposed to violence and harassment, such as night work, work in isolation, services, health care, emergency services, domestic work, transport, education and entertainment.*

26. *Members should ensure that measures to prevent violence and harassment do not result in the restriction of the participation in specific jobs, sectors or occupations, or their exclusion therefrom, of women and vulnerable groups, including:*

- (a) *younger and older workers;*
- (b) *pregnant and breastfeeding workers, and workers with family responsibilities;*
- (c) *workers with disabilities;*
- (d) *workers living with HIV;*
- (e) *migrant workers;*
- (f) *workers from indigenous and tribal peoples;*
- (g) *workers who are members of ethnic or religious minorities;*
- (h) *caste-affected workers; and*
- (i) *lesbian, gay, bisexual, transgender, intersex and gender-nonconforming workers.*

#### ***Enforcement, monitoring and victim support***

27. *The appropriate and effective remedies referred to in point 13(b) in cases of violence and harassment should not be limited to the right to resign with compensation and should include:*

- (a) *reinstatement;*
- (b) *compensation for material and non-material damages;*
- (c) *orders requiring the employer to take measures with immediate executory force to ensure that certain conduct is stopped or that policies or practices be changed; and*
- (d) *legal fees and costs.*

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28. *Victims of violence and harassment should have access to compensation in cases of psychosocial or physical disability leading to incapacity to work.*

29. *The specialized dispute resolution mechanisms for gender-based violence referred to in point 13(d) should include:*

- (a) courts with expertise in cases of gender-based violence;*
- (b) expedited processes;*
- (c) legal advice and assistance for complainants;*
- (d) guides and other information resources available in the widely spoken languages of the country; and*
- (e) shifting of the burden of proof.*

30. *The specialized support, services and remedies for victims of gender-based violence referred to in point 13(d) should include:*

- (a) support to help victims re-enter the labour market;*
- (b) counselling and information services, including at the workplace;*
- (c) 24-hour hotlines;*
- (d) emergency services;*
- (e) medical care and treatment;*
- (f) crisis centres, including shelters; and*
- (g) specialized police units to support victims.*

31. *The measures to address the effects of domestic violence on the world of work referred to in point 13(e) should include:*

- (a) paid leave for victims of domestic violence;*
- (b) flexible work hours for victims of stalking and domestic violence;*
- (c) temporary or permanent transfers of victims of domestic violence to other workplaces;*
- (d) temporary protection from dismissal for victims of domestic violence;*
- (e) workplace risk assessments specific to domestic violence;*
- (f) a referral system to public mitigation measures for domestic violence, where they exist; and*
- (g) awareness-raising about the effects of domestic violence.*

32. *Perpetrators of violence and harassment in the world of work should be assisted through counselling or other measures, where appropriate, with a view to preventing the reoccurrence of violence and harassment and facilitating their reintegration into work.*

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33. *Labour inspectors and other competent authorities should undergo gender-responsive training with a view to identifying and addressing violence and harassment, psychosocial hazards and risks, gender-based violence, and discrimination against particular groups of workers.*

34. *The mandate of national bodies responsible for occupational safety and health and equality and non-discrimination, including gender equality, should cover violence and harassment in the world of work.*

35. *Members should collect and publish statistics on violence and harassment in the world of work disaggregated by sex, form of violence and harassment, and sector of economic activity, in particular in respect of the groups of workers referred to in point 10.*

### ***Support and guidance***

36. *Members should develop, implement and disseminate:*

- (a) programmes aimed at addressing factors that increase the likelihood of violence and harassment, including discrimination, unequal power relations, and gender, cultural and social norms that support violence and harassment;*
- (b) gender-responsive guidelines and training programmes to assist judges, labour inspectors, police officers, prosecutors and other public officials in fulfilling their mandate regarding violence and harassment, as well as to assist employers and workers and their organizations in preventing and addressing violence and harassment;*
- (c) model codes of practice, workplace policies and risk assessment tools, either general or sector-specific, for all forms of violence and harassment, taking into account the specific situations of disproportionately affected workers;*
- (d) awareness-raising campaigns in the various languages of the country, including those of the migrant workers residing in the country, that convey the unacceptability of violence and harassment, in particular gender-based violence, address discriminatory attitudes and prevent stigmatization of victims, complainants, witnesses and whistle-blowers;*
- (e) gender-responsive curricula at all levels of education and vocational training;*
- (f) training programmes and materials for journalists and other media personnel on gender-based violence, including its underlying causes and risk factors; and*
- (g) campaigns aimed at fostering safe, healthy and harmonious workplaces free from violence and harassment.*

37. *In facilitating the transition from the informal to the formal economy, Members should provide resources and assistance for informal economy workers and their associations to prevent and address violence and harassment in the informal economy.]*



**Fifth item on the agenda: Violence and harassment against women and men in the world of work**

**Reports of the Standard-Setting Committee on Violence and Harassment in the World of Work: Summary of proceedings <sup>1</sup>**

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<sup>1</sup> The resolution and proposed Conclusions submitted by the Committee for adoption by the Conference are published in *Provisional Record* No. 8A.

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1. The Standard-Setting Committee: Violence and Harassment in the World of Work (first discussion), established by the International Labour Conference (Conference) at its first sitting on 28 May 2018, was initially composed of 181 members (82 Government members, 28 Employer members and 71 Worker members). To achieve equality of strength, each Government member entitled to vote was allotted 497 votes, each Employer member 1,420 votes and each Worker member 560 votes. The composition of the Committee was modified eight times during the session and the number of votes attributed to each member adjusted accordingly.<sup>2</sup>

2. The Committee elected its Officers as follows:

*Chairperson:* Mr R. Patry (Government member, Canada) at its first sitting

*Vice-Chairpersons:* Ms A. Matheson (Employer member, Australia) and  
Ms M. Clarke Walker (Worker member, Canada) at its first sitting

*Reporter:* Ms S. Casado García (Government member, Mexico) at its eighth sitting

<sup>2</sup>The modifications were as follows:

- (a) 29 May: 216 members (103 Government members with 2,436 votes each, 29 Employer members with 8,652 votes each and 84 Worker members with 2,987 votes each);
- (b) 30 May: 152 members (109 Government members with 372 votes each, 31 Employer members with 1,308 votes each and 12 Worker members with 3,379 votes each);
- (c) 31 May: 141 members (109 Government members with 60 votes each, 20 Employer members with 327 votes each and 12 Worker members with 545 votes each);
- (d) 1 June: 130 members (109 Government members with 36 votes each, 9 Employer members with 436 votes each and 12 Worker members with 327 votes each);
- (e) 2 June: 129 members (109 Government members with 24 votes each, 8 Employer members with 327 votes each and 12 Worker members with 218 votes each);
- (f) 4 June: 127 members (111 Government members with 4 votes each, 4 Employer members with 111 votes each and 12 Worker members with 37 votes each);
- (g) 5 June: 128 members (112 Government members with 3 votes each, 4 Employer members with 84 votes each and 12 Worker members with 28 votes each);
- (h) 6 June: 128 members (112 Government members with 3 votes each, 4 Employer members with 84 votes each and 12 Worker members with 28 votes each).

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3. At its seventh sitting, the Committee appointed a Drafting Committee<sup>3</sup> composed of the following members:

<i>Government member:</i>	Mr M. Denis (France), assisted by Ms J. Barrett (United States)
<i>Employer member:</i>	Ms A. Vauchez (France), assisted by Mr R. Chacko (International Organisation of Employers)
<i>Worker member:</i>	Ms R. Mackintosh (New Zealand), assisted by Ms C. King (International Trade Union Confederation)
<i>Spanish-speaking observers:</i>	Mr J.I. Martín Fernández (Spain) Ms G. Herzog (Employer, United States) Ms R. Gómez Merayo (Worker, Spain)

4. The Committee had before it Report V(1) entitled *Ending violence and harassment against women and men in the world of work*, and Report V(2) *Ending violence and harassment in the world of work*, prepared by the International Labour Office (Office) for the fifth item on the agenda: “Violence and harassment against women and men in the world of work” (standard-setting, double discussion).
5. The Committee held 17 sittings.

## Introduction

6. The representative of the Secretary-General (Ms D. Greenfield, Deputy Director-General for Policy) welcomed the members of the Committee and introduced the secretariat. She reported that a Government representative of Canada had been nominated as Chairperson by the Government group and asked the Committee if it wished to elect him.
7. The Government member of the Bolivarian Republic of Venezuela expressed a lack of support for the candidature of the Chairperson, and noted, as such, that a consensus within the group of the Americas (GRUA) had not been reached. She also stated that her Government would not support any candidature from the Government of Mexico. She explained that this objection was based on the principle of reciprocity, given that the Governments of Canada and Mexico belonged to the so-called “Lima Group”, which, in August 2017, had stated it would not support Venezuelan candidatures in regional and international mechanisms and organizations.

<sup>3</sup> Pursuant to article 59(1) and article 6 of the Standing Orders of the International Labour Conference, a Committee Drafting Committee is tasked to ensure legal consistency of the texts of proposed Conventions and Recommendations and the concordance between the English and French versions, which become the authentic texts of Conventions and Recommendations. It also verifies that the proposed texts reflect the decisions of the Committee and makes changes of an editorial nature to align the texts with ILO terminology and reference style. In addition, the Committee Drafting Committee undertakes any other task referred to it.

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8. The representative of the Secretary-General affirmed that the secretariat took note of the statement of the Government member of the Bolivarian Republic of Venezuela and that this would be duly reflected in the Committee report.
  9. The appointment of the Chairperson was then confirmed by the Committee.
  10. Upon his election, the Chairperson observed that the Committee had high expectations regarding the outcome of its work and that the world was watching. The discussion on violence and harassment in the world of work was necessary and long overdue. Workplaces relied on national and international standards to make them safe and productive, and the tripartite partners had the opportunity to make a real, tangible and lasting impact on people's lives around the world. Following the work of the Committee, it was hoped there would be a set of proposed Conclusions to provide guidance on the preparation of a proposed instrument or instruments, in view of a second round of discussions at the 108th Session of the Conference in 2019. To that end, the Chairperson stressed the importance of both dialogue and compromise during discussions of the Committee.
  11. The representative of the Secretary-General provided an overview of the Committee's work and described the historical context in which it had originated, including the adoption of the resolution concerning gender equality at the heart of decent work at the 98th Session of the Conference in 2009. As the discussion had developed, the Governing Body had seen the need for a broader approach to the subject and, at its 325th Session (October–November 2015), it placed a standard-setting item on “Violence against women and men in the world of work” on the agenda of the current session of the Conference. That was followed by a Tripartite Meeting of Experts on Violence against Women and Men in the World of Work in 2016. The Meeting of Experts had suggested adding “harassment” to the title of the related Conference agenda item, a change which was subsequently decided by the Governing Body at its 328th Session (October–November 2016).
  12. The representative of the Secretary-General noted that international standards had not yet defined the term “violence and harassment” at work and did not provide guidance to the world of work actors on how to prevent and respond to it. As such, she emphasized that the world was looking to the International Labour Organization (ILO) for clear guidance on the topic and that there were high expectations among, and beyond, the ILO's constituent groups. The high response rate to the questionnaire circulated by the Office in May 2017 reflected a wide agreement among the tripartite partners.
  13. The Committee had several challenges before it, including negotiating an instrument or instruments that would be applicable to diverse socio-economic and cultural realities and regulatory frameworks, and that would be relevant to tomorrow's world of work. Key questions before the Committee included the definition of violence and harassment, and the scope and form of the possible instrument or instruments. In spite of the challenges, the representative of the Secretary-General observed a genuine desire and a commitment to improve the proposed Conclusions, in order to develop a new standard or standards that would be clear, useful and implementable. She concluded by stating that the ILO Director-General had called upon all members of the ILO community – not only from the Office but also members of the Governing Body, experts, Conference delegates and meeting participants – to be aware of, and prevent, sexual harassment. In that way, the Conference would set an exemplary standard for others.

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## Opening statements <sup>16</sup>

14. The Employer Vice-Chairperson stated that the goal of ending violence and harassment at work should unite governments, workers and employers, and that they had an important opportunity to work together towards a common goal. Employers did not want to see violence and harassment in the workplace, and were supportive of efforts and effective measures to tackle the issue. Everyone should have responsibilities to prevent violence and harassment in the workplace as well as a right to work free from violence and harassment to the maximum extent possible.
15. Committee members were encouraged to focus on the most effective approach to address violence and harassment in the workplace, particularly related to effective guidance to member States. It was not the form of the instrument, but rather the effectiveness of the instrument and its wide acceptance that would make a difference. Pragmatism, practical implementation and flexibility of the instrument would be essential to ensure that it could be applied to diverse national contexts.
16. The Employer Vice-Chairperson noted that the Employers' group had some key concerns regarding the proposed Conclusions, although she expressed the hope that the Committee could address those concerns through constructive discussion. One such concern was how to define violence and harassment. Conflating the concepts within a single definition posed significant challenges, not only because of subjective understandings and cultural interpretations, but also because different legal responses to violence and harassment were needed. The scope of the discussion also needed to be clearer and the nexus to the workplace better established. She suggested that efforts should target the workplace, where the responsibilities of employers and workers could be relatively clear. The definitions of "employer" and "worker" also required further consideration. The Employers' group could not accept that someone could be labelled as an employer where no employment relationship existed. Furthermore, the understanding of a worker should be appropriate to national law and practice. As such, defining "employers" and "workers" presented a challenge; an overly prescriptive approach would expand responsibilities beyond what was reasonable and practicable, yet at the same time could exclude those who should have responsibilities and be protected.
17. Employers accepted they had an important role in addressing violence and harassment in the workplace and that they had responsibilities to drive appropriate standards of behaviour. Moreover, responsibilities were only effective if there was accountability. Employer responsibilities should be qualified by what was reasonable and practical, and should be limited to those matters over which employers had control. The instrument should adopt an integrated approach which ensured a shared responsibility between employers, workers and governments. In addition, the Committee would need to further clarify the ambiguity with respect to accountability and responsibility for remedies.
18. The Employer Vice-Chairperson suggested that some text of the proposed Conclusions could potentially be exclusionary and that the right to protection needed to be applied equally to all groups, including employers. In this effort, it was important to emphasize mutual respect. In addition to regulation, education, cultural change and peer-to-peer relationships were important approaches to address violence and harassment in the workplace. The Employer Vice-Chairperson expressed confidence that a constructive discussion would lead

<sup>16</sup> Unless otherwise specified, all statements made by Government members on behalf of regional groups or intergovernmental organizations are reported as having been made on behalf of all Governments members of the group or organization in question who are Members of the ILO and are attending the Conference.

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to an effective text. The discussions provided an opportunity to demonstrate the importance of tripartism and of delivering outcomes that could be taken forward to the ILO's centenary Conference.

19. The Worker Vice-Chairperson noted that violence and harassment in the world of work constituted a serious human rights violation, impinged on the ability to exercise other fundamental labour rights, and that it was incompatible with decent work and was a threat to dignity, security, health and the well-being of everyone. It affected all occupations and sectors of economic activity including the public and private sectors, as well as formal and informal work settings, creating a negative impact on workers, employers, their families, their work environment, economies and society.
20. Global social media campaigns on violence and harassment against women – #MeToo, #YoTambién, #BalanceTonPorc and #NiUnaMenos – showed how urgent and relevant the discussion was for the world of work. Women working on film sets, in newsrooms and in parliaments had found it difficult, and it took them so long to speak up against sexual harassment. The situation could be even more challenging for women workers in domestic work, agriculture, garment factories, the hotel industry and transport – particularly in male-dominated workplaces. As referred to in the ILO Director-General's report to the Conference, the revelations showed how pervasive and tolerated violence and harassment was in the world of work, and was endured by a great number of women in order to obtain or keep a job, to be paid their salaries, to be promoted and when commuting to and from work. Violence and harassment must never be accepted as part of the job. Neither could the silence of victims ever be a condition of work.
21. The Worker Vice-Chairperson referred to the affirmation of the Declaration of Philadelphia (1944) that “all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity”, but noted that no ILO instrument addressed violence and harassment as its primary aim and focus, none defined such conduct, and none provided clear guidance on the steps needed to address violence and harassment. The Workers' group had a long-standing call for international labour standards to address violence and harassment in the world of work. As such, they were gratified that there had been sufficient support in the questionnaire responses to direct the Office to prepare proposed Conclusions with the view to adopting a Convention supplemented by a Recommendation.
22. It was important to signal without ambiguity that violence and harassment is unacceptable and the antithesis of decent work and therefore demands serious and urgent action. That would help create a level playing field by setting minimum standards for governments, as well as employers and workers and their organizations, to end violence and harassment. The Worker Vice-Chairperson suggested that a Recommendation would supplement a Convention by providing more detail and practical guidance on how to translate principles into action.
23. The proposed Conclusions were a good starting point for the discussions. They were a fair reflection of the conclusions of the Tripartite Meeting of Experts, and of the concerns, comments and proposals raised by constituents in response to the questionnaire. The task of the Committee was to strike a balance between a Convention that was not so complex as to be seen as unratifiable and one that was not so limited in scope, such that it would be ineffective in addressing this most basic and pernicious of human rights violations.
24. While the Workers' group recognized that violence and harassment affected everyone in the world of work, not everyone was affected in the same way and on the same scale. Personal characteristics, working arrangements and sectors of work could all exacerbate the risk of

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violence and harassment in the world of work. Women and gender non-conforming people experienced violence and harassment in disproportionate numbers, underlining the need for the gender dimensions of violence and harassment to be addressed in the new instruments. Furthermore, there was a joint responsibility of workers' representatives and employers to minimize the effects of domestic violence on the persons and working environments affected.

25. An integrated approach was essential to effectively address prevent and redress violence and harassment in the world of work. Moreover, the instruments needed to be forward-looking and to be able to stand the test of time, particularly as new forms of violence and harassment could emerge. The Worker Vice-Chairperson concluded by stating that the Committee had an historic opportunity to demonstrate to the world the continued relevance of the ILO's vision and mandate, and its commitment to assuming its contemporary responsibilities.
26. The Government member of Bulgaria, speaking on behalf of the European Union (EU) and its Member States, said that the following countries aligned themselves with the statement: the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania, and Bosnia and Herzegovina. She noted the importance and timeliness of a discussion to adopt international labour standards focusing on violence and harassment in the world of work in the light of the Sustainable Development Goals (SDGs). Action was needed to achieve decent work, full and productive employment and gender equality, and to end all forms of discrimination and violence. Violence and harassment affected a significant number of workers globally and was fuelled by unequal power relationships, discrimination and gender inequality. A study published in 2015 revealed that in the EU, 14 per cent of workers reported having been subject to violence or harassment in the workplace, with women disproportionately affected. The economic cost of violence against women and girls could amount to between 1.2 per cent and 3.7 per cent of gross domestic product. Women were more likely than men to become victims of sexual harassment. Thus, 75 per cent of women in top management positions had experienced sexual harassment and more than 60 per cent of women working in the services sector had been subjected to it. Lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) people and migrants were often disproportionately affected by violence and harassment.
27. The EU warmly welcomed and supported the development of an ILO instrument that would be effective and have an impact in and on the world of work. The world looked upon the ILO and its global tripartite constituency to provide leadership and guidance on the issue. The EU was open to considering a Convention supported by a Recommendation, but suggested that it might be preferable to discuss the definitions, scope and content of the instrument prior to its form. The provisions of the proposed instruments echoed the principles of universal human rights, dignity, freedom, equality and solidarity on which the EU was based.
28. The EU and its Member States had undertaken numerous initiatives, legal and otherwise, to address violence and harassment at work, and hoped that the experiences and lessons learned from these initiatives would enrich the debate. On the other hand, the outcome of the Committee's deliberations would be an important orientation for shaping further EU action on violence and harassment in the world of work. The standard-setting exercise should focus on key issues and provide adequate guidance and protection, while remaining flexible enough to ensure the widest possible implementation. The new instrument should promote key principles such as a gender-sensitive approach, a focus on prevention and protective measures, and measures to improve enforcement, including the protection of victims from intimidation and re-victimization, as well as appropriate support and assistance for them. Responsibilities of both governments and employers should be addressed and an indication given on how employers' and workers' organizations might contribute to combating violence and harassment in the world of work.

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29. The Government member of the United Kingdom indicated that his country aligned itself with the EU statement and pointed to the timeliness of discussing the pursuit of a new standard on ending violence and harassment in the world of work. The United Kingdom had strong laws to protect against violence and harassment in the world of work, and wished to see the same level of protection extended around the world. The United Kingdom supported the establishment of an appropriate Convention supplemented by a Recommendation and would be working hard to negotiate an instrument consistent with UK criminal and civil protections. Any new instrument needed to be reasonable and justifiable, to allow for practical implementation and to maximize support and buy-in across the ILO's constituents. The United Kingdom would support references to forced labour and child labour, the disproportionate impact on women and girls, and the responsibility of employers to eradicate violence and harassment throughout supply chains. For the United Kingdom, violence and harassment were a significant barrier to women's economic engagement and to gender equality worldwide, besides being an endemic human rights abuse. With a strong emphasis on prevention, the United Kingdom was proud to be a global leader in efforts to eradicate violence against women and girls in all its forms, including through efforts to eradicate modern slavery.
30. The Government member of Uganda, speaking on behalf of the Africa group, stated that despite existing international instruments, violence in the world of work remained a global challenge, which made a strong case for international labour standards on ending violence and harassment in the world of work. The Africa group welcomed the proposed Conclusions and agreed that the international labour standards should take the form of a Convention, supplemented by a Recommendation. Having a Convention would leave no doubt about the international community's commitment to influence domestic legislation, and allowed for scrutiny by the Committee on the Application of Standards.
31. Due to cultural differences, there would be a need for accommodation, understanding and tolerance regarding the meaning and scope of the word "gender", particularly regarding the issue of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. The Africa group proposed that if a common definition could not be found, a consensus definition should be reached that would provide sufficient flexibility for States to cover local contexts without necessarily imposing particular views on other parties.
32. The Government member of Turkey underlined that every type of violence and harassment in the work life was a human rights violation that should be prevented and eliminated. That was vital for individuals, as well as for constituting a decent and peaceful work environment in countries. While a number of international labour standards existed, which Turkey had also ratified, that provided protection against some forms of workplace violence and harassment, they did not address violence and harassment primarily and explicitly. The initiative of the Conference to adopt an instrument was therefore welcome.
33. The Government member of Mexico observed that while both women and men were subject to harassment in the workplace, women were experiencing a higher vulnerability due to unfavourable labour market conditions. She emphasized that international legal instruments should seek a general empowerment of women in the workplace, including with regard to sustainable development. The Government of Mexico supported a Convention, supplemented by a Recommendation. Mexico had already adopted relevant regulations as well as provisions to combat discrimination against vulnerable groups. The Conference offered an opportunity to outline international instruments that would help women to fully exercise their rights and participate in political, cultural and economic life.
34. The Government member of the United States recalled that, in the recent past, real-life examples of violence and harassment in the world of work had sometimes dominated the media, thus bringing increased attention to the issue. The Committee discussions offered an

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opportunity to help provide answers to the question of prevention. The best way to tackle the issues would be through clear, practical and concrete guidance which would be firmly focused on areas within the ILO's mandate, while avoiding duplication with existing ILO standards. The United States delegation subscribed to the view that the provisions of any instrument needed to be adaptable to, and consistent with, national circumstances, specificities and priorities. Issues surrounding the definitions and scope set out in the proposed text would likely be among the most interesting and complex questions to be considered. The proposed definitions and scope would benefit from clarification, and the United States looked forward to sharing some ideas and proposals.

- 35.** The Government member of Colombia clarified that in her country there was not only a constitutional right to work, but also a constitutional protection of dignified and fair working conditions, including a clear notion for the workers of their tasks and functions. Violence in the workplace went beyond physical harm and could also be related to the organization of work, which could have a negative impact on the well-being of the worker and determined effects on health and safety, as well as on the family and social environment. National legislation in Colombia aimed to address the prevention of harassment in the workplace and provided for remedies and sanctions. Colombia was fully committed to having a Convention to prevent workplace harassment.
- 36.** The Government member of Spain aligned the position of his Government with that of the EU. He emphasized that in Spain violence against women was considered a serious human rights violation. Combating this phenomenon was a priority on the public agenda; this fight was shared by all political parties, the social partners and civil society, and required unity. In 2017, the State Pact against Gender-Based Violence (*Pacto de Estado contra la Violencia de Género*) was adopted unanimously. The Pact was approved by the national Government, the autonomous Spanish regions and the State Observatory on Violence against Women, a true manifest of triple consensus – political, regional and social – and one of the most important agreements in the history of democratic Spain. The measures mentioned in the Pact under “institutional responses” included seeking an international agreement against gender-based violence in the workplace. With a view to giving effect to this provision of the Pact and in agreement with the most representative workers’ and employers’ organizations, the Government of Spain proposed that the text to be adopted make an explicit reference to gender-based violence.
- 37.** The Government member of India supported the agenda item, and also supported a focused and short Convention supplemented by a Recommendation. She noted that there were still many terms in the proposed Conclusions that required serious deliberations. The ILO had a rich body of labour standards, many of which had not been ratified by every country, and hence too many cross-references should be avoided in the proposed instrument. Violence and harassment against men and women was a specific workplace issue that needed to be dealt with separately. India would be keen to see the scope of the instrument defined very unambiguously, as enforcement depended on clarity.
- 38.** The Government member of Brazil highlighted that there were direct bearings of violence and harassment in the workplace on health, gender equality and prosperity, and that violence and harassment thus posed serious obstacles to the achievement of the SDGs. Brazil believed that the standard-setting should take the form of a Convention supplemented by a Recommendation. While Brazil would be flexible regarding the exact content of the instruments to be adopted, the subject merited regulation by a Convention, especially given the absence of other international frameworks dedicated to this issue. Considering that women and minorities were in general disproportionately affected, a strong gender and diversity perspective should be taken. The achievement of a concrete and meaningful result in the Committee would be a matter of fulfilling the ILO's main objective of promoting

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social justice. The Government saw the standard-setting exercise as an opportunity to raise awareness on the issue and encourage debate on national regulatory and policy gaps.

- 39.** The Government member of Canada observed that power imbalances and gender norms left spaces for unacceptable behaviour, including violence and harassment in the workplace. She emphasized that Canada supported the development of a Convention supplemented by a Recommendation concerning violence and harassment in the world of work. The effects of violence and harassment in the workplace were well known; they included stress, bad health, less job satisfaction for individuals; reduced productivity, increased absenteeism and legal costs for employers; and barriers to diverse and inclusive workplaces for society more broadly, in particular for women, young workers, disabled persons, individuals who identified as LGBTI, indigenous peoples and others. Gender equality was a priority for the Canadian Government. The Committee should work towards instruments that would take an integrated and inclusive approach, considering prevention of violence and harassment, responding appropriately and supporting those affected, as well as employers.
- 40.** The Government member of Israel commended the ILO for taking up the subject of violence and harassment in the world of work. Israel used a variety of tools to prevent and eliminate harassment and violence against workers, including general legislation and specific labour laws. Israel also had robust legislation regarding gender-based violence. For example, the Prevention of Sexual Harassment Law obliged employers to take reasonable steps to prevent harassment or else be considered personally responsible for any acts committed by their employees. In 2017, a resolution on preventing and eliminating sexual harassment in the workplace was adopted by consensus at the 61st Session of the United Nations Commission of the Status of Women. Israel firmly believed in the need for global cooperation on the matter and welcomed the process of creating an international legal standard on the topic of violence and harassment in the world of work, through the adoption of a Convention supplemented by a Recommendation.
- 41.** The Government member of Namibia supported the statement made by the Government member of Uganda on behalf of the Africa group, favouring the adoption of a Convention supplemented by a Recommendation. All persons had the right to work in conditions of freedom, dignity, economic security and equality. The problems of violence and harassment in the world of work had been embedded in every stage of historic economic development, including slavery, master–servant relations, subsistence farming, as well as modern employer and employee relations, including disguised employment, triangular employment, dependent self-employed workers or those working online in virtual workplaces. In Namibia, the remnants of past systems of contract labour and apartheid persisted, even after 28 years of independence. While some research had been conducted on gender-based violence and a five-year National Action Plan on Gender-Based Violence had been adopted, very little research had been done on violence and harassment in the workplace or on how domestic violence affected the world of work. There was a need to define a common understanding of gender-based violence, as well as to agree on the basic principles that united everyone, particularly because some issues were highly sensitive within diverse national and cultural contexts. It was important to create a standard that would be relevant worldwide, not only in developed countries but also in countries with informal and rural economies or where labour migration was prevalent.
- 42.** The Government member of Belgium supported the statement made by the Government member of Bulgaria on behalf of the EU and its Member States. Despite legislation to combat violence and harassment, gender-based violence remained a significant problem in Belgian society. The country’s integrated approach, pursued through national action plans, focused on prevention measures, confidential counselling and informal dispute resolution mechanisms. Formal procedures were available when informal interventions were not successful. Violence, bullying and harassment were linked to safety and health at work.

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Research had established that domestic violence generated a high cost to the world of work and it would be important to refer to that problem in any eventual instrument. It was the responsibility of governments, employers and workers to ensure safe, healthy and decent work for all. She supported the adoption of a high-quality, ratifiable Convention supported by a Recommendation, which would send a powerful signal from the Conference.

43. The Government member of Australia welcomed the creation of an instrument on violence and harassment at work, which was not only a labour issue, but also a human rights issue inconsistent with the free functioning of civil society. The discussion was especially timely with regard to the ILO's centenary, when the Committee would complete its work. Australia supported the drafting of a Convention, subject to the text being consistent with two principles. First, the new instrument must be true to the ILO's mandate around work and employment matters. Second, the instrument must recognize the respective roles of governments, employers and unions in addressing violence and harassment in the workplace and agree on effective, practical and reasonable obligations. The standard should stand the test of time and remain relevant as the nature of work continued to change. Women were too often victims of violence and harassment at work; however, it was important that violence and harassment, rather than gender, be the main focus of the discussion. A new standard would send a strong global message that all workers, both men and women, needed to be safe from violence and harassment at work.
44. The Government member of Norway supported the statement made on behalf of the EU and its Member States. An instrument to guide member States of the ILO on how to address and prevent violence and harassment in the world of work was both timely and appropriate. She supported a Convention supplemented by a Recommendation, and emphasized that there were many ways to address violence and harassment in the world of work. A framework Convention which gave guidance and flexibility and left how to implement the appropriate practices and procedures to national discretion was preferable and would thus avoid ratification problems.
45. The Government member of Burkina Faso expressed satisfaction that an international instrument focusing on violence and harassment in the workplace was on the Conference agenda. The issue was a scourge which compromised efforts to promote and protect human rights. Recent events around the world had revealed the scale of the work that the ILO was about to undertake. The eventual instrument should provide a full and specific definition so as to engender the consensus necessary to be an effective standard.
46. The Government member of China said that the proposed instrument was both relevant and timely. He had listened with interest to the views of other countries. The problem of violence and harassment in the workplace was addressed through several different measures in China. The constitutional framework afforded equal rights to all citizens. Legal protection encompassed legislation for workers and for special groups. Special rules for the protection of female employees prohibited sexual harassment. Some Chinese provinces had taken further steps and included references to new technology in their regulations. China was committed to strengthening its legislation to protect workers in the workplace.
47. The Government member of France, aligning with the statement made on behalf of the EU and its Member States, said that various studies showed the wide range of forms that violence and harassment presented in the workplace. It was contrary to the terms of the Declaration of Philadelphia, which stated "all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity". He outlined recent measures taken by France to eliminate violence against women and to promote sexual equality at work. The adoption by the Conference of an international labour standard on violence and harassment at work, at a time when thousands of people around the world were

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speaking up, would confirm the Organization's relevance and capacity to respond to the needs of society. It would also show that social dialogue and tripartism were the best means to respond to the challenges thrown up by the world of work. France supported the adoption of a Convention supplemented by a Recommendation.

48. The Government member of Ethiopia aligned himself with the statement made by the Government member of Uganda on behalf of the Africa group. He stated that existing international instruments and sometimes domestic legislation did not specifically address violence and harassment in the world of work. Due to cultural differences between the member States, there was a lack of clarity and consensus on the definition and scope of violence and harassment, and he expressed his hope that the new instrument would provide guidance in this area. He expressed his support for a Convention supplemented by a Recommendation.
49. The Government member of Switzerland supported one or more standards on violence and harassment in the world of work, referring to the need for integrated and international leadership. The persistence of violence was unacceptable and fundamentally concerned the promotion of social justice and rights at work, for which the tripartite constituents were responsible. Gender-based realities should be integrated into all themes, including work, and increased protection was necessary as a result of increasing female labour market participation. Gender equality was a precondition for sustainable development and inclusive growth and, since 2013, had been a cross-cutting element for all Swiss economic development projects. The standard-setting discussion was timely in light of the future of work, and increased risk of violence and harassment due to the use of technologies. Adoption of an instrument at the ILO centenary Conference in 2019 would demonstrate the continued importance of international labour standards and of the ILO itself. He encouraged all actors to engage constructively in the elaboration of a new standard.
50. The Government member of the Republic of Korea observed that discussions to set standards to eradicate violence and harassment in the world of work were timely and meaningful. Such violence in various sectors was one of the most pressing social issues in the Republic of Korea: a survey in 2017 had found that some 70 per cent of respondents had suffered workplace violence or harassment, and about 20 per cent had suffered repetitive violence and harassment at work; such incidents undermined profitability. While laws were in place to prevent workplace violence, such as physical assault and sexual harassment, remedies were lacking for verbal and personal harassment. Earlier that year, an expert study had been conducted by the Ministry of Employment and Labour to support the Prime Minister's efforts to establish a government-wide comprehensive policy on workplace violence and harassment. After considering the #MeToo movement, which had been very active in the country, she expressed support for a Convention supplemented by a Recommendation. Flexibility in some of the articles could help take into account each member State's laws and systems, to ensure wide ratification.
51. The Government member of Senegal stated that her country aligned itself with the statement made by the Government member of Uganda on behalf of the Africa group. Workplace violence and harassment were sensitive and complex issues of great concern to actors in the world of work, and all individuals should enjoy a violence-free environment. She recalled that Senegal had ratified all the ILO fundamental Conventions; the Convention on the Elimination of All Forms of Discrimination against Women; the African Charter on Human and People's Rights; and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. She also recalled article 319*bis* of the Senegalese penal code, which recognized as offences psychological or moral violence and sexual harassment by a person in a position of authority. Despite such political will and the actions undertaken, violence and harassment remained a reality. In supporting the adoption of a standard on violence, she highlighted the importance of adopting an instrument that would allow each

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member State and social partners the possibility of identifying appropriate means of fighting violence and harassment at work.

- 52.** The Government member of Argentina welcomed the decision to adopt a new international instrument to eliminate violence in the world of work, recalling that her country’s Congress had adopted *Ley No. 26.485 de protección integral para prevenir, sancionar y erradicar la violencia contra las mujeres en los ámbitos en que desarrollen sus relaciones interpersonales*, which included in its definition economic and “patrimonial” violence. Vertical and horizontal occupational segregation were prime factors that put women at risk of violence and harassment. Moreover, eradication of violence was closely linked to social justice; the higher the rate of social inequality, the higher the rates of violence. Finally, marking the occasion of the third anniversary of the *Ni Una Menos* campaign of Argentina, which, as other feminist movements in the world, had achieved important advances in women’s rights, she emphasized the importance of tripartite social dialogue in concluding collective agreements, which served to protect the weaker party in a relationship, in this case women, women workers and LGBTI persons, which were those most in need of protection.
- 53.** The Government member of Nepal noted that violence or threats of harassment – whether physical, psychological, sexual or gender-based – were always demeaning to human dignity, threatened workers and damaged productivity. Women suffered more from discrimination in traditionally male-dominated jobs, and workers in the informal economy, migrants, those in precarious situations and public officials were subjected to more discrimination and harassment. Recalling that his country had adopted a zero-tolerance policy towards sexual harassment, he expressed his support for the development of a new ILO instrument in order to bridge gaps in legal protection with regard to violence and harassment, and to protect fundamental principles and rights at work.
- 54.** The Government member of Japan noted that violence and harassment in the world of work unfairly damaged workers’ personal dignity, affected order and performance, and should never be tolerated. He therefore supported the establishment of a new standard on violence and harassment in the world of work. Japan’s Equal Employment Opportunity Law obliged businesses to take necessary actions against sexual harassment, and harassment of pregnant women and new mothers, and there had been recent domestic discussions with the social partners to seek better approaches. A new international standard should aim to reduce incidents of violence and harassment in the world of work, while remaining sufficiently flexible so as to be implemented in each country context and thus “leave no country behind”.
- 55.** The representative of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) supported the call for an instrument in the form of a Convention and a Recommendation, and applauded the fact that Report V(2) acknowledged gender-based violence, intersectionality, and that all workers regardless of work status or contract type should be protected and empowered.
- 56.** The representative of the Inter-Parliamentary Union (IPU) explained first that her organization’s objective was to protect and build global democracy, and achieve gender equality in and through parliaments. Referring to global estimates her organization had published in 2016, she stated that 81 per cent of female parliamentarians experienced psychological violence, while 20 per cent experienced sexual harassment and 25 per cent experienced physical violence. She called for a Convention and a Recommendation to end any form of violence and expressed the hope to cooperate with the ILO towards this end, recalling that parliaments were workplaces as well as key stakeholders in implementing international standards.
- 57.** The representative of the International Transport Workers’ Federation (ITF) emphasized that gender was a key consideration that should be reflected throughout the language of the text,

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citing the ILO *Transport Policy Brief 2013*, which noted that “violence against transport workers is one of the most important factors limiting the attraction of transport jobs for women and breaking the retention of those who are employed in the transport sector”. The outcomes of the discussions should not enable the exclusion of women from employment as a solution – that was of particular concern in male-dominated industries where women were already under-represented in decent work, while being over-represented in informal and precarious work. The Committee’s discussion would have a direct impact on the collective ability to deliver on UN SDG 5 to achieve gender equality and empower all women and girls. Perpetrators needed to be incorporated into the prevention and response language, as the cost and impact of violence at work was often wrongly and largely associated with employing women. She called for safe access to toilets at work as a key preventive measure, the identification of reasonable alternative tasks during pregnancy and the need to address inter-jurisdictional complexities for those workers whose workplaces crossed borders. Freedom of association and collective bargaining for all workers, including workers in the informal economy, was necessary for a Convention to be realized at workplace level.

- 58.** The representative of the International Young Christian Workers, referring to its work in Nicaragua’s textile industry, noted the large number of reports of harassment at work, as well as during the commute to and from work. She noted the prevalence of psychological harassment, including threats, insults, sexual advances and lack of freedom to use the toilet, and cited the importance of understanding its effects on an individual and on business efficiency. A strong Convention was needed to support the elimination of sexual exploitation and to guarantee safe and decent working conditions. Workers in the informal economy, domestic workers, migrant workers and youth were particularly vulnerable, and these groups were insufficiently represented in trade unions. She thus encouraged the inclusion of certain provisions from the Domestic Workers Convention, 2011 (No. 189), regarding voice and representation into the text of the proposed instruments. Promotion of social protection, improved measures against social discrimination and the adequate protection of people with disabilities would also help them confront violence and harassment. More data would help shed light on the importance of the topic.
- 59.** The representative of Women in Informal Employment: Globalizing and Organizing (WIEGO), a member of HomeNet Thailand that represented some 80,000 home-based workers, noted that home-based workers were a hidden workforce that made a significant but unrecognized contribution to the global economy. Many home-based workers were subcontracted and worked at the bottom of value chains, and experienced the economic violence of receiving low wages, and their sub-contractors reducing or withholding payments. Isolation at their workplace – their own homes – also left them vulnerable to violence. Self-employed home-based workers faced violence when selling their products on the market, where, working as street vendors, they were denied access to public spaces, and experienced harassment, confiscation of their goods and evictions by public authorities. Self-employed workers, like other workers in the informal economy, were particularly vulnerable to violence, as they were often excluded from labour protection, occupational safety and health and non-discrimination laws that often only applied to workers in an employment relationship. She called for a Convention supported by a Recommendation that included provisions to protect all workers, including workers in the informal economy.
- 60.** The representative of the International Domestic Workers Federation (IDWF) highlighted that domestic workers worked behind closed doors and high walls, a type of isolation that placed them at risk of daily abuse. Domestic workers had nowhere to run, lacked access to support, protection and their rights and often had no identity. A strong Convention and Recommendation would give domestic workers hope and a voice, and would supplement the rights and freedom they had gained through the adoption of the Domestic Workers Convention, 2011 (No. 189).

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- 61.** The representative of the International Catholic Migration Commission (ICMC) stated that the elimination of violence and harassment in the workplace and gender-based discrimination was the shared responsibility of governments, employers, workers and civil society. She supported the adoption of a Convention supplemented by a Recommendation, with both of them including a strong gender dimension. Women workers, particularly women migrant workers in the informal economy, should be placed at the centre of sustainable development policies and should be the first concern in the debate on violence and harassment in the world of work. The responsibility of the business sector in global value chains should be addressed during the discussion, as companies had a particular responsibility to eliminate violence and harassment in the workplace.
  - 62.** The representative of StreetNet International, an organization representing street vendors, informal market vendors, hawkers and cross-border traders in Africa, the Americas, Asia and Eastern Europe, recounted the daily evictions, violence and harassment perpetrated by local government authorities. Informal economy workers were the majority of workers in the Global South, yet were highly vulnerable to violence and harassment due to their employment status and the lack of regulation or protection afforded to them. A Convention supplemented by a Recommendation would be a historic achievement for the ILO, but needed to include provisions to protect all workers – including in the formal and informal economy – to reduce the discrimination they face.
  - 63.** The representative of the Public Service International (PSI) noted that, while violence and harassment affect workers across sectors represented by the trade union federations, some were particularly affected. For example, among the 10 million workers in sectors represented by the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association (IUF), hotel and agricultural workers were particularly affected by violence and harassment at work. With respect to public services, she stressed the importance of recognizing that States were also employers and that the proposed instrument should therefore include public sector employers. Of the 20 million public sector workers, she highlighted workers in the health sector who faced violence at work not only as a result of work intensity, but also at the hands of third parties such as patients or relatives. In the justice, taxation and public oversight sectors, violence at work may stem from workers' interaction with the public, especially in dealing with sensitive matters such as issuing sanctions and fines, conducting inspections, prosecutions and taxation. It was important that the instrument stressed the significance of freedom of association and collective bargaining, and that it made reference to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Labour Relations (Public Service) Convention, 1978 (No. 151), and the Collective Bargaining Convention, 1981 (No. 154).
  - 64.** The Employer Vice-Chairperson appreciated the constructive and cooperative nature of the discussions, and reiterated the statement made by the representative of the Secretary-General that the outcomes of the discussions needed to be relevant to the workplaces of today and in the future in order to provide long-lasting guidance. Key concerns that a proposed instrument should not be too detailed or prescriptive, and regarding the level of complexity, scope and applicability to the world of work had been highlighted by several member States and should be taken into account during the Committee discussions. She stated that she had confidence in the Committee to take a constructive approach towards a pragmatic outcome that would enjoy broad consensus.
  - 65.** The Worker Vice-Chairperson appreciated the atmosphere of respect, engagement and preparedness to work towards a new instrument, and particularly thanked the Employers' group for their support in this endeavour. She had heard a strong support for a Convention and Recommendation in the opening statements and hoped the form of the instrument could

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be addressed expeditiously in order to focus the discussion on the content, including scope and definitions, of a new instrument.

## **General discussion guided by the sections of the proposed Conclusions contained in Report V(2)**

66. The Chairperson noted that the world was watching the discussion on violence and harassment in the world of work, referring to a plethora of media coverage in countries such as Japan, Mali, South Africa, Switzerland and other member States. He observed that consensus was building slowly towards a Convention supported by a Recommendation, but noted the concerns raised around definitions and scope of the instrument. He urged members of the Committee to continue to be constructive and specific about their concerns, so as to build a strong consensus on how to address them.

### **Parts A and B**

67. The Worker Vice-Chairperson reminded members of the Committee that the Workers' group considered it essential to adopt a Convention supplemented by a Recommendation, noting that Recommendations provided guidance to constituents on actions that ought to or could be taken to address a problem, while Conventions, when ratified, were binding instruments establishing the basic rights and principles, the minimum steps that the ILO constituents must take to address effectively a problem. Conventions could promote positive change prior to ratification, an example being the Domestic Workers Convention, 2011 (No. 189), which had been ratified in 25 countries and had also inspired law and policy reform in approximately 25 other countries.

68. Although there seemed to be consensus that the majority should not be left out of protection from violence and harassment, Report V(1) indicated that only a few countries had used an integrated approach to address violence and harassment, and many responses were piecemeal, resulting in gaps in protections for many workers. It was, therefore, essential to decide on the form of the instrument to ensure the Committee knew what it was negotiating. The Workers' group had no intention of negotiating a Convention that would be difficult to ratify, but instead favoured a Convention that was inclusive, ratifiable and enforceable.

69. She recalled that most international labour standards were flexible, leaving ample room to translate provisions into national law, with due consideration of different and diverse contexts and legal traditions. The proposed Conclusions, in fact, contained significant room for flexibility: for example, point 11 stated that "Each Member should take measures to ensure the prevention of violence and harassment in the world of work", but did not prescribe the measures to be taken. Additionally, point 12 stated that "Each Member should adopt national laws and regulations requiring employers to take steps to prevent all forms of violence and harassment in the world of work ...", but did not prescribe the steps to be taken. Points 13, 14 and 15 provided for similar flexibility in how member States might apply them. Such flexibility notwithstanding, the content of the instrument should be clear and contain authoritative language, in order to ensure it could fulfil its objective. The Maritime Labour Convention, 2006, might serve as an example of a Convention that was detailed and yet highly ratified.

70. Turning to the proposed scope and definition, she welcomed the proposed definition of violence and harassment as a continuum, as it recognized that violence and harassment were intertwined, that harassment could escalate into violence if unchecked and could include multiple and diverse forms of violence and harassment, such as physical abuse, sexual violence, verbal abuse, bullying, mobbing, psychological abuse, intimidation, sexual

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harassment, and threats of violence and stalking, as well as other forms of violence and harassment yet to emerge or to be acknowledged. The inclusion of practices, alongside behaviour, recognized that violence and harassment could result from the structural or organizational features of a person's work, as well as from individual or group behaviour. That a range of unacceptable behaviours, including gender-based violence, should be included was among the conclusions of the Tripartite Meeting of Experts on Violence against Women and Men in the World of Work in 2016.

71. Notwithstanding the position of the Workers' group, they were willing to listen to alternative views, given that the scope and definition provided for a range of forms of violence and harassment. Inspiration could be drawn from the European social partners' Framework agreement on harassment and violence at work (2007), as it recognized that harassment and violence could be physical, psychological and/or sexual; be systematic patterns of behaviour or a one-off incident; be among and between colleagues, superiors and third parties; and range from minor cases of disrespect to more serious acts, including criminal offences. It also recognized that the work environment could influence people's exposure to violence and harassment.
72. Given the disproportionate manner in which women and marginalized groups were affected by violence and harassment, the inclusion of gender-based violence within the definition of violence and harassment was particularly appreciated.
73. She stated the Workers' group's support for the definition of "employer", recalling that the ILO's *General principles and operational guidelines for fair recruitment* defined an employer as "a person or an entity that engages employees or workers, either directly or indirectly". She welcomed the definition of "worker" in the proposed Conclusions, and its inclusion of jobseekers, interns, apprentices and volunteers, who were often at higher risk and yet often fell outside of the scope of existing protections against violence and/or harassment in the world of work. She recalled other standards that took an inclusive approach to the definition of "worker", citing the inclusion of jobseekers under the Private Employment Agencies Convention, 1997 (No. 181), and the inclusion of all workers under all forms or arrangements and all workplaces under the HIV and AIDS Recommendation, 2010 (No. 200). She mentioned that a number of countries included potential employees and applicants under labour protections against violence and harassment, as indicated in Report V(1).
74. The concept of the "world of work", as expressed in point 4, clauses (a)–(d), of the proposed Conclusions was also familiar and often taken into account when addressing occupational safety and health risks or the duty of care owed by employers. While recognizing employers' concerns that they could not, and should not, be held liable for all harm caused in environments outside their sphere of control, there were ample examples of the use of "world of work" in national laws and policies, as evidenced in Report V(1), paragraphs 76–79. Referring to the Tripartite Meeting of Experts, the world of work was considered to cover the physical workplace as well as commuting to and from work, work-related social events, public spaces, including for informal workers such as street vendors, and the home, in particular for homeworkers, domestic workers and teleworkers. She concluded by expressing the readiness of the Workers' group to listen to the concerns of the Employers' group and the Government members, and work together towards a successful outcome.
75. The Employer Vice-Chairperson said that the choice of the form of the instrument or instruments should be based on what the aim was. Constructive discussion that led to an effective instrument that could confidently be taken up by member States would help to make a difference for people at risk of workplace violence and harassment.

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76. If a binding text were to be the outcome of the Committee, it would have to be straightforward, including a preamble highlighting the importance of the issue and an operative section clearly stating the objectives and principles of the instrument, and leave the details of implementation to each country, based on national legal traditions.
77. The proposed text needed some amendments to improve its clarity and avoid legally confusing concepts, which might otherwise discourage ratification. Conventions that were too prescriptive or too detailed did not get ratified, and the increase in under-ratified Conventions would only serve to undermine the standard-setting role of the ILO. Should the Committee choose to include such details, a Recommendation would be more appropriate, more flexible and more expansive, as well as carrying the same constitutional obligations as a Convention. Since they did not need to be ratified, Recommendations could be implemented as countries so chose, taking into account their own contexts.
78. A lack of clarity around key concepts remained a concern and, if left unresolved, the Employers' group would work towards a Recommendation. If, through discussions, the text changed sufficiently to make it ratifiable, the Employers' group would consider reviewing their position. With that in mind, the Employers' group proposed the deferral of the discussion of points 1 and 2 of the proposed Conclusions.
79. The Employers' group had some serious reservations regarding the definitions and scope of the proposed Conclusions. The scope of the text was overly selective in parts and lacked conceptual clarity which, she cautioned, would result in challenges to implementation and accountability. The fact that the definition of violence and harassment were combined in point 3(a) suggested the need for a Recommendation rather than a Convention; violence was normally covered by criminal law, whereas harassment might involve subjective judgment, which might range from obviously unacceptable behaviour to discomfort that might only exist in the mind of the person who felt offended. The proposed Conclusions did not suggest where a boundary between the two might lie and risked encompassing reactions of employees to objectively reasonable and legitimate managerial decisions. Concepts needed to be clear and reliable for a court of law. The Employers' group proposed separating "violence" from "harassment", while highlighting that the definition of "world of work" would require a stronger, more direct connection to the workplace. Until the definitional issues were resolved, the Employers' group could not support a Convention.
80. While the Employers' group did not object to point 3(b), she reiterated that everyone should have the right to work free from violence and that there was a need to be cautious when referencing particular groups, so that others were not marginalized or excluded.
81. On the other hand, she stated that the Employers' group could not accept the definition of "employer" in point 3(c). She noted that countries were sufficiently equipped to define the notion of "employer" and identify disguised employment relationships at the national level. She discouraged the Committee from reopening contentious debates over employment relationships, citing previous, failed attempts during the first and second discussions of the question of contract labour at the 85th (1997) and 86th (1998) Sessions of the International Labour Conference, the Tripartite Meeting of Experts in 2000, the discussion on the scope of the employment relationship at the 91st (2003) Session of the International Labour Conference, and the discussion on the Employment Relationship Recommendation, 2006 (No. 198). Moreover, she emphasized that it was also unnecessary to define "worker" under point 3(d), as national laws already defined the term. The suggested text was also problematic, as it extended the definition, implying that employers might be responsible for those who are not typically covered by national law.
82. She asserted that, while violence is unacceptable no matter where it occurred, employers could not control all environments and could only do what was reasonable in a workplace.

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Point 4, which proposed a definition of the world of work, risked producing more uncertainty than clarity. The term “world of work” should therefore be replaced with “workplace”, a change that would also pertain to the title of the instrument. In summary, more use should be made of existing definitions at the national level, to avoid unnecessary contention. The Employers’ group was satisfied with the observation in point 5 that anybody could be a perpetrator or a victim, but expressed regret that the operative part of the proposed Conclusions was too exclusive and did not cover everybody.

- 83.** The Government member of Israel supported, in principle, the adoption of a Convention supplemented by a Recommendation. It should strive to eliminate unacceptable behaviour, while remaining practical, for which it would be important to consider the definitions under Part B, which were too broad. She emphasized that a wide variety of tools could be drawn upon to address violence and harassment; however, not all of the tools were relevant or effective for all behaviours and practices that were covered in the continuum of violence and harassment. She observed that a level of flexibility throughout the Convention and Recommendation would allow States to determine the relevant and effective tools.
- 84.** The Government member of the Russian Federation supported the development of a Recommendation over a Convention. Definitions regarding gender-based violence remained unclear and there was a risk that it would lead to an over-emphasis on sexual violence or sexual assault. She voiced specific concerns with regard to the inclusion of jobseekers and job applicants, as well as workers in non-standard forms of employment, as they were not in an employment relationship. The inclusion of commuting to and from work in point 4(c) also did not have a basis, as it did not occur in the workplace.
- 85.** The Government member of Kenya stated that a Convention supplemented by a Recommendation would be a better way forward and noted broad support for that position. The adoption of such instruments would be vital to meet decent work aspirations, including for workers in the informal economy. He added that a push for gender equality, as noted in the Report of the Director-General, *The Women at Work Initiative: The push for equality*, would be important for emerging jobs that resulted from a changing nature of work. It was also vital to accelerate the achievement of gender equality by supporting women and men in taking up paid employment in the care economy. He concluded that a Convention supplemented by a Recommendation would contribute to ensuring women’s entry into paid employment and would help the ILO to realize decent work goals and the ambitions of the ILO’s second centenary.
- 86.** The Government member of Japan reiterated his country’s commitment to leaving no one behind. Comparing the standard-setting process to climbing a mountain, he said there was a need to convince people at the bottom of the mountain to climb upwards. As there was currently no international standard on violence and harassment, there was a need for flexibility. As such, if there were to be a Convention, it would need to be a flexible framework instrument. Aligning with the statements delivered by Government members of Australia and India, he noted that the aim of ILO standards was to protect workers.
- 87.** The Government member of Bulgaria, speaking on behalf of the EU and its Member States, supported an international standard on violence and harassment in the world of work, and stated they had broad support for a Convention supplemented by a Recommendation. The Convention had to be ratifiable, for which it required sufficient openness and flexibility for the ratifying countries. The EU and its Member States supported a wide scope of the term “violence and harassment” that encompassed violence and harassment in the world of work in all its forms, including gender-based violence. She added that the instrument would need to focus only on the most relevant issues, as issues not linked to the core objectives risked making it too vague. Specific attention also needed to be paid to any obligations contained

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in the possible instruments, so as to ensure that these were appropriately addressed and did not create obligations outside of the parties' control.

- 88.** The Government member of Cuba said that the draft document was a good starting point for discussions. Whether it was a Convention or a Recommendation, the instrument should be developed within the strict framework of the working environment, so as to limit its scope. Protecting the worker in the working environment should be the focus of discussions, rather than redefining the concepts. Point 4 of the proposed Conclusions was very broad in terms of the place where violence and harassment took place. It would be difficult to decide on an approach if the scope included places where the employer had no influence or control. Referring to point 6(j), he noted that domestic violence was often covered by penal and civil law, not labour law, even if there were work-related impacts. He remarked that the world of work could not eradicate domestic violence, but it could raise awareness and therefore contribute to its eradication. Similarly, it appeared to the Cuban Government that point 9 on the adoption of national laws and regulations could go too far. Substantive labour law regarding violence and harassment existed in many countries, such that there was no need for specific new legislation governing those matters.
- 89.** The Government member of Canada strongly supported the development of a Convention supplemented by a Recommendation. The latter would account for differences in national circumstances and be flexible enough to facilitate its application in a variety of legal and social contexts. The definitions and scope of the instruments needed to recognize evolving workplaces and could note the role of technology in both perpetrating and addressing violence and harassment in the world of work. The spillover of domestic violence into the workplace was part of the continuum of workplace violence which negatively affected the work performance of the targeted worker, putting them at risk, as well as possibly posing a threat to co-workers. It was important to determine how and in what situations an employer should intervene, such as providing support to the employee and training employees on how to identify warning signs. Confidentiality was particularly important for sexual harassment or sexual violence complaints. The release of identities of those involved could have extremely damaging consequences, not only to the workplace, but also for the complainant, the respondent and witnesses. Prevention was the most critical step to effectively reduce the number of incidents of harassment and violence. It also reduced the need for outside mediators or specialists to be involved in the resolution process and thus alleviated the financial burden on employers. The gender dimension of violence needed to be specifically addressed, with special attention to socially constructed roles and responsibilities assigned to particular sexes or genders, and gender-nonconforming persons.
- 90.** The Government member of Australia supported the suggestion of the EU and its Member States that the scope and definition be decided first, before looking at the form which the instrument would take.
- 91.** The Government member of India underlined that violence and harassment in the world of work was unacceptable and said that the instrument should only cover work circumstances. Many countries had a criminal law framework separate from labour law. It was vital to contextualize the issue and restrict its scope, or the instrument would encompass all forms of violence, including in areas where employers had little or no influence. Limiting the scope would result in a more practical and concrete instrument.
- 92.** The Government member of Argentina said that work-related violence raised issues around human rights, decent work, and the health and social security of workers. It encompassed diverse situations, such as physical aggression, sexual, moral or psychological harassment. Argentina had a long legislative tradition in the field of worker protection and had subscribed to the principal treaties on human rights and work-related violence, as well as specific international standards such as the United Nations Convention on the Elimination of All

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Forms of Discrimination against Women, and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. As such, the Government of Argentina understood that there should be a Convention supplemented by a Recommendation. The Convention in particular should be effective in practice; the text should be accessible and clear with respect to the allocation of responsibilities so as ensure the greatest number of ratifications and its early entry into force.

- 93.** The Government member of the Islamic Republic of Iran said that all forms of violence and harassment were unacceptable. The agenda item was therefore crucial and the discussion important. The definitions and scope should be clear and free of ambiguity. For example, point 3(d)(iii) required clarification, as did point 4(c) and 4(d), and responsibilities needed to be defined.
- 94.** The Worker Vice-Chairperson said that she had listened carefully to the discussions on Parts A and B of the proposed Conclusions. She agreed that some legislation existed which covered some of the issues. However, the debate was about the impact of violence and harassment on those who were subject to it. The world of work was changing and the need for a Convention was long overdue. Had the problem been addressed in a more proactive way in the past, then perhaps the problems would not be as severe in the present day. If the situation were not dealt with, then it would get worse, so it was imperative to take action now. Some delegates had talked about public and private areas, but the two often converged, as was the case for homeworkers, accountants, doctors and first responders. The Workers' group was not asking for employers to be held responsible in all situations, but workers needed to be protected, for example, in work-related social events, and employers could take moves to increase the safety of workers travelling to and from work. She understood the concerns, but wanted to emphasize that protection was for everybody in the workplace, including employers.
- 95.** The Employer Vice-Chairperson said that the challenges faced by employers were consistent with the views expressed by some Governments. She reiterated the importance of developing a flexible instrument in order to avoid obstacles to ratification. The Employers' group looked forward to working with Governments and the Workers' group in a constructive discussion. The question of scope was very important to the Employers' group, but she noted the determination of the Committee to overcome those issues.

## **Part C**

- 96.** The Employer Vice-Chairperson noted that, concerning point 6, the proposal could be made simpler by recalling only the Universal Declaration of Human Rights and the Philadelphia Declaration. The sentiment of point 6(d) could be included to affirm what the text was about: recognizing the right to work free from violence. The recognition that the right to work free of violence was a human right could be drawn from the Universal Declaration referenced in 6(c), so she suggested (e) was not required. Clauses (f)–(i) could be removed, since they did not change the meaning of the definitions or operative paragraphs and did not add to the purpose or character of the instrument.
- 97.** Concerning point 6(j), the Employers' group was concerned about extending responsibility to matters outside an employer's reasonable control. It was unclear what "impact on the workplace" meant or how "world of work institutions" could contribute to ending violence in the home. Employers would normally offer support and assistance to a person who was in distress, injured or unable to come to work, but could not be made legally responsible for matters they could not control. The vagueness of "impact on the workplace" would make it challenging for legislators to consider ratification. Many employers had already voluntarily

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adopted a range of initiatives through policies, systems and other measures to support employees facing difficult personal circumstances.

- 98.** Not all businesses had the same capacity; many were small and medium-sized, so the imposition of binding legal obligations and related costs on an employer for matters outside their control was unreasonable. Countries should deal with domestic violence, but not through binding labour market mechanisms and institutions. The Employers' group was mostly in agreement with point 7, but asked that "world of work" be replaced with "workplace". The perpetrator should be liable for reparations, and employers should only be liable when they had clearly failed to do something that could reasonably be required. The group had reservations about including in the operative part of a potential Convention the fundamental principles and rights at work of the 1998 Declaration, due to implications for countries that had not ratified the related Conventions. Including such references would create the risk that countries not having ratified the referenced instruments would refrain from ratifying this one.
- 99.** Concerning point 10 on the right to equality and non-discrimination, the Employer Vice-Chairperson emphasized that as a general principle, protections should be for all, including employers, which would also be more consistent with point 5.
- 100.** The Employers' group recalled that they did not want to see violence in their workplaces. However, regarding point 12, it was important to acknowledge that violence and harassment involved complex human behaviours, so a person's actions could not always be foreseen. It was reasonable for employers to set and enforce appropriate standards of workplace behaviour, but any requirement on them needed to be qualified by what was reasonable and could be practically implemented. Employers' responsibilities should not extend to matters beyond their control and should take into account their varying capacities based on size and circumstances.
- 101.** With regard to point 15, the Employers' group was supportive of collective bargaining at "appropriate levels", in accordance with national practices, although that should not replace national laws where those applied. For example, a criminal act could not be referred to collective bargaining for resolution, as criminal law was above such agreements.
- 102.** The Worker Vice-Chairperson recognized that, while the preamble had no legally binding effect and could never take precedence over operative provisions, it guided constituents in interpreting the instrument. She expressed her group's support for the preambular clauses. She highlighted in particular that violence and harassment constituted a serious human rights violation that impeded the exercise of other fundamental human rights; that they were a threat to equal opportunities, as stated in clause (e); and that discrimination and inequality often lay at the root of violence and harassment. For those reasons, her group supported including the reference to instruments in clause (c). She further expressed support for clauses (d)–(j) due to their strong focus on the gender dimensions of violence and harassment. Clause (g) was important, for it recognized that such violence and harassment could impede women's ability to enter and remain in the workforce – thus negating or obstructing efforts to achieve gender equality, as well as equality across the board. That was because groups of workers marginalized through discrimination were also disproportionately impacted by violence and harassment.
- 103.** She further noted that clause (j) of the preamble reflected the consensus of the Tripartite Meeting of Experts on Violence against Women and Men in the World of Work in 2016 on the need to mitigate impacts of certain forms of violence – including domestic violence – on the world of work without attributing responsibility to the social partners for preventing or redressing those forms.

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- 104.** The Worker Vice-Chairperson stated that point 7 of the proposed Conclusions, which affirmed the need for an integrated approach in consultation with representative employers' and workers' organizations, was essential to effectively address violence and harassment in the world of work, and the proposed wording provided a framework for obligations as well as flexibility to adapt the instruments to national contexts. The denial of freedom of association was a significant factor in increasing the risk of experiencing violence and harassment. The point had been made in the conclusions of the Tripartite Meeting of Experts, recognizing that "workers who cannot exercise their rights to freedom of association and collective bargaining, due to the inappropriate use of contractual arrangements leading to decent work deficits, including the misuse of self-employment, are also likely to be more at risk of violence and harassment".
- 105.** The core Conventions related to equality and the elimination of discrimination in respect of employment and occupation were also essential to an integrated approach and to address some root causes of violence and harassment, while the worst forms of child labour, forced labour and trafficking inherently included physical and psychological violence and harassment. The Worker Vice-Chairperson noted point 9, which reaffirmed the importance of including all forms of gender-based violence within national laws and regulations that prohibit violence and harassment, as well as point 10, which explicitly recognized that inequality and discrimination based on the grounds listed in clauses (a)–(i) often lay at the root of violence and harassment. Where grounds of discrimination intersected – such as gender with race or with disability – the risk of such violence was exacerbated. Recognizing factors that could lead to heightened risk of violence and harassment would help develop targeted, effective and appropriate interventions. It was noteworthy that clauses (a) and (b) of point 11 of the proposed Conclusions spoke to the role of governments, in consultation with social partners, in determining the sectors, occupations and work arrangements in which workers were more exposed to violence and harassment to ensure that such workers were effectively protected. The Recommendation provided useful guidance that could facilitate identification of sectors, occupations and work arrangements.
- 106.** The inclusion of psychosocial risks in point 12 was particularly welcome. Point 12 set out steps for employers to take to prevent violence and harassment. That was helpful in delineating employer liability for violence and harassment. It was also consistent with occupational safety and health laws in several jurisdictions, as well as with limits on liability for breach of the employer's duty of care.
- 107.** The Worker Vice-Chairperson reiterated the importance of ensuring that prevention measures protected workers in the informal economy who may not have an employer, but for whom violence and harassment from public authorities or officials might be a regular occurrence. She recalled the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), which urged member States to ensure that an integrated policy framework to facilitate the transition from the informal to the formal economy included measures to promote equality and the elimination of all forms of discrimination and violence, including gender-based violence.
- 108.** Safe, fair and effective dispute resolution mechanisms, including access to appropriate and effective remedies, were central, and her group saw a crucial role for workers' representatives in that regard. She welcomed point 13(d), (f) and (g), regarding specialized dispute resolution mechanisms, remedies and services for victims of gender-based violence, the rights of workers to remove themselves from a work situation without penalty, and the role of labour inspectors. She further emphasized the need for the labour inspectorates and administrations to be properly resourced and equipped to monitor and enforce measures concerning violence and harassment in the world of work. Education, training and awareness raising, provided for in point 14, were equally important to include in any integrated

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approach. She concluded by reiterating that point 15 allowed a considerable degree of flexibility for member States to determine the means of implementation.

- 109.** The Government member of New Zealand drew attention to the importance of including particular groups in order to give them more visibility. It was clear that the groups specified in point 10, and particularly LGBTI people, were among those most likely to be affected by violence and harassment, and therefore should be explicitly included. Deeply embedded homophobic and transphobic attitudes, often combined with a lack of adequate legal protection against discrimination on grounds of sexual orientation and gender identity, exposed many LGBTI people in all regions to serious violations of their human rights, including discrimination in the labour market. Labour rights were human rights and human rights applied to all; however, different groups were affected differently and had different needs. Therefore, they needed to be visible and acknowledged, in order that their rights could be recognized and promoted.
- 110.** In response to a request for clarification from the Government member of Canada on the word “sanctions” in clause 7(f), the deputy representative of the Secretary-General (Ms M. Tomei, Director, Conditions of Work and Equality Department) indicated that they were understood as legal consequences of infractions of law, which could be civil, penal or of any other nature according to the circumstances and as appropriate.
- 111.** The Government member of Japan stated that violence in the home should not be addressed as part of violence in the workplace. Concerning point 13(d), he stated that the inclusion of “additional” was not necessary.
- 112.** The Government member of South Africa, who referred to her country’s ground-breaking Constitution, as well as to the Declaration of Philadelphia, stated that the future Convention and Recommendation should indeed protect all workers, including LGBTI workers, against violence and harassment in the workplace.
- 113.** The Government member of India stated that the scope should be restricted to violence and harassment emanating from the workplace. Given that understanding, domestic violence should not be included, as it was a household issue and not every woman worker who was experiencing such violence would be comfortable speaking about it at her workplace. She referred to points 13(e), 19(a) and 31 as particularly relevant to that position and stated that the reference to domestic violence in the proposed Conclusions would have to be reconsidered. She emphasized that that did not in any way absolve the relevant authorities from addressing domestic violence, but that it should be the subject of specific legislation and measures.
- 114.** The Employer Vice-Chairperson reserved further comment and noted that her group would take into consideration the points raised.
- 115.** The Worker Vice-Chairperson stressed that her group did not support deferral on the form of the instruments. Furthermore, employers were not being asked to end domestic violence, but rather to help protect victims through the safe space of their workplace. She also noted that perpetrators sometimes followed victims to the workplace, so policies and procedures should deal with that issue. She also observed that if a Convention were highly ratified but so vague as to be meaningless, then it would be just as ineffective as a Convention that was so prescriptive as to be seen as unratifiable.

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## Part D

- 116.** The Worker Vice-Chairperson stated that her group's view on the proposed Conclusions regarding a Recommendation would depend on the agreed content of the Convention and therefore the Workers' group was not in a position to support deferral of the decision on the form of the instrument. She requested clarification from the Employers' group on the suggested titles of Parts C and D, should the decision on the form of the instrument be deferred, and whether the negotiations would be focusing only on the text of a Recommendation. She took note of certain "red lines" mentioned by the Employers' group in respect of the discussion with a view to a Recommendation. Comments by the Workers' group on Part D would be preliminary, although she clarified that the group supported much of Part D, even if no specific reference was made to a particular point.
- 117.** The Workers' group agreed that the preamble to the Recommendation should indicate that the provisions of the Recommendation should be considered in conjunction with those of a Convention. The Workers' group supported point 17 on an inclusive and integrated approach, and agreed with the Office that it did not prescribe or limit the measures to be taken by member States. The Workers' group strongly supported point 18. Point 20 was also supported and should be applied, regardless of the migrant workers' status, consistent with the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the 2006 Multilateral Framework on Labour Migration.
- 118.** She welcomed point 27, but expressed hope that the guidance contained therein would be strengthened. Regarding point 29(e) on specialized dispute resolution mechanisms for gender-based violence, the shifting of the burden of proof was important and consistent with the way discrimination cases were addressed by some member States, whereby once a prima facie case was established by the worker experiencing discrimination, the employer then had to explain why certain behaviours or practices did not constitute unjustified discrimination.
- 119.** The Workers' group welcomed point 36, as it acknowledged that discrimination, unequal power relations, and gender, cultural and social norms could enable violence and harassment in the world of work and such recognition would be important to tackle the pervasive nature of violence and harassment.
- 120.** The Worker Vice-Chairperson reiterated that the group was ready to listen and respond to proposals that would help achieve agreement on a Convention supplemented by a more detailed Recommendation. All parties would need to be open to negotiation, not only the workers. At the same time, the Workers' group was not prepared to agree on vague or minimal text that might result in a Convention that, even if universally ratified, made no meaningful contribution to eliminating violence and harassment in the world of work.
- 121.** The Employer Vice-Chairperson called for the text of the Recommendation to be actionable and transferrable to legislation. Moreover, the text should not be overly prescriptive, so as not to lose the instrument's flexibility or risk its ongoing relevance as work and workplaces changed. While the Employers' group supported the notion of freedom of association and collective bargaining, they questioned the need for the specific reference in point 18. She expressed the willingness of the Employers' group to discuss that point.
- 122.** Regarding point 20, the Employers' group did not support mentioning specific groups. In the context of extraterritorial action by governments, such joint action could be considered when discussing a general policy document, but not during a discussion on an international labour standard where accountability for implementation lay at the national level.

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123. The Employers' group did not see the value of the list of previously adopted standards in point 22 and suggested its inclusion might create difficulties when countries prepared article 19 reports.
  124. Point 23 was considered to be an overly prescriptive, process-driven approach that would not enable a focus on the outcomes of the policies on violence and harassment. The employer responsibilities created by that point would need to take into account that the majority of enterprises were small in size and it might be unreasonable to ask them to assume extensive administrative processes to meet their obligations. She highlighted again the need for flexibility in order to enable innovative workplace practices.
  125. While the Employers' group supported a risk-based approach to preventing workplace violence and harassment, the group felt that point 24 included matters beyond the control of the employer. It could not be assumed that every factor identified gave rise to higher risks. In particular, the reference to unequal power relations was unclear, as workplaces were naturally a space where some workers might exercise more authority and have greater accountability than others. According to that interpretation, such structures were necessary to deliver healthy and safe workplaces and should not be considered as a risk which would increase the likelihood of violence and harassment.
  126. Point 25 made assumptions as to the sectors, occupations and work arrangements in which the problems were most severe, and the text could be improved if, instead, member States were encouraged to collect data and evidence to determine where problems existed and, in consultations with workers and employers, identify sectoral-specific measures and the means to monitor their effectiveness.
  127. From the perspective of the Employers' group, point 27 needed revision, as it was ambiguous with respect to who was liable to pay for remedies. Furthermore, the remedies listed were not seen as relevant to all cases of violence and harassment. The Employers' group saw no added value to point 28 and stated that it lacked clarity as to the meaning of compensation and who was responsible to pay it.
  128. Point 29(e) was seen by the Employers as most problematic, as it would not be appropriate to place a person in a position of having to prove their innocence when dealing with behaviours and actions of a most serious, including criminal, nature.
  129. The list of obligations arising out of the measures related to victims of gender-based and domestic violence, as listed in points 30 and 31, were directed at member States. However, there needed to be consideration of when or how these might translate into employer obligations. Point 32, discussing support and counselling extended to perpetrators, remained ambiguous as to who would be paying for compensation and remedies.
  130. The Employer Vice-Chairperson noted that domestic violence was a serious community issue that was unacceptable, and called on member States to implement appropriate preventive and remedial actions. It could not, however, be assumed that the issue could be resolved solely at the workplace or through additional paid entitlements. She cited voluntary initiatives by employers that were already being implemented to support employees confronted with challenging personal circumstances, such as time out of the workplace and flexible working arrangements. Many businesses, especially smaller ones, would not be in a position to offer new forms of paid leave on top of those that already existed. She concluded by reiterating that the Employers' group stood ready to be part of an effective response to addressing violence and harassment at the workplace, but wanted to ensure that barriers to an instrument's workability and practical implementation were addressed in order to ensure its effectiveness.

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131. The Government member of the Russian Federation expressed concerns related to Part D and sought guidance from the secretariat on a number of points, including: 19, 20, 23, 24, 25, 28, 29(a) and (d), 30, 31, 35, and 36(a), (b) and (d).
  132. The Government member of Japan enquired whether having experts involved in the existing courts could be consistent with point 29 and queried the shifting of the burden of proof referred to in clause (e).
  133. The deputy representative of the Secretary-General clarified that point 29 did not aim to establish special courts for cases of gender-based violence, but rather that current courts should have sufficient expertise to address cases of gender-based violence. The points included in Part D were based on good practices identified in Report V(1) and supplemented by the responses received from tripartite constituents in the questionnaire. The secretariat would be pleased to provide further information on points included in Part D and, to that end, requested questions from the Government member of the Russian Federation in writing.
  134. The Government member of Cuba raised concerns regarding point 29(e), as it was unclear how it would impact current procedures of law and handling of court cases. He further expressed his concern regarding point 30, saying that not only gender-based violence but also all forms of violence should be addressed. The viability of having specialized personnel in current courts or creating specialized courts would also depend on national circumstances.
  135. The Government member of Bulgaria, speaking on behalf of the EU and its Member States, reiterated that there was openness to a Convention, supplemented by a Recommendation. She further expressed support for the plan of work, as agreed in the Committee's first sitting.
  136. The Government member of the Russian Federation asked whether they could submit questions related to Part C to the secretariat, for inclusion in the *Provisional Record*.
  137. The Chairperson clarified that discussion of the points under Part C was closed and only points under Part D were being discussed. However, these could be addressed again when submitting amendments. He explained that the secretariat would be pleased to receive these questions, but they would not be included in the *Provisional Record*.
  138. The Government member of Indonesia supported the concern raised by the Government member of the Russian Federation relating to domestic violence under point 31.
  139. The Worker Vice-Chairperson reiterated that the Workers' group was prepared to negotiate a Convention that was flexible and not too prescriptive, and which would avoid difficulties in implementation. She noted that the information requested by the Government member of the Russian Federation and others could be provided by the secretariat. Furthermore, workers, employers and governments had provided documentation and research on violence and harassment in the world of work in preparation for the Committee's work, which was reflected in its technical reports.
  140. The Worker Vice-Chairperson cited statistics from a study on the effects of domestic violence in the workplace in Vermont (United States) which focused on male offenders as subjects of the research. She noted, for example, that 29 per cent of respondents in the study contacted their partners while at work to say something that might have scared or intimidated them; 40 per cent of supervisors were aware that that type of contact occurred at work; 31 per cent of respondents took paid and/or unpaid time off to be abusive or to deal with the aftermath of abuse during a specific incident. Furthermore, other research indicated the high percentage of women who had experienced gender-based violence. She emphasized that the Workers' group was open to flexibility, but supported a Convention, supplemented by a

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Recommendation, and reminded the Committee that the world was watching its discussion closely.

- 141.** The Employer Vice-Chairperson welcomed support for greater flexibility in the potential instrument and reiterated that it should not be too prescriptive. The current text contained a number of problems and the Employers' group wanted to address those through constructive discussions. The Employers' group noted similar concerns voiced by a number of Governments, including in relation to point 29(e), as that clause would impact existing legal principles in many jurisdictions. She said that additional work was needed on Part D and that regardless of the form of the instrument, many issues required further discussion by the Committee. She noted that the Employers' group was looking forward to working towards solutions.

## **Consideration of amendments to the proposed Conclusions**

- 142.** The Chairperson noted that the members of the Committee were also the Members of a historic institution. He emphasized the importance of maintaining a spirit of cooperation and dialogue. It would be vital to demonstrate flexibility in adopting a practical and rational approach that would take into account the best interest of the issue, as well as the workers, employers and governments.
- 143.** The Employer Vice-Chairperson, citing article 63, paragraph 2(2)(b), of the Standing Orders of the International Labour Conference, moved a motion to defer discussion of Part A of the proposed Conclusions on the form of the instrument until the discussion on Part B had been concluded. She reminded the Committee that they would have to vote on the outcome of the discussion in 2019 – the centenary of the ILO – and reiterated the desire of the Employers' group to adopt an instrument with the full support of all constituents.
- 144.** The Worker Vice-Chairperson stressed that the Workers' group wished to work towards a Convention supplemented by a Recommendation. The Tripartite Meeting of Experts on Violence against Women and Men in the World of Work in 2016 had provided valuable information, pertinent to workers, employers and governments, which could inform the Committee's discussions. Recognizing that the definitions and scope posed challenges to the Employers' group and to some member States, she agreed with the proposal to reorganize the discussion.
- 145.** The Government member of Uganda, speaking on behalf of the Africa group, supported the views expressed by the Workers' group. Violence and harassment in the world of work had been, and continued to be, a major issue and a Convention was long overdue. Since content tended to define form, he did not support the motion moved by the Employers' group.
- 146.** The Government members of Bulgaria, on behalf of the EU and its Member States, Australia, Bangladesh, Canada, Guinea, Iraq, Japan, Mexico, Namibia, Norway, the Philippines and Uruguay agreed to the motion put forward by the Employers' group. Violence and harassment had serious impacts on workers, employers, workplaces and beyond, and must be brought to an end.
- 147.** The motion was carried.
- 148.** The Chairperson encouraged members of the Committee not to make their interventions on Part B contingent on the form of the instrument. Issues of scope and definition notwithstanding, a consensus was emerging to move towards a Convention supplemented by a Recommendation.

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## **A. Form of the instruments**

149. The form of the instruments was discussed at the Committee's 11th sitting, following the completion of the Committee's deliberations on Part B of the proposed Conclusions.

150. The title of Part A was adopted without amendment.

### **Point 1**

151. In the light of the discussions on Part B of the proposed Conclusions, the Employer Vice-Chairperson withdrew an amendment to replace "world of work" with "workplace".

152. Point 1 was adopted without amendment.

### **Point 2**

153. The Employer Vice-Chairperson introduced an amendment to delete "a Convention supplemented by" in point 2. While violence and harassment anywhere were unacceptable and meaningful action must be taken to address the issue, the low ratification rate of ILO technical Conventions was concerning: since 2010, only 52 ratifications had been received. While the Worst Forms of Child Labour Convention, 1999 (No. 182), was highly ratified, the remaining 18 Conventions adopted since 1990 had an average of 22 States parties out of 187 ILO member States. A poorly ratified standard on violence and harassment would not be desirable. The Employers' group wanted an outcome that could be implemented fully and was flexible enough to address violence and harassment effectively. Any future instrument should be relevant to the ILO's mandate and should be directly translatable into national law. Employers had a responsibility to address violence and harassment, including through a risk-based approach and by driving positive behaviour in the workplace. At the same time, they were concerned that their responsibilities would be extended to areas over which they had no control, which was a particular concern for smaller enterprises. The draft text did not provide sufficient guidance for constituents on how to effectively address violence and harassment, which could result in an important opportunity being lost for the ILO and the world. While the amendment proposed working towards a Recommendation, the Employers' group had not arrived at a firm position on the form of the instruments. Further consultations would be held with employers around the world, in the hope that her group's concerns could be discussed further during the Committee's proceedings in 2019.

154. The Worker Vice-Chairperson reiterated the relevance of and urgent need for a Convention supplemented by a Recommendation. Every effort had been made during discussions on Part B of the proposed text to prepare a strong and ratifiable instrument. The ILO should play a proactive, forward-looking role when dealing with violence and harassment, and the tripartite constituents should work collectively towards an outcome that would make a real difference in the lives of employers and workers in both the formal and informal economy. The world was watching. A Convention addressing violence and harassment in the world of work was long overdue.

155. The Government members of Argentina, Canada, China, Colombia, Cuba, France on behalf of the EU and its Member States, India, New Zealand, the Philippines, and Uganda on behalf of the Africa group agreed that they remained in favour of a Convention supplemented by a Recommendation. A Convention on violence and harassment in the world of work was indeed overdue, and the ILO centenary in 2019 would provide a good opportunity for its adoption. Such a Convention needed to reflect the shared goals of the social partners and must be ratified as widely as possible. They therefore did not support the amendment.

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- 156.** The Government member of the United States said that while the views of the constituents might differ on certain specificities, all agreed that violence and harassment was unacceptable, and that action must be taken. Clear guidance was therefore required on how to address violence and harassment effectively. Such guidance should focus on the mandate of the ILO and its expertise. She supported the proposed amendment.
- 157.** The Government member of Japan underscored the importance of ensuring that the instrument, in whatever form it would take, would be clear and flexible. The scope of the text currently before the Committee seemed too broad. His delegation wished to reserve its position on whether a Convention or a Recommendation would be more appropriate until the whole text was discussed.
- 158.** The amendment was not adopted.
- 159.** Two subsequent amendments in part C fell as a result.
- 160.** Point 2 was adopted without amendment.
- 161.** Part A was adopted.

## **B. Definitions and scope**

- 162.** The title of Part B was adopted without amendment.

### **Point 3**

#### Chapeau

- 163.** The chapeau of point 3 was adopted without amendment.

#### Point 3(a)

- 164.** The Employer Vice-Chairperson introduced an amendment to replace point 3(a) with the following two clauses: “workplace violence is the exercise of physical force in a workplace that causes or could cause harm, injury or illness; workplace harassment is unwanted behaviour in a workplace that could reasonably be expected to offend, humiliate or intimidate;”. The purpose of the amendment was to separate and to treat distinctly the definition of violence and harassment. Violence was absolute, normally involving physical force, and was unacceptable in all circumstances, while harassment might be subjectively interpreted by the victim, the perpetrator or others. The introduction of the word “workplace” before “violence” and “harassment” clarified that the instruments would address realms in which employers could make a difference and exercise control. While violence involved criminal acts, harassment could potentially represent a broader spectrum of behaviours, including non-physical forms of violence, which called for a more nuanced set of responses and remedies.
- 165.** The Worker Vice-Chairperson did not support the amendment, as it was too limited in scope. The Committee’s mandate was not to redefine violence and harassment, but rather to discuss the forms it could take in the world of work. Combining subjective and objective views was common when determining a case of discrimination. The Tripartite Meeting of Experts had indicated that violence and harassment consisted of a range of unacceptable behaviours which were often present in combination and evolved or escalated. Moreover, many laws on discrimination treated both direct and indirect discrimination. The Workers’ group therefore wished to adopt the original text without amendment.

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- 166.** The Government member of Uganda, speaking on behalf of the Africa group, did not agree to the separation of violence and harassment, as small incidences could escalate into violence. The word “workplace” should not be added; violence and harassment could occur between an employer and worker, or between colleagues, and could occur outside the workplace, but still in the world of work. He therefore did not support the amendment.
- 167.** The Government member of Bulgaria, speaking on behalf of the EU and its Member States, while in favour of separate definitions of violence and harassment, could not support the amendment, as the definition would be rendered too narrow, not taking due account of psychological or other harm caused by violence. Harassment was also not a subcategory of violence. The Government member of the United States also supported separate definitions of violence and harassment, and agreed that harassment was not a subcategory of violence.
- 168.** The amendment was not adopted.
- 169.** An amendment submitted by the Africa group proposing a definition of violence was withdrawn.
- 170.** The Government member of Bulgaria, speaking on behalf of the EU and its Member States, introduced an amendment to delete the term “harassment” from point 3(a). The amendment should be considered in conjunction with two others to separate the definitions of “violence” and “harassment”, as they were often separated in national law. While acts of violence were normally covered by criminal law, acts of harassment were not necessarily. In addition, separating the two concepts would facilitate the implementation of the instrument. Harassment not only had an impact on the victim, but also on the work environment in general. The language proposed had already been agreed in other international agreements, such as the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).
- 171.** The Government member of Namibia, speaking on behalf of the Africa group, expressed concern that a decision had not been taken on whether to discuss a single definition or separate definitions of “violence” and “harassment”. Other related amendments and their potential impact on the proposed instrument should also be taken into consideration.
- 172.** The Worker Vice-Chairperson clarified that she did not support the deletion of the term “harassment” in point 3(a) and emphasized that the Workers’ group was not in favour of a conceptual separation of “violence” and “harassment”; however, the group wanted to hear the views of other Committee members on the issue.
- 173.** The Employer Vice-Chairperson said that while the Employers’ group understood violence and harassment as interrelated concepts, it would prefer the terms to be defined individually. Although harassment could turn into violence, it was not equivalent to violence, so different legal responses, including those in criminal law, would apply. Given the implications for liability, clear definitions were essential. A more appropriate place to recognize the practical link between violence and harassment might be in the preamble of the proposed instrument. She noted that the Government members of the United States and Japan had also submitted amendments with the aim of discussing the concepts of violence and harassment separately.
- 174.** The Government member of Uganda, speaking on behalf of the Africa group, and supported by the Government members of Australia, Brazil, Cuba and New Zealand, underscored that the Africa group was in favour of keeping the issues of violence and harassment together, as although not synonymous, they were interrelated. Various types of harm could result from the continuum of violence and harassment. If the terms were not addressed together, the point of the proposed instrument would be lost. The text as prepared by the Office was therefore preferable.

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175. The Government member of the Russian Federation supported the position put forward on behalf of the EU and its Member States. Addressing violence and harassment together could pose problems, as harassment was just one form of violence. The proposed instrument should address all forms of violence. Deleting “harassment” could give member States greater flexibility to respond to violence through national legislation.
  176. The Government member of the United States agreed that harassment could lead to violence and that the two concepts were therefore closely interrelated. Her delegation had, however, submitted amendments proposing definitions for the two terms. While preferring to define the two concepts separately, her Government would consider amending the chapeau of point 3 to show the potential range, and link, between the two. Both violence and harassment were unacceptable and could not be tolerated.
  177. The Worker Vice-Chairperson underlined the importance of being able to address both violence and harassment through a variety of means. Some forms of harassment could also be considered criminal, such as stalking. Criminal justice systems could be difficult to access due to the cost, procedural requirements and the high burden of proof, which could dissuade victims from seeking reparation.
  178. The Employer Vice-Chairperson clarified that harassment must indeed be addressed; however, the provisions of a legally binding instrument would be translated into legal and regulatory measures by Member States. The issues of liability, responsibility and sanctions were of concern. Considerable caution would need to be exercised if a unified definition of violence and harassment was accepted to ensure that the concepts were clearly understood.
  179. The Government member of Bulgaria, speaking on behalf of the EU and its Member States, while underscoring that the EU would prefer two separate definitions, withdrew the amendment.
  180. The Government member of the United States, speaking also on behalf of the Government members of Australia, Canada, Israel, New Zealand, Norway and Switzerland, introduced an amendment to add after “violence and harassment” the phrase “in the world of work”, for the purposes of consistency with the title of the instrument.
  181. The Employer Vice-Chairperson stated that the reference to “world of work” was unnecessary and that the Employers’ group preferred the term “workplace”.
  182. The Worker Vice-Chairperson expressed her support for the amendment, as similar terminology had been agreed during the Tripartite Meeting of Experts on Violence Against Women and Men in the World of Work in 2016. The phrase “world of work” captured the changing nature of work, including new types of work and platforms.
  183. The Government member of Uganda, speaking on behalf of the Africa group, and the Government members of Brazil and Uruguay, supported the amendment. The modernization of jobs meant that there were many different modalities of work, including travelling while working from place to place, and thus it was more realistic to refer to the “world of work”.
  184. The amendment was adopted.
  185. The Government member of Bulgaria, speaking on behalf of the EU and its Member States, withdrew an amendment proposing a definition of the term “violence”.
  186. The Government member of Brazil, speaking also on behalf of the Government members of Mexico and Peru, withdrew an amendment to replace “a continuum of” by “any and all”.

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- 187.** The Government member of Australia, speaking also on behalf of the Government members of Canada, Israel, Norway, Switzerland and the United States, introduced an amendment to point 3(a) to replace “continuum” with “range”, as the term “continuum” implied a value judgement. The term “range” was also a simpler term.
- 188.** The Worker Vice-Chairperson supported the amendment.
- 189.** The Employer Vice-Chairperson agreed that the term “range” was preferable to “continuum”, but underscored that combining the concepts of violence and harassment created difficulties, both in terms of legal concepts and legal remedies.
- 190.** The Government member of Uganda, speaking on behalf of the Africa group, and the Government member of Bulgaria, on behalf of the EU and its Member States, supported the amendment.
- 191.** The amendment was adopted.
- 192.** The Worker Vice-Chairperson withdrew an amendment to replace “continuum” with “spectrum”.
- 193.** The Government member of Japan introduced an amendment, seconded by the Government member of Thailand, to replace “, or threats thereof” with “beyond business necessities”. For an act to constitute an act of harassment, it needed to go beyond business needs and necessities. For example, physical harm experienced by a police officer in pursuit of evidence, or economic harm experienced by a worker whose wages had been reduced, would not constitute harassment, as they were related to business necessities.
- 194.** The Employer Vice-Chairperson agreed that appropriate actions by managers should not be seen as violence and harassment. A combined definition of violence and harassment was complex; the intention behind behaviours could be misinterpreted. The issue could potentially be addressed, however, through the use of exclusionary language, defining circumstances that did not constitute violence and harassment.
- 195.** The Worker Vice-Chairperson did not support the amendment.
- 196.** The Government member of New Zealand did not support the amendment. It was well within the competencies of member States to define what did, or did not, constitute violence and harassment in their national contexts.
- 197.** The Government member of Uganda, speaking on behalf of the Africa group, explained that the concern expressed by the Government member of Japan was already covered by the term “unacceptable behaviours”. He therefore did not support the amendment.
- 198.** The Government member of Indonesia, supported by the Government member of Bulgaria, on behalf of the EU and its Member States, and the Government member of the Philippines, added that the deletion of “threats” would limit the range of violence and harassment. He also did not support the amendment.
- 199.** The amendment was not adopted.
- 200.** The Government member of Switzerland, speaking also on behalf of the Government member of Canada, introduced an amendment to replace “having the aim or effect of causing” with “that result in, or are likely to result in,” which had been informed by language included in the Istanbul Convention. Any behaviour related to violence and harassment should be recognized as unacceptable, without needing any further clarification. The words

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“aim” or “effect” narrowed the scope of the definition. Violence and harassment were not necessarily motivated by a particular intention. Moreover, proving intention could be difficult. Additionally, a given behaviour could be unacceptable even without effect.

201. The Worker Vice-Chairperson supported the amendment.
202. The Employer Vice-Chairperson expressed regret that the nuances of harassment required discussion. The combined definition of violence and harassment continued to create problems. Unlike violence, harassment could not be defined in absolute terms. To demonstrate that, she gave the example of someone complimenting a female colleague’s clothing. While the intention might have been innocent, the woman in question could feel offended, which could lead to a sanction for the person making the comment. The notion of intentionality should be maintained in view of the subjectivity inherent in harassment. The Employers’ group therefore did not support the amendment.
203. The Government member of Namibia, speaking on behalf of the Africa group, while agreeing with the amendment to a certain extent, was concerned that removing the word “aim” would make the provision too narrow. There could be an aim to harass with a malicious intent, which might not be effective. She proposed a subamendment, which would read “having the aim or effect of causing, or is likely to result in,”.
204. The Chairperson suggested a formulation that would reflect the positions of the Government members of the Africa group, Canada and Switzerland, such that the text would read “that aim at, result in, or are likely to result in,”.
205. The Worker Vice-Chairperson also supported the proposed formulation.
206. The Employer Vice-Chairperson reiterated that the Committee should work towards the adoption of a Convention that would be implementable at the country level and that the proposed text could cause problems in that regard, owing to the complex combination of behaviours falling under a single definition.
207. The Government member of India did not support the amendment, which could give rise to ambiguities in interpretation.
208. The Government member of Australia proposed a subamendment to include the word “reasonably”, to read “reasonably likely to result in”.
209. The Government member of Namibia, speaking on behalf of the Africa group, did not support that subamendment.
210. The Government member of India expressed her understanding that when an unacceptable behaviour or practice was intended to cause some kind of harm, it would be likely to do so. “Or are likely to” was therefore superfluous.
211. The Government member of Canada explained that the intention of the amendment was to focus on the impacts of violence and harassment, whether intended or unintended.
212. The Government member of Australia withdrew his subamendment.
213. The Government member of Peru supported the amendment, as proposed by the Government member of Canada.
214. The Government member of Cuba, noting the importance of including language on intent, supported the subamendment proposed by the Africa group.

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- 215.** The amendment was adopted as subamended.
- 216.** The Government member of Brazil, speaking also on behalf of Mexico and Peru, introduced an amendment to insert “, moral” after the word “sexual”, so as to include certain behaviours which could harm the moral integrity of either an individual or an entire group, for example, a sexist or racist comment.
- 217.** The Employer Vice-Chairperson did not support the amendment, which would render the amended text difficult to interpret.
- 218.** The Government member of Cuba, supported by the Government members of Australia and New Zealand, while sympathetic to the motivation behind the amendment, felt it was inadvisable to introduce concepts outside the realm of labour law and therefore did not support the amendment.
- 219.** The Worker Vice-Chairperson, given the Governments’ views, did not support the amendment.
- 220.** The amendment was not adopted.
- 221.** The Government member of the United States, speaking also on behalf of the Government members of Australia, Canada, Israel, New Zealand, Norway and Switzerland, introduced an amendment to add the words “and harassment” after “gender-based violence” for the purposes of consistency.
- 222.** The Worker Vice-Chairperson supported the amendment.
- 223.** The Employer Vice-Chairperson did not object to the amendment.
- 224.** The Government member of Bulgaria, speaking on behalf of the EU and its Member States, introduced a subamendment to add the words “and gender-based harassment” after the words “gender-based violence”, since two separate legal terms would be required.
- 225.** The Employer Vice-Chairperson supported the subamendment, which added greater legal clarity to the definitions.
- 226.** The Worker Vice-Chairperson did not support the subamendment.
- 227.** The Government member of Uganda, speaking on behalf of the Africa group, supported by the Worker Vice-Chairperson, recalled that the Committee had already agreed that violence and harassment would be treated as one concept. If accepted, the term “gender-based harassment” would need to be defined separately, which could be complex; he did not support the subamendment.
- 228.** The Employer Vice-Chairperson cautioned that the definition was becoming overly complicated. The response required in a case of sexual harassment might be very different to that required in a case of severe physical assault. The Committee must reflect on the practicalities and remain pragmatic.
- 229.** The Government member of Brazil cited linguistic reasons in the French and Spanish translations to suggest there was no need to introduce “gender-based” twice. She did not support the subamendment as proposed by the Government member of Bulgaria, on behalf of the EU and its Member States, and supported the original amendment that introduced “and harassment”.

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- 230.** The Chairperson clarified that the Committee had not yet adopted point 3(a) and that the previous amendments discussed had also addressed the language of clause (a). Returning to the subamendment before the Committee, he suggested that there was support for the original amendment, but not for the subamendment.
- 231.** The Employer Vice-Chairperson, while not satisfied with the overall definition, indicated that the Employers' group could accept either the subamendment or the amendment.
- 232.** The Government member of Bulgaria, speaking on behalf of the EU and its Member States, in view of upcoming amendments that provided clear guidance on the definitions and given the lack of support, withdrew the subamendment. She did not, however, support the amendment and would prefer to maintain the original text.
- 233.** The amendment was adopted.
- 234.** Point 3(a) was adopted as amended.

#### New sub-clauses after point 3(a)

- 235.** The Government member of the United States, also speaking on behalf of the Government of Japan, introduced two amendments to add two sub-clauses to point 3(a) to read: “(i) violence means violent acts, including physical assaults and threats of assault, directed towards persons at work or on duty”; and “(ii) harassment means unwelcome, discriminatory conduct that creates an intimidating, hostile or abusive working environment, or when submission to such conduct is a term or condition of employment, or when submission to or rejection of such conduct is used as the basis for employment.”
- 236.** The Worker Vice-Chairperson reiterated her group's hesitancy to separate the terms “violence” and “harassment”.
- 237.** The Employer Vice-Chairperson supported the amendments proposed by the Government member of the United States, which provided a constructive way forward that would allow the Committee to move on to more substantive provisions of the text. It represented a compromise. The Employers' group was satisfied with the way in which violence was being defined.
- 238.** The Government member of Uganda, speaking on behalf of the Africa group, and supported by the Government member of Cuba, stated that the Committee had already decided that the definition of violence and harassment would be dealt with in a consolidated form. The amendment being proposed was another attempt to introduce two separate definitions, within a clause that had already been adopted. The amendments should have fallen with the closure of the discussion on point 3(a).
- 239.** The Chairperson explained that while the Committee had indeed closed the debate on point 3(a), the amendments pertained to the introduction of new sub-clauses and must therefore be given due consideration.
- 240.** The Government member of Cuba requested that the amendments be put to a vote.
- 241.** The Legal Adviser added that, according to article 63, paragraph 7(2), of the Standing Orders of the Conference, the order in which the amendments would be discussed was at the discretion of the Chairperson. The amendments currently under consideration pertained to new sub-clauses and therefore would not have fallen with the adoption of point 3(a).

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242. The Government member of Brazil did not support the amendments, as she considered the proposed definition too restrictive.
243. The Government member of Bulgaria, speaking on behalf of the EU and its Member States, considered the proposed amendments constructive and suggested that greater clarity would allow for a widely ratifiable Convention. She introduced a subamendment to add “and practices” after “violent acts”. She also suggested a need to mention psychological and economic acts, and proposed that an informal discussion could be held to find an acceptable compromise.
244. The Worker Vice-Chairperson expressed hesitation about separating violence from harassment, but understood the rationale behind the proposed amendments. She introduced a subamendment to replace “at work or on duty” with “in circumstances related to work” in line with language contained in the European framework agreement on harassment and violence at work (2007).
245. The Government member of Argentina stated that violence should be understood as physical assault or threat thereof in the work environment and in the delivery of services.
246. The Government members of Australia and Panama supported the proposed amendments.
247. The Government member of Canada, while preferring a single definition of violence and harassment, including the psychological dimension, supported the amendments, as subamended by the EU and its Member States, and further subamended by the Workers’ group.
248. The Government member of the Russian Federation stated that the proposed instrument would be widely disseminated and, to enable the majority of member States to ratify it, the definitions should be succinct. For that reason, he did not support the subamendment.
249. The Employer Vice-Chairperson reiterated her concern about conflating the two concepts of violence and harassment. In the proposed new sub-clauses, the definition of violence was meant to be read in conjunction with the definition of harassment. The terms would require different responses, which would need to be considered when discussing remedies. She supported the subamendment proposed by the Workers’ group.
250. The Worker Vice-Chairperson was concerned that the proposed sub-clauses were too prescriptive and could result in a Convention that would be difficult to implement. She emphasized the importance of a broad definition of violence and harassment that could be adopted into the policies of member States and interpreted through criminal law, labour laws and other domestic legislation.
251. The Employer Vice-Chairperson reiterated the importance of ensuring a clear definition of the acts employers would be responsible for preventing and for which they would be held accountable. Without clear definitions, it would be challenging for employers to take appropriate measures in line with their obligations under points 11 and 12 of the proposed Conclusions. If harassment was defined by considering only how a victim felt, any act could be deemed harassment on the basis of the perception of offence. The Employers’ group was not seeking to absolve employers of responsibility to set standards in their workplaces; on the contrary, enterprises of all sizes could implement some prevention policies. Prescribing liability, sanctions and assigning blame, however, would be a step too far. Her group required reassurance in that regard.
252. The Worker Vice-Chairperson recalled that the Committee was discussing cases of actual harm. A definition of violence and harassment did not prescribe employer obligations.

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- 253.** The Government member of Paraguay, speaking on behalf of the group of Latin American and Caribbean countries (GRULAC) emphasized that clarity of concepts would be vital to ensure ratification of the proposed instrument.
- 254.** The Government member of France, speaking on behalf of the EU and its Member States, shared the view of the Employers' group that the obligations of all parties must be defined clearly to facilitate implementation of the proposed instrument at the national level.
- 255.** The Government member of Uganda, speaking on behalf of the Africa group, supported by the Government member of New Zealand, favoured broad and flexible definitions of violence and harassment, with more detailed definitions determined at the national level. While it was not reasonable to expect employers alone to prevent violence and harassment at work, point 12 called on member States to adopt national laws and regulations requiring employers to "take steps" to prevent violence and harassment, not to prevent it completely.
- 256.** The Government member of Canada, added that a flexible definition, as well as being more inclusive, would cover behaviours that were likely to become more prevalent in future, such as cyberbullying.
- 257.** The Employer Vice-Chairperson appreciated the recognition that employer obligations were not absolute. However, in light of the definition of violence and harassment contained in point 3(a), which referred only to the subjective impact of the behaviour, she remained concerned.
- 258.** The Government member of India said that the effectiveness of an instrument would be contingent on its implementation. She supported the addition of sub-clauses (a)(i) and (ii) as proposed, as long as they were consistent with point 3(a).
- 259.** The Government member of Cuba reiterated that he did not support the amendments, as the Committee had already agreed to treat violence and harassment as one concept; adding the sub-clauses would be counter to that agreement. Furthermore, the Committee was not competent to address human rights issues. Violence and harassment manifested in different ways, depending on context, and a broad scope of definitions would therefore be preferable.
- 260.** The Government member of New Zealand, supported by the Government member of Zambia, added that freedom from violence and harassment was the ultimate expression of a healthy and safe workplace. Employers could not, however, be held responsible for everything.
- 261.** Following informal consultations, the Government member of France, speaking on behalf of the EU and its Member States, withdrew his subamendment.
- 262.** The Government member of Australia, speaking on behalf of the Asia and Pacific group (ASPAG), acknowledged the importance of clear language to ensure an instrument that could be broadly approved and potentially easily ratified. She moved a motion to establish a small tripartite working group to work in parallel to the Committee to consider the proposed new sub-clauses and the subamendments thereto.
- 263.** The Government member of France, on behalf of the EU and its Member States, the Government member of the United States and the Employer Vice-Chairperson supported the motion.
- 264.** The Government member of Cuba, supported by the Government member of Uganda on behalf of the Africa group, did not support the motion, which constituted another attempt to

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reopen a matter that the Committee had already decided. Time was being wasted and discussions were not progressing.

- 265.** The Chairperson clarified that if a working group were to be established, its terms of reference would have to be clearly defined. Such a group would be mandated to discuss the amendments submitted by the Government members of the United States and Japan on the addition of the two sub-clauses after point 3(a) and nothing more. It would comprise representatives of the Employers' and Workers' groups and the four regional Government groups.
- 266.** The Worker Vice-Chairperson did not support the idea of a working group.
- 267.** The Government member of Namibia maintained that point 3(a) was adequate and that overly prescriptive Conventions tended not to be well ratified. She did not support the establishment of a working group.
- 268.** The Employer Vice-Chairperson said that the idea of smaller working groups should not be discarded altogether; they could be useful to solve contentious questions. However, she no longer saw merit in establishing a working group on the proposed sub-clauses to point 3(a).
- 269.** The Government member of the United States withdrew the two amendments.
- 270.** The Government members of France, on behalf of the EU and its Member States, and of Uganda, on behalf of the Africa group, withdrew their respective amendments to add a new clause defining the term "harassment".

#### Point 3(b)

- 271.** The Employer Vice-Chairperson introduced an amendment to replace clause (b) with "workplace violence or workplace harassment is gender-based if it is directed at persons because of their sex or gender, or affects persons of a particular sex or gender disproportionately;". For the sake of consistency, she proposed a subamendment to delete the word "workplace" in both instances.
- 272.** The Worker Vice-Chairperson and the Government member of New Zealand supported the subamendment.
- 273.** The Government member of Israel introduced a further subamendment which sought to add the words "including sexual harassment" at the end of the clause. The #MeToo campaign highlighted the significance of sexual harassment in the workplace. Even though gender-based violence included sexual harassment, a clear statement should be made in that regard, in the light of current public debates.
- 274.** The Government members of Australia, Brazil, Canada and Switzerland supported the subamendment proposed by the Government member of Israel.
- 275.** The Worker Vice-Chairperson also supported the subamendment.
- 276.** The Employer Vice-Chairperson was of the opinion that the additional subamendment made the text repetitive. Since gender-based violence included sexual harassment, the Employers' group could not support the subamendment from the Government member of Israel. The Government members of Argentina and Chile agreed.

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- 277.** The Government member of France, speaking on behalf of the EU and its Member States, wished to introduce a further subamendment which sought to replace the words “including sexual harassment” by “and includes sexual harassment”.
- 278.** The Employer Vice-Chairperson supported the subamendment proposed by the Government member of France, on behalf of the EU and its Member States.
- 279.** The Government member of Cuba, supported by the Government members of Angola, India, and Uganda on behalf of the Africa group, wished to introduce a further subamendment to add the words “world of work” at the end of the sentence.
- 280.** The Worker and Employer Vice-Chairpersons deemed the subamendment redundant.
- 281.** The Government member of Cuba withdrew his subamendment.
- 282.** The subamendments proposed by the Employers’ group, the Government member of Israel and the Government member of France, on behalf of the EU and its Member States, were adopted.
- 283.** The amendment was adopted as subamended. As a result, two amendments fell.
- 284.** Point 3(b) was adopted as amended.

Point 3(c) and (d)

- 285.** Following informal consultations, the Worker Vice-Chairperson explained that her group had been engaging with the Employers’ group, as well as with some Government members, with the aim of reaching agreement on the definitions of “employer” and “worker”, as respectively contained in point 3(c) and (d) of the proposed Conclusions.
- 286.** The Employer Vice-Chairperson noted that definitions of the terms “employer” and “worker” varied at the national level, or even between different federal states of one country. An even more serious problem with the definition was the idea of indirect employment, which the employers would never accept because they could only take an employer responsibility for persons in their direct employment. For those reasons, her group did not support the definitions in the original text.
- 287.** The Worker Vice-Chairperson added that during informal discussions between the social partners, the Workers’ group had shared definitions of “worker” and “employer” that were used in other instruments, for example the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), as well as definitions that had been used in various meetings of experts.
- 288.** The Government member of Brazil introduced an amendment, also on behalf of the Government member of Mexico, to delete the definition of “employer”. If the definition were deleted, member States could use national definitions or refer to definitions found in international standards.
- 289.** The Employer Vice-Chairperson understood the intention of the amendment, but pointed out that the term “employer” appeared repeatedly throughout the text and would continue to be problematic for the Employers’ group.
- 290.** The Government member of France, speaking on behalf of the EU and its Member States, noted that the issue of responsibility concerned not only workers and employers, but also governments.

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- 291.** The Government members of Brazil, Chile and India noted that it was important to define both “employer” and “worker”, since the terms appeared further on in the text.
- 292.** The Government member of New Zealand stated that the parties to whom the instrument would apply needed to be identified.
- 293.** The Government member of Cuba understood that the essence of the discussion was to identify who was to be protected from violence and harassment in the world of work. While there were a limited number of complaints of employers being abused by workers, the majority of victims were workers. It was therefore important to have a minimum definition of both terms.
- 294.** The Employer Vice-Chairperson emphasized that the definition of the persons who had responsibilities needed to be clear, and those responsibilities needed to be reasonable, clear and within appropriate areas of control and influence. The current conflated definition of violence and harassment created significant challenges within the broader operational provisions; as such, it would be difficult for the group to support a Convention. That position would not change, even if the definitions of “worker” and “employer” were deleted. Including concepts that had no single, universal definition was challenging. While the terms did appear in other instruments, those were for different purposes.
- 295.** The Worker Vice-Chairperson agreed with the Office definition of “employer”, as contained in the *General principles and operational guidelines on fair recruitment* agreed by the tripartite partners. The Workers could agree to delete the definition of “employer” on condition that the Committee worked on an inclusive definition of “worker”. It was her understanding that the usual practice of the Conference had been to work on the broadest definition of “worker”, and her group was also willing to work on the broadest definition of “employer”. Violence and harassment could occur between workers, be directed from workers to employers, or involve interactions with the public.
- 296.** The deputy representative of the Secretary-General noted that very few ILO Conventions defined the term “employer”; for example, the Occupational Safety and Health Convention, 1981 (No. 155), contained no definition of “employer”. However, that did not preclude the Convention from clarifying that employers had certain responsibilities.
- 297.** The Worker Vice-Chairperson, the Government member of Uganda, on behalf of the Africa group, and the Government member of Brazil agreed that, on that basis, a definition of “employer” was not needed, as responsibilities could still be assigned to the employer. The definition of “employer” could be deleted if that of “worker” remained as proposed by the Office.
- 298.** The Employer Vice-Chairperson also supported the amendment to delete point 3(c).
- 299.** The Government member of Chile supported the amendment. The absence of a definition of “employer” would not impede implementation of the proposed instrument at the national level. He hoped that a balanced and broad definition of “worker” could be found, lending itself to a future Convention which was ratifiable and capable of implementation in all regulatory and legal contexts.
- 300.** Following an exchange of views, the Committee agreed to discuss proposed amendments to point 3(d) on the definition of “workers” before pronouncing on amendments to point 3(c) on the definition of “employers”. The Employer Vice-Chairperson had, however, expressed her reluctance to proceed in that manner. The discussion on the amendment proposed by the Government member of Brazil was therefore suspended.

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- 301.** The Government member of Brazil withdrew an amendment proposing to delete point 3(d).
- 302.** The Employer Vice-Chairperson resubmitted the amendment, in accordance with article 63(8)(2) of the Standing Orders of the Conference. The group did not wish to limit the scope of an instrument, and it was clearly understood that employers had a responsibility in addressing violence and harassment. However, the challenge was to find a common definition of “workers” that worked for all parties and all countries. The Employers’ group questioned how individuals who were not workers could be protected from violence and harassment by an employer; there would be considerable difficulties in applying such a broad definition in the operational provisions. A deletion of clause 3(d) might be a way to move the discussion forward.
- 303.** The Government member of Cuba doubted the usefulness of resubmitting the amendment. He urged the Committee to discuss a definition of “worker”.
- 304.** The Government member of Namibia wondered whether the resubmission of the amendment could be deferred. If the discussion was now about whether or not a definition of “worker” was sought, it was still unclear to her whether the Employers’ group wanted a definition or not, as the group had also prepared its own amendments to point 3(d).
- 305.** The Government member of Japan sought clarity about the implications of not defining “employer”, while providing a definition for the term “worker”. He asked the secretariat if there were any existing instruments in which there was no definition of “employer”, but a definition of “worker”.
- 306.** The deputy representative of the Secretary-General confirmed that there were instruments in which no definition of “employer” was provided, but a definition of “worker” was; one example was the Domestic Workers Convention, 2011 (No. 189), which contained no definition of “employer”, but a definition of “domestic worker”, to ensure that those workers who usually would fall outside of the application of labour law would be covered by the instrument.
- 307.** The Government member of New Zealand, supported by the Government member of Australia, considered that a discussion on a definition should not start by deleting the text altogether. He did not support the amendment that had been resubmitted by the Employers’ group and preferred to base the discussion on clause (d) on the original text of the proposed Conclusions.
- 308.** The Government member of Japan asked whether a general definition of “worker” was given without providing a general definition of “employer” in any instrument other than the Domestic Workers Convention, 2011 (No. 189), in general.
- 309.** The deputy representative of the Secretary-General provided information on other instruments which provided no definition of “employer”, but did provide a definition of “worker”, including the Occupational Safety and Health (Dock Work) Convention (No. 152), and Recommendation (No. 164), 1979; the Occupational Safety and Health Convention (No. 155), and Recommendation (No. 164), 1981; the Asbestos Convention, 1986 (No. 162); the Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32); and the HIV and AIDS Recommendation, 2010 (No. 200).
- 310.** The Government members of Cuba, Canada, and France, on behalf of the EU and its Member States, did not support the resubmission of the amendment by the Employers’ group.
- 311.** The amendment was not adopted.

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- 312.** The Employer Vice-Chairperson introduced an amendment to replace clause (d) with the following text: “the term ‘worker’ should cover all workers as defined in national law and practice and should include those in the formal and informal economy, whether in urban or rural areas”. The Employers’ group had tried on a number of occasions to work towards a definition of “worker” which would be appropriate in all national contexts. The eight fundamental Conventions did not contain a definition of either “worker” or “employer” and that was perhaps why they enjoyed high rates of ratification. The Employers’ group disagreed with including individuals who were not workers in a definition of “worker”.
- 313.** The Worker Vice-Chairperson could not agree to the amendment, as it was limiting in scope. Workers were not defined in a restrictive manner in other ILO Conventions, such as in the Private Employment Agencies Convention, 1997 (No. 181). The list of “workers” identified in the proposed Conclusions were those most vulnerable to violence and harassment. The Workers’ group had noted the concerns of the Governments regarding the definition of “workers”, but supported the original text in the proposed Conclusions.
- 314.** The Government member of France, speaking on behalf of EU and its Member States, did not support the amendment, as the definition of “workers” should be inclusive and not restricted by domestic legislation.
- 315.** The Government member of Uganda, speaking on behalf of the Africa group, and the Government members of Argentina and Cuba did not support the amendment.
- 316.** The Employer Vice-Chairperson expressed concern that although all persons should be protected from violence and harassment in the workplace, not all persons should necessarily be defined as workers. Not all of the potential measures that could be taken for workers would also be appropriate for jobseekers, job applicants or others. For example, anti-harassment trainings for employees were not measures that employers could reasonably take for jobseekers. A reference to “other persons” could be made separately from the definition of “worker”. Attributing the term “worker” to persons who were not workers might not be in line with national law and policy, and could stand as a barrier to achieving a widely supported instrument.
- 317.** The amendment was not adopted.
- 318.** The Government member of Canada, speaking also on behalf of the Government members of Australia, Switzerland and the United States, introduced an amendment to delete all of the sub-clauses related to the definition of “worker”. The definitions should not be overly prescriptive, applicable to different contexts and flexible enough to cover emerging forms of violence and harassment.
- 319.** The Worker Vice-Chairperson could not support the amendment, since there was a need to protect the broadest possible number of workers and it was crucial not to leave anyone behind.
- 320.** The Employer Vice-Chairperson also could not support the amendment, since it covered all persons whether or not they were in a workplace and whether or not they were in an employment relationship.
- 321.** The Government member of Canada withdrew the amendment.
- 322.** The chapeau of point 3(d) was adopted without amendment.
- 323.** The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to replace sub-clause (i) with “employees as defined by national

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law and practice” and noted that the amendment was part of a package with the objective of dividing the sub-clauses under clause (d) into two categories. Groups currently listed under sub-clauses (i) and (ii) would be covered by the Convention, while the remaining groups under sub-clauses (iii)–(v) would be covered by the Recommendation. The intention was to achieve the most inclusive definition of workers, while also conforming with national law. A subsequent amendment by his group would propose that “the term ‘worker’ could also include: persons in any employment or occupation, irrespective of their contractual status; laid-off and suspended workers; volunteers; and jobseekers.”.

- 324.** The Employer Vice-Chairperson appreciated the intention of narrowing the definition of “worker”, but pointed out that it would still include some people who were not technically workers and for whom employer obligations could not be extended.
- 325.** The Worker Vice-Chairperson could not accept the amendment, which raised the question as to who was considered an employee in national law. National definitions of “employee” often excluded many categories of workers who were typically most at risk of violence and harassment. She did not understand the objection to including “persons in any employment or occupation”, since that was the formulation enshrined in the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Discrimination was a widely recognized cause of violence and harassment.
- 326.** The phrase “irrespective of contractual status” was also important language, because it covered workers with fixed-term, part-time and zero-hours contracts, as well as other emerging working arrangements that represented high risk factors for violence and harassment. Her group preferred the original text. The persons listed in the sub-clauses were those most vulnerable to violence and harassment, who usually fell outside the scope of protections. It would not be possible to have a forward-looking instrument if they were excluded. Job applicants, jobseekers and volunteers were especially vulnerable to violence and harassment, such as requests for sexual favours.
- 327.** The Government member of Uganda, speaking on behalf of the Africa group, stressed that the definition of “worker” would vary across and within jurisdictions. Given that the proposed instrument was intended for global application, it was important that protections were applied irrespective of contractual status. The Africa group did not support the amendment.
- 328.** The Government member of Namibia noted that all parties were considering the text from the perspective of their own circumstances. It was important to remember that the definition of “worker” would change across contexts and over time. Nevertheless, there appeared to be broad agreement that no one should be excluded.
- 329.** The Government member of France, speaking on behalf of the EU and its Member States, clarified that the objective of the amendment was to seek a compromise between the positions of the Employers’ and Workers’ groups. The objective remained to protect women and men, clients, third parties and others, in line with point 5 of the proposed Conclusions.
- 330.** The Employer Vice-Chairperson stated that the Employers’ group could not support the amendment. That notwithstanding, she agreed that violence against volunteers was totally unacceptable, as was the request of sexual favours from job applicants. It was vital to keep in mind that labels could pose problems when engaging in legal processes.
- 331.** The Government member of Australia introduced a subamendment to add the words “as well as persons in training, including interns and apprentices; laid-off and suspended workers; volunteers; and jobseekers and job applicants” after “law and practice”.

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- 332.** The subamendment was seconded by the Government member of Canada.
- 333.** The Government member of the Dominican Republic did not support the subamendment proposed by the Government member of Australia.
- 334.** The Worker Vice-Chairperson emphasized that she could not support the subamendment because national laws and policies did not necessarily cover all the workers the Committee was seeking to protect, including workers with fixed-term, part-time and zero-hours contracts, as well as work arrangements that would emerge in the future. Many workers with such types of contract were women. It was well known that workers in tipping schemes, such as waitresses, often suffered harassment, which took power away from workers to negotiate their working conditions. It was therefore also imperative to ensure that they would be protected.
- 335.** The Employer Vice-Chairperson noted that challenges persisted with regard to the inclusion of some of the sub-categories, which did not fit well with certain national contexts. She did not support the subamendment.
- 336.** The Government member of Namibia, speaking on behalf of the Africa group, said that the phrase in sub-clause (d)(i) “irrespective of their contractual status” was critical, because it was through that phrase that most working people in the world would be covered. Indeed, the majority of workers in the Africa region were in the informal economy.
- 337.** The Government member of Brazil agreed that volunteers were a type of worker and, while not opposed to including job applicants, considered that jobseekers would be more difficult to include, as defining who would be responsible for their protection could be complex.
- 338.** The Government member of Canada proposed a further subamendment to include “persons irrespective of their contractual status” after the words “as well as”.
- 339.** The Government member of Australia considered that the chapeau of the clause was already broad enough to be sufficiently inclusive.
- 340.** The Government member of Indonesia supported the amendment as subamended by the Government member of Australia.
- 341.** The Government member of Brazil considered that the chapeau, as adopted, already provided coverage to workers, such as waitresses, who were particularly vulnerable to harassment.
- 342.** The Government member of Uganda, speaking on behalf of the Africa group, stressed the importance of specifying the inclusion of all persons irrespective of contractual status in the text. If that were to be omitted, the most vulnerable people in the informal economy would be left unprotected.
- 343.** The subamendment proposed by the Government of Australia, and further subamended by the Government of Canada, was not adopted.
- 344.** Following consultations, the Government member of Canada introduced a proposed subamendment to read “employees as defined by national law and practice, as well as persons working irrespective of their contractual status, persons in training, including interns and apprentices, laid-off and suspended workers, volunteers, jobseekers and job applicants”.
- 345.** The Worker Vice-Chairperson welcomed the efforts to seek consensus and supported the proposed subamendment.

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- 346.** The Employer Vice-Chairperson expressed concern regarding linking “employees” with “persons working”. The two would be better separated. She proposed a further subamendment to replace “as well as” with “. This instrument also covers”, to read: “employees as defined by national law and practice. This instrument also covers persons working irrespective of their contractual status, persons in training, including interns and apprentices, laid-off and suspended workers, volunteers, jobseekers and job applicants.” The proposal decoupled the persons who were not workers from those who were, while clarifying that both categories were covered by the instrument.
- 347.** The Government member of Uganda, speaking on behalf of the Africa group, explained that the subamendment presented by the Government member of Canada was the result of lengthy negotiations during an adjournment of the meeting intended to allow for tripartite discussion, which had been endorsed by the Chairperson. The regional representatives from the Governments, as well as the Workers’ group had participated. Unfortunately, the Employers’ group had not. The proposal of a further amendment by the Employers’ group, in spite of the consensus that had been reached, was disappointing. Many workers in irregular employment needed protection. The proposed definition was only for the purposes of the present instrument. He did not support the Employers’ proposal.
- 348.** The Government member of the Dominican Republic did not support the proposal of the Employers’ group.
- 349.** The Government member of the Islamic Republic of Iran noted that the suggested text might differ from definitions used in national laws. He suggested a new subamendment to break the sub-clause after “practice”, so that the second sentence would read: “The coverage extends to persons working irrespective of their contractual status, persons in training, including interns and apprentices, laid-off and suspended workers, volunteers, jobseekers and job applicants.” He added that on-the-job training might be defined in national law and practice.
- 350.** The Government members of Namibia and New Zealand sought clarification on the intentions of the Employers’ group, as “coverage extends to” would preclude any groups not subsequently listed from protection under the proposed Conclusions.
- 351.** The Employer Vice-Chairperson explained that her group disagreed with the coupling of concepts and definitions of workers with others that were not technically workers. While such groups should not be excluded from protection under the instrument, the definitions were not in line with some of the proposed operative provisions.
- 352.** The Worker Vice-Chairperson disagreed with the Employer Vice-Chairperson’s suggestion that those groups were not workers and noted that the proposed definitions could be found in other instruments.
- 353.** The Government member of Cuba, supported by the Government members of Australia, Brazil, the Dominican Republic, Indonesia, Israel, Japan, the Republic of Korea, Zambia, and Uganda, on behalf of the Africa group, proposed a subamendment to add “as appropriate” at the end of the text under discussion, which he felt could meet the concerns of all parties.
- 354.** The Government member of Namibia agreed with the Workers’ group; indeed, in Namibia, most of the people defined as working people would fall into those categories. Splitting the text under discussion into two sentences would give the impression that the Committee was working towards two standards: one applicable to the developed world, and another for the developing world. The proposed instrument should be applicable to all.

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- 355.** The Government member of Australia supported the subamendment, as proposed by Canada, following the informal consultations. As pointed out by the Government member of Namibia, the Committee would have to decide to which of the two categories of workers each of the operative provisions would apply. Employers would struggle to fully apply the provision on providing workers with information and training, if workers included jobseekers. Categorizing workers would facilitate implementation.
- 356.** The Government members of Brazil, India and Zambia also preferred not to include jobseekers in the definition of workers. A categorical division of workers would not be welcome, as everybody deserved protection against violence and harassment.
- 357.** The Government member of France, speaking on behalf of the EU and its Member States, reminded the Committee members that the EU proposal to delete entire categories under point 3(d) had been made with the intention of including them in the draft text for a Recommendation. He concurred with the statements made by the Government members of the Dominican Republic and the Islamic Republic of Iran regarding the contractual status of workers and supported the proposal by the Government member of Cuba.
- 358.** The Government member of Argentina stated that including laid-off persons as a category of worker could also be a potential barrier to implementation, as they were persons with a void contractual relationship.
- 359.** The Government members of Israel and the United States welcomed the result of the informal tripartite consultations, which would provide a good basis for discussion in 2019.
- 360.** The Government member of Israel was aware that the conceptual division of workers into two categories would have implications for parts of the remaining text and therefore might not be helpful.
- 361.** The Worker Vice-Chairperson requested clarification on the implications of adding “as appropriate” at the end of the current text, as proposed by the Government member of Cuba.
- 362.** The deputy representative of the Secretary-General clarified that adding “as appropriate” would mean that coverage of workers under the instrument would be a matter for each government’s own discretion. The text under discussion was about categories, whereas subsequent sections referred to operational measures. Depending on the types of operational measures foreseen in an instrument, “as appropriate” could be added to the text for the different relevant measures.
- 363.** The Employer Vice-Chairperson reiterated that the core concern for the Employers’ group was that the instrument would cover persons who were not workers, including job applicants and persons who were no longer in the workforce. Under point 12(d), that would mean that employers, for example, would be obliged to train jobseekers on the risks of violence and harassment. Another contentious issue would be access to collective bargaining, which was not an applicable concept for jobseekers and volunteers. Furthermore, the proposed point 23, interpreted in conjunction with the text under discussion, would mean that jobseekers and volunteers were also to be involved in the design, implementation and monitoring of policies on violence and harassment. She hoped that the Committee would be able to work through some of these issues in 2019, as they would otherwise stand as a barrier to the implementation of the instrument.
- 364.** The Worker Vice-Chairperson proposed to add “as appropriate” only after “persons in training, including interns and apprentices”.

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- 365.** The Government member of Cuba withdrew his proposal to add “as appropriate”, which had been intended to address the concerns of the Employers’ group, as the Employers’ group did not support it.
- 366.** The Government member of Namibia reiterated her support for the consolidated subamendment, as presented by the Government member of Canada.
- 367.** The subamendment was adopted.
- 368.** Point 3(d) was adopted as subamended, and several proposed amendments fell as a result.
- 369.** The Government member of Brazil reintroduced an amendment, also on behalf of the Government member of Mexico, to delete clause (c), discussion of which had been postponed pending the adoption the adoption of clause (d).
- 370.** The Employer Vice-Chairperson noted that the Employers’ group had intended to present an amendment to replace the clause with: “the term ‘employer’ is as defined in national law and practice”. However, since the eight fundamental Conventions did not provide a definition of “employer”, the instrument would not require one. The definition of “employer” could be defined at the national level. Her group supported the deletion of clause (c).
- 371.** The Worker Vice-Chairperson agreed with her Employer counterpart.
- 372.** The Government member of France, speaking on behalf of the EU and its Member States, stated that in the light of the foregoing, he could support the proposal for deletion.
- 373.** The amendment was adopted and four amendments fell as a result.
- 374.** Point 3(c) was deleted.
- 375.** Point 3 was adopted as amended.

#### **Point 4**

##### Chapeau and clauses (a)–(e)

- 376.** The Employer Vice-Chairperson introduced an amendment to replace point 4 and its clauses with “The workplace is the location where a worker is employed and/or where work is performed”. For an instrument to be implemented, the concepts and definitions needed to be clear. The phrase “world of work” did not appear in any national legislation or texts and was very broad. Her group proposed replacing it with “workplace” since, in the latter, employers had control and influence, without which they could not be held accountable for violence and harassment. The Occupational Safety and Health Convention, 1981 (No. 155), had defined the term “workplace” as “cover[ing] all places where workers need to be or to go by reason of their work and which are under the direct or indirect control of the employer”. The broad definition of “workers” as adopted by the Committee offered limited guidance on the parameters and extent of employer responsibility, and presented practical difficulties for ratification and implementation.
- 377.** The Worker Vice-Chairperson emphasized that the instrument should be forward-looking, since the typical place of work, and the world of work, were changing. She recognized that employers should not be held responsible for everything. However, she recalled that the Employers had agreed, at the Tripartite Meeting of Experts on Violence and Harassment against Women and Men in the World of Work in 2016, that the concept of “world of work”

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should include a broader range of situations, among other things, commuting to work and work-related social events. While her group supported the original text and could not agree with the proposed amendment, she would be open to finding solutions to address the concerns of the Employers' group.

- 378.** The Government member of Cuba did not support the amendment, as protection should go beyond the workplace.
- 379.** The Government member of Namibia did not support the amendment by the Employers' group. It would not be fair for employers to be responsible for things that were beyond their control. The provision dealt with definitions and scope, and it was not appropriate to exclude categories of people from specific protections. Other language could be found to help address the concerns raised.
- 380.** The Government member of Uganda, speaking on behalf of the Africa group, supported by the Government member of France, on behalf of the EU and its Member States, and the Government member of New Zealand, agreed with the Employers' group, noting there should be a limit to the accountability and liability of employers. It was well known that violence and harassment occurred in areas beyond the control of employers. The aim was to protect the workers in the world of work more broadly. He did not support the amendment.
- 381.** The Government member of France, speaking on behalf of the EU and its Member States, added that a definition of "the world of work" was long overdue. Such a definition would need to go beyond the workplace.
- 382.** The amendment was not adopted.
- 383.** The Government member of Mexico, speaking also on behalf of the Government member of Brazil, introduced an amendment to insert, at the end of the chapeau, "in the course of and arising out of work." The proposed language would extend the scope.
- 384.** The Government member of Australia, speaking also on behalf of the Government members of Canada, the United States, Israel, Japan, Norway and Switzerland, introduced a related amendment to replace "occurring" with "with a clear and direct connection to work, such as" after "should cover situations". He explained that the amendment related to the concerns expressed by the Employers' group regarding the lack of control over certain areas in the context of violence and harassment, and aimed to focus on violence and harassment directly related to work which would be within the control of employers.
- 385.** The Worker Vice-Chairperson did not support the amendment introduced by the Government member of Australia, given that the world of work was changing. Increasingly, there were situations where there was no clear connection to a workplace.
- 386.** The Employer Vice-Chairperson reiterated concerns regarding the overall definition. Clarity of concepts was essential. The "what" had a broad definition of violence and harassment; the "where" had a broad definition of world of work; and the "who" had a broad definition of workers. The inclusion of jobseekers and other such groups who were not working continued to be problematic. With the combination of "what, where and who", the broad definition would pose a serious challenge to employers as well as governments. The Employers' group therefore did not accept the definition as a whole.
- 387.** The Government member of France, speaking on behalf of the EU and its Member States, noted the preference for the amendment proposed by the Government member of Brazil, as it introduced more clarity. He proposed a subamendment to insert ", in connection with"

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after “in the course of”. He explained that the definition would be in line with the definition used in the Occupational Safety and Health Convention, 1981 (No. 155).

- 388.** The Government member of New Zealand supported the subamendment proposed by the Government member of France, on behalf of the EU and its Member States. The text was referring to places where violence and harassment occurred. He noted that New Zealand had witnessed cases of violence and harassment in all the places listed in clauses (a)–(e) of the proposed Conclusions. It was important to be forward-looking, given that work no longer needed to be performed physically in a given place, and that violence and harassment could occur, for example, in cyberspace.
- 389.** The Government members of the Dominican Republic, India, the Islamic Republic of Iran, the United States, and the Government member of Uganda, on behalf of the Africa group, also supported the subamendment proposed by the Government member of France on behalf of the EU and its Member States.
- 390.** The Government member of Namibia took note that the clauses (a)–(e) of the proposed Conclusions explicitly referenced “work”. Given that those clauses already mentioned the word “work”, she questioned the need for the additions proposed both in the amendment of the Government member of Brazil and the subamendment proposed by the Government member of France, on behalf of the EU and its Member States.
- 391.** The Employer Vice-Chairperson noted that clause (e), “work-related communications enabled by information and communication technologies”, was problematic. For example, under the proposed definition, two employees having an argument while utilizing employer-provided mobile phones outside of the workplace could constitute harassment under the proposed definition, yet the employer would not have any control over the situation.
- 392.** The Government member of Brazil observed that the intent of the amendment was to ensure comprehensive wording, so as to not limit the scope. It was proposed in conjunction with another amendment, which would delete the clauses.
- 393.** The Worker Vice-Chairperson welcomed the amendment proposed by the Government members of Brazil and Mexico, and subamended by the Government member of France, on behalf of the EU and its Member States, which was in line with the Occupational Safety and Health Convention, 1981 (No. 155). Actors other than employers, including workers and governments, also had a responsibility. She did not support the amendment introduced by the Government member of Australia.
- 394.** The Employer Vice-Chairperson reiterated the concern of the Employers’ group regarding control of areas outside of the workplace, as employers could not be responsible for how people behaved in their private lives.
- 395.** The subamendment proposed by the Government member of France, on behalf of the EU and its Member States, was adopted.
- 396.** The amendment was adopted as subamended.
- 397.** The chapeau of point 4 was adopted as subamended.
- 398.** The Government member of Brazil, speaking also on behalf of the Government member of Mexico, introduced an amendment to delete clauses (a)–(e), in light of the amendment that had been made to the chapeau.

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**399.** The Employer Vice-Chairperson said that the Employers' group could support the amendment to delete clauses (a)–(e).

**400.** The Worker Vice-Chairperson did not support the deletion of clauses (a)–(e).

**401.** The Government member of Uganda, speaking on behalf of the Africa group, said that he had supported the previous amendment on the understanding that clauses (a)–(e) would be retained. Therefore, he could not support the amendment.

**402.** The Government member of Brazil withdrew the amendment.

Point 4(a)

**403.** Point 4(a) was adopted without amendment.

Point 4(b)

**404.** The Worker Vice-Chairperson introduced an amendment to insert, at the end of point 4(b), “or uses sanitary and washing facilities” after “meal”. The lack of adequate sanitary and washing facilities put women at higher risk of violence and harassment, and deterred others from taking up employment. Inaction by employers with regard to the provision of toilets had led in certain cases to women developing urinary tract infections, the indignity of wearing diapers and further health complications. Women construction workers might not have access to a toilet, or might have to share facilities with male workers.

**405.** The Government member of France, speaking on behalf of the EU and its Member States, said that it was important to act to prevent sexual harassment and violence against women. The EU supported the Workers' group's proposed amendment, as did the Government member of Uganda, on behalf of the Africa group, and the Government member of the Islamic Republic of Iran.

**406.** The Government member of Cuba introduced a subamendment, seconded by the Government member of Mexico to insert “, as appropriate,” at the end of the clause to allow for situations where employers did not have control and could not be held responsible for the occurrence of violence or harassment. He gave the example of a worker being attacked in a place where he was eating a meal, which would not be covered by workplace legislation, but by the other legislation at the country level.

**407.** The Government member of Namibia, speaking on behalf of the Africa group, said that an act could be defined as violence under the law, yet still not be under the control of the employer. The section under discussion related to definition and scope and places where violence and harassment could take place, and it did not matter whether they were under the control of the employer, such as the example of being stalked by a customer outside of work. She did not support the subamendment.

**408.** The Government member of Brazil supported the subamendment.

**409.** The Employer Vice-Chairperson expressed concerns about employers being held accountable, but supported the subamendment.

**410.** The Worker Vice-Chairperson did not support the subamendment, because, as already agreed, “as appropriate” should not be used in the definitions section.

**411.** The Government member of Cuba withdrew the subamendment.

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**412.** The amendment proposed by the Workers' group was adopted.

**413.** Point 4(b) was adopted as amended.

Point 4(c)

**414.** The Government member of Australia introduced an amendment, seconded by the Government member of Singapore and the Employers' group, to delete clause (c), as the way in which workers travelled to and from work was outside the control of employers. The Government member of Singapore stated that she could also accept a forthcoming amendment proposing to insert "if the commute is under the employer's control" at the end of clause (c).

**415.** The Worker Vice-Chairperson said it was important to avoid putting workers in high-risk situations. For example, a female bus conductor finishing work late at night might have to choose between sleeping outside the bus depot, sleeping inside a bus with a male colleague or walking home alone in a dangerous setting. The intention was not to make employers responsible for acts of violence, but to ensure that they took adequate measures to reduce risk. Workers also had a responsibility not to harass or assault their co-workers on the journey to or from work. The Workers' group did not support the amendment.

**416.** The Employer Vice-Chairperson said that commuting took place in public spaces, over which employers had no control and so could not be held responsible for acts of violence or harassment taking place between co-workers. The Employers' group supported the amendment.

**417.** The Government member of Namibia, speaking on behalf of the Africa group, gave the example of a worker who stalked a co-worker, following her home. The act would not be under the employer's control, but the employer could charge the stalker with misconduct. She hoped for a future with different relationships than those currently existing in the world of work. Employers could make a positive difference, such as by providing transport for employees who worked at night. Workers must be sent a message that violent behaviour was not acceptable. She did not support the amendment.

**418.** The Government member of Cuba recalled that protection already existed for workers who had accidents while travelling to or from work, so the same principle should apply to violence and harassment while commuting. He did not support the amendment.

**419.** The Government members of India, and France, on behalf of the EU and its Member States, did not support amendment.

**420.** The Government member of Australia reminded the Committee that point 12 of the proposed Conclusions stated that "Each Member should adopt national laws and regulations requiring employers to take steps to prevent all forms of violence and harassment in the world of work ...". It would be far-fetched to consider employers responsible for preventing the harassment of jobseekers, who were included in the definition of "workers" adopted by the Committee, while they were travelling. He urged the Committee to bear that in mind during deliberations.

**421.** The Employer Vice-Chairperson appreciated the clarification given by the Government member of Australia. Under point 12 and connecting the scope of the world of work, it indeed appeared that employers would be responsible for incidents that occurred in public spaces. Employers were being asked to take responsibility for what their employees did in their private lives and, moreover, for people they had never met, including jobseekers.

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422. The Government member of New Zealand, supported by the Government member of Canada, did not support the amendment, agreeing that the question was not whether employers were, or were not, in control, but what they do could to respond to violence and harassment. Point 4 of the proposed Conclusions addressed parts of the world of work where violence and harassment could occur. The concerns of the Employers' group regarding responsibility would be discussed under point 12. He did not support the proposed amendment.
423. The amendment was not adopted.
424. The Government member of the United States, speaking also on behalf of the Government members of Australia, Israel, Norway and Switzerland, introduced amendment to insert "if the commute is under the employer's control" at the end of clause (c).
425. The Worker Vice-Chairperson did not support the amendment and suggested that the concerns expressed by the Government member of the United States could be addressed under the operational sections of the proposed Conclusions. Emphasis should be placed on the notion of collective responsibility. That notwithstanding, employers could put policies and sanctions in place to deal with violence and harassment.
426. The Employer Vice-Chairperson, in light of the provisions of proposed point 12, argued that many of the situations described in the proposed Conclusions were outside employers' sphere of control. She therefore supported the amendment.
427. The Government members of Argentina, Chile, India, Indonesia, Japan and Singapore supported the amendment, as the government would be responsible for violence and harassment in public spaces.
428. The Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment, since point 4 defined the world of work, not the responsibility of employers, which would be covered in point 12.
429. The Government member of Uganda, speaking on behalf of the Africa group, did not support the amendment and, instead, supported the arguments made by the Government member of France on behalf of the EU and its Member States. He noted that violence and harassment could take place during commuting. He gave the hypothetical example of a man in a position of influence who stalked a female colleague on public transport. In that situation, there would be two levels of responsibility – under criminal law and under the code of conduct on violence and harassment applicable at the workplace. He suggested that the Employers' group would certainly be against an employer harassing a worker on a bus.
430. The Government member of Brazil asked to propose a subamendment to replace the proposal by the Government member of the United States with "when appropriate".
431. The Chairperson explained that the proposal did not meet the criteria for a subamendment.
432. The Government member of Brazil, supported by the Government member of Zambia, did not support the amendment, which was too restrictive.
433. The Employer Vice-Chairperson clarified that the Employers' group did not dispute that employers were in a position to take some action, but stressed that they could not be held liable for things over which they had no control.
434. The Worker Vice-Chairperson reiterated the importance of collective responsibility.

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435. The Government member of the United States stated that the difficulties could arise in various scenarios, such as someone commuted to work, stopped to have a coffee, and was harassed by someone completely unknown to the employer.
436. The Government member of Australia underscored that the limits to what employers could control should be acknowledged.
437. The Government members of China and Cuba did not support the amendment.
438. The amendment was not adopted.
439. Point 4(c) was adopted without amendment.

Point 4(d)

440. The Government member of the United States introduced an amendment, also on behalf of the Government member of Switzerland, to delete “work-related” before “trips” and insert “required for work” after “social activities”. The purpose of the amendment was to tie workers’ and employers’ responsibilities in those situations more closely to their actual work.
441. The Employer Vice-Chairperson supported the amendment, as it created a clearer nexus to the workplace.
442. The Worker Vice-Chairperson expressed concern regarding the amendment. Workers attending a work-sponsored holiday, for example, should be covered under the provision. The amendment restricted the scope of the clause, as many activities were not strictly required for work but were part of the work environment.
443. The Government members of Cuba, and Uganda, on behalf of the Africa group, did not support the amendment.
444. The amendment was not adopted.
445. Point 4(d) was adopted without amendment.

Point 4(e)

446. No amendments had been submitted to point 4(e).
447. Point 4(e) was adopted without amendment.

New clause after point 4(e)

448. The Worker Vice-Chairperson introduced an amendment to add, after clause (e), a new clause: “in employer-provided accommodation”. She noted that the amendment was in line with clauses (a) and (b) of point 4, which identified that violence and harassment could take place in public or private spaces and in places where the worker was paid or took a rest. One example was on-site accommodation provided for persons working on a pipeline.
449. The Employer Vice-Chairperson did not support the amendment. Accommodation was a private space, albeit provided by the employer, and the actions taken within that space were beyond the employer’s control.

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450. The Government member of India noted that the amendment proposed by the Workers' group appeared to be in contradiction to views raised during the discussion on commuting, whereby even places beyond the control of the employer would be part of the Convention. The reason for the amendment seemed contradictory, as employer-provided accommodation was, additionally, a private space.
451. The Government member of Japan considered employer-provided accommodation an area over which employers should exercise control, and therefore supported the amendment.
452. The Worker Vice-Chairperson referred specifically to the case of domestic workers and live-in carers who were required to reside in employer-provided accommodation, whose vulnerability to abuse and sexual assault had been well documented. Employers needed to take responsibility and reduce risks when workers were employed in a household, to ensure that they were protected from violence and harassment.
453. The Government member of Argentina supported the amendment.
454. An indicative show of hands among the Government members demonstrated clear support for the amendment.
455. The amendment was adopted.
456. Point 4 was adopted as amended.

### **Point 5**

457. The Government member of Japan withdrew an amendment to delete "victims and".
458. The Employer Vice-Chairperson withdrew an amendment to replace "world of work" with "workplace".
459. The Government member of the United States, also speaking on behalf of the Government members of Israel and Norway, introduced an amendment to replace the phrase "employers, workers and third parties, including," with "employers and workers, and may include third parties, such as". The intention was to clarify that workers and employers could be victims or perpetrators, and that some third parties could also be either. Different measures would need to be taken for victims and perpetrators, depending on whether they were workers, employers or third parties. The words "such as" would indicate that the list of third parties would not be seen as exhaustive.
460. The Worker Vice-Chairperson did not support the amendment. The aim of point 5 was to describe the various actors, including public sector workers who worked in very stressful environments, and their possible roles within the broad context of the world of work. While liability could shift between parties, it seemed evident that if a worker were to assault a member of the public, the employer would be held liable if no prevention measures had been taken.
461. The Employer Vice-Chairperson supported the amendment.
462. The Government member of the United States was concerned that grouping victims and perpetrators together could cause confusion as to which provisions of an eventual Convention would be reasonably applicable to them.
463. The Government member of Cuba proposed a subamendment to remove the term "third parties, such as".

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464. The Government members of Brazil and Mexico seconded the subamendment.
465. The Government members of Argentina, Canada, China and New Zealand, and of Namibia, on behalf of the Africa group, did not support the amendment, as workers, employers and third parties could be victims or perpetrators of violence and harassment in the world of work. The original text was more appropriate.
466. The Government member of Japan recalled that international labour standards covered the world of work, which pertained to workers and employers, not third parties. He therefore supported the amendment.
467. The Government member of Cuba withdrew the subamendment and did not support the amendment.
468. The Government member of the United States proposed a subamendment to insert the words “and in some instances” before the words “may include”.
469. The Government members of the Republic of Korea and Japan and the Employer Vice-Chairperson supported the subamendment.
470. The Worker Vice-Chairperson drew the Committee’s attention to the prevalence of third-party violence, particularly physical and psychological violence, towards women workers, and reiterated that she did not support the subamendment.
471. The Government member of New Zealand did not support the subamendment.
472. The Government member of India noted that it was reasonable for the proposed instrument to protect victims who were workers and employers; third parties should only be included as possible perpetrators.
473. The Government member of France, speaking on behalf of the EU and its Member States, pointed out that victims and perpetrators would be covered by the instrument only if the incident occurred in the world of work. He did not support the amendment.
474. The subamendment was not adopted.
475. The amendment was not adopted.
476. The Employer Vice-Chairperson introduced an amendment to replace “, workers” with “and workers and their representatives”, and specified that the phrase “and their representatives” was intended to apply to both workers and employers alike. Everyone, including workers’ and employers’ representatives, could be victims and perpetrators of violence and harassment.
477. The Worker Vice-Chairperson recalled that workers’ representatives were workers by definition, and cited article 3 of the Workers’ Representatives Convention, 1971 (No. 135). They were therefore already covered by the original wording of point 5 and she did not support the amendment.
478. The Government member of Uganda, speaking on behalf of the Africa group, supported the amendment and considered that not all workers’ representatives were necessarily workers.
479. The Government members of Cuba and the Islamic Republic of Iran did not support the amendment.

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- 480.** The Employer Vice-Chairperson confirmed that employers' representatives were willing to play their part in addressing violence and harassment at the workplace. If the inclusion of workers' representatives was superfluous, as the Workers' group seemed to be suggesting, it would have consequences for other points of the proposed Conclusions where similar references were made.
- 481.** The Government members of Argentina, Australia and Canada supported the amendment, as it was balanced and stated clearly that workers' and employers' representatives alike could be considered victims and perpetrators.
- 482.** The Government member of the Islamic Republic of Iran did not support the amendment. While the Committee had decided on a definition of worker, it had not done so for employer.
- 483.** The Government member of France, speaking on behalf of the EU and its Member States, emphasized that workers' and employers' representatives were first and foremost workers and employers. He did not support the amendment. The Worker Vice-Chairperson shared that position.
- 484.** The Government member of Philippines observed that there could be violence and harassment in the workplace during industrial negotiations or disputes, which deserved to be included; the text should also include a definition of employers' and workers' representatives.
- 485.** Responding to requests to ensure that clear reference was made to both workers' and employers' representatives, the Employer Vice-Chairperson proposed an editorial subamendment. The point would read: "Victims and perpetrators of violence and harassment in the world of work can be employers, workers, and their representatives ...".
- 486.** The Worker Vice-Chairperson reminded the Committee that point 5 did not seek to attribute responsibility, but rather to delineate who could be perpetrators or victims of violence and harassment.
- 487.** The Government member of New Zealand observed that the definition of violence and harassment, as adopted in point 3(a) of the proposed Conclusions, included economic harm. Addressing the Employers' group, he asked whether the inclusion of workers' representatives in point 5 would have implications for industrial negotiations.
- 488.** The Government member of Australia added that everyone should be free from violence and harassment, including when exercising the right to freedom of association and when exercising rights as a workers' representative.
- 489.** The Employer Vice-Chairperson stated, to allay any concerns, that her group was not seeking to undermine industrial relations in any way and was simply looking for all persons, including workers' and employers' representatives, to stand together against violence and harassment.
- 490.** The Worker Vice-Chairperson, to ensure that the text could not be misinterpreted, proposed a subamendment to replace "employers, workers" with "employers and workers, and their respective representatives".
- 491.** The Government member of France, speaking on behalf of the EU and its Member States, found the Employers' group's explanation to be satisfactory. He supported the amendment as subamended.

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492. The Government member of New Zealand felt that the new text described the universal discourse and was appropriate. He also supported the amendment as subamended.
493. The amendment was adopted as subamended.
494. The Government member of Brazil withdrew an amendment to delete “, including clients, customers, service providers, users, patients and the public” in point 5.
495. The Worker Vice-Chairperson withdrew an amendment to insert “public authorities and law enforcement bodies,” after “users”.
496. The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to delete “and the public”. The purpose of the amendment was to ensure protection for victims. He requested clarification as to what was understood by the term “the public” in the English version, as the French version referred to “members of the public”.
497. The deputy representative of the Secretary-General clarified that the intention had been to refer to the public in general. Given that the list in point 5 was not exhaustive, the term “members of the public” would ensure that those not mentioned explicitly were covered by the instrument.
498. The Government member of France, speaking on behalf of the EU and its Member States, therefore introduced a subamendment to the amendment to insert “members of” before “the public” in the English version.
499. The Employer and Worker Vice-Chairpersons supported the subamendment.
500. The Government member of Spain, expressed concern regarding the Spanish translation and emphasized the importance of according due consideration to the Spanish language version of the text. Spanish-speaking countries would apply the Spanish version of the eventual instruments domestically, which must therefore be of equivalent quality to the English and French versions.
501. Both the Employer and the Worker Vice-Chairpersons acknowledged the concerns expressed by the Government member of Spain.
502. The Government member of Cuba proposed a linguistic amendment affecting the Spanish version only, and added that Spanish, as one of the most widely spoken languages in the world, must be given equal treatment in the Committee Drafting Committee.
503. The Government member of the Dominican Republic recommended the use of Spanish-language formulations found in previously adopted ILO instruments.
504. The Government member of Brazil, supported by the Government members of Cuba, the Islamic Republic of Iran and Spain, proposed a further subamendment to delete “members of the public”.
505. The Worker Vice-Chairperson did not support that proposal, or the previous subamendment proposed by the Government member of France, on behalf of the EU and its Member States, and preferred the original wording of point 5.
506. The Employer Vice-Chairperson, given her group’s concern regarding prescriptive definitions and the use of lists that would make implementation difficult, supported the proposed deletion.

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- 507.** The Government member of Cuba, owing to concerns regarding translation, no longer supported the proposed subamendments or amendment, and agreed with the Worker Vice-Chairperson that the original text of point 5 should be retained.
- 508.** The Government member of Brazil withdrew her proposed subamendment.
- 509.** The Government member of France, speaking on behalf of the EU and its Member States, withdrew the amendment.
- 510.** Point 5 was adopted as amended.
- 511.** Part B was adopted as amended.

**C. Proposed Conclusions with a view to a Convention**

- 512.** A proposed amendment to replace “Convention” with “Recommendation” fell as a result of the discussion under point 2.
- 513.** The title of Part C was adopted without amendment.

**Point 6**

Chapeau

- 514.** A proposed amendment to replace “Convention” with “Recommendation” fell as a result of the discussion under point 2.
- 515.** The chapeau of point 6 was adopted without amendment.

Point 6(a) and (b)

- 516.** Clauses (a) and (b) were adopted without amendment.

New clause after point 6(b)

- 517.** The Worker Vice-Chairperson introduced an amendment to add a new clause after clause (b): “noting the particular relevance of the Private Employment Agencies Convention, 1997 (No. 181); the Employment Relationship Recommendation, 2006 (No. 198); the HIV and AIDS Recommendation, 2010 (No. 200); and the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204);”, the inclusion of which would ensure that the eventual instrument would reference the most vulnerable groups.
- 518.** The Employer Vice-Chairperson stated that her group had been clear about the need for a less prescriptive instrument. The amendment would present a barrier to ratification. Her group did not support it.
- 519.** The Government member of Uganda, speaking on behalf of the Africa group, did not support the amendment. Reference to other instruments did not add value, and listing some relevant international instruments risked missing out others.
- 520.** The Worker Vice-Chairperson withdrew the amendment.

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Point 6(c)

- 521.** The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment which would add at the end of clause (c): “as well as the Sustainable Development Goals and the Beijing Declaration and Platform for Action;”. He also proposed a subamendment to add a reference to the *United Nations Guiding Principles on Business and Human Rights*.
- 522.** The Worker Vice-Chairperson noted the importance of the Beijing Platform for Action, as well as the SDGs on achieving gender equality and empowering all women and girls, and on promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.
- 523.** The Employer Vice-Chairperson did not support the amendment, preferring to avoid prescription in the text and in view of the time-bound nature of the SDGs. The Government members of the Islamic Republic of Iran, and Uganda, on behalf of the Africa group, agreed.
- 524.** The Government members of Brazil, China and Cuba supported the amendment, although recognizing the standard would not be limited to responding to violence against women. They did not support the subamendment.
- 525.** The subamendment was not adopted.
- 526.** The amendment was not adopted.
- 527.** Point 6(c) was adopted without amendment.

Point 6(d)

- 528.** The Employer Vice-Chairperson withdrew an amendment which had been contingent on other amendments having been adopted.
- 529.** The Government member of the United States, speaking also on behalf of the Government members of Israel, Japan and Norway, introduced an amendment to replace “the right of everyone to” with “that it is vital to pursue”, which better captured the motivating spirit of Part C of the proposed Conclusions.
- 530.** The Worker Vice-Chairperson did not agree to replacing the reference to rights, as everyone had the right to be free from violence. She did not support the amendment.
- 531.** The Government members of Cuba, New Zealand, Uganda, on behalf of the Africa group, and France, on behalf of the EU and its Member States, did not support the amendment.
- 532.** The amendment was not adopted.
- 533.** The Government member of the United States, speaking also on behalf of Israel, Japan and Norway, introduced an amendment to insert “and harassment” after “gender-based violence”, to bring the text into line with parts of the text already discussed.
- 534.** The Worker and Employer Vice-Chairpersons supported the amendment, along with the Government members of Uganda, on behalf of the Africa group, France, on behalf of the EU and its Member States, and Argentina, Brazil, Canada, Mexico and Qatar.
- 535.** The amendment was adopted.

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- 536.** The Government member of Spain proposed a linguistic amendment to the Spanish version.
- 537.** Point 6(d) was adopted as amended.
- 538.** The Government member of Mexico, speaking on behalf of the Latin American Government representatives to the Committee, expressed concern regarding the status of the Spanish language as a working language of the Committee, and particular disappointment that a Spanish-speaking representative of the Office of the Legal Adviser was not present in the Committee Drafting Committee. The matter was not just one of language, but of ensuring harmonized language versions of the instruments in order to provide clear protections for workers and employers.
- 539.** The Chairperson assured the Government member of Mexico that her concerns would be addressed.

Point 6(e)

- 540.** The Employer Vice-Chairperson withdrew an amendment to replace clause (e) with “recalling that workplace violence and workplace harassment are human rights violations, are a threat to equal opportunities, are unacceptable and incompatible with decent work;”.
- 541.** The Government member of the United States, speaking also on behalf of the Government member of Israel, introduced an amendment to replace “is a human rights violation” with “cannot be tolerated”, and proposed a subamendment to read: “can impair the fulfilment of human rights and cannot be tolerated”. She stated that there was no specific right to freedom from violence and harassment in the world of work in international human rights law, and since the aim was to develop a legally binding instrument, legal clarity and precision were critical.
- 542.** The Government member of France, speaking on behalf of the EU and its Member States, seconded the subamendment. Violence and harassment could indeed impair the fulfilment of human rights.
- 543.** The Government members of Argentina, Australia, Brazil and India supported the subamendment.
- 544.** The Worker Vice-Chairperson emphasized that violence and harassment was a violation that also impinged on the human rights of other people.
- 545.** The Employer Vice-Chairperson favoured legal certainty and clarity.
- 546.** The Government member of Cuba introduced a subamendment to delete “can”, which was seconded by the Government member of Uganda, on behalf of the Africa group, and supported by the Government members of Brazil and Mexico.
- 547.** The Worker Vice-Chairperson emphasized the importance of making a firm statement on human rights in the preamble. She proposed a further subamendment, to insert “which impairs the fulfilment of other human rights” after “human rights” in the original text. The clause would thus read “recalling that violence and harassment in the world of work is a human rights violation which impairs the fulfilment of other human rights and is a threat to equal opportunities, and is unacceptable and incompatible with decent work;”.
- 548.** The Government member of Cuba cautioned against going beyond the mandate of the ILO and causing an obstacle to ratification of the Convention in countries where human rights were not widely recognized. He proposed a further subamendment to add the words “a form

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of” before “human rights violation”. The subamendment was seconded by the Government members of China, Islamic Republic of Iran, and Uganda, on behalf of the Africa group.

- 549.** The Government member of the Congo supported the subamendment by the Government member of Cuba.
- 550.** The Worker Vice-Chairperson did not support the subamendment by the Government member of Cuba. She introduced a further subamendment so that the clause would read “recalling that violence and harassment in the world of work violates human rights and is a threat to equal opportunities, and is unacceptable and incompatible with decent work;”.
- 551.** The Government member of New Zealand supported the subamendment proposed by the Worker Vice-Chairperson.
- 552.** The Government member of Uganda, speaking on behalf of the Africa group, supported the subamendment proposed by the Workers’ group. He proposed a further subamendment for the text to read: “recalling that violence and harassment in the world of work is a form of human rights violation, is a threat to equal opportunities, is unacceptable and incompatible with decent work”.
- 553.** The Government member of Cuba, supported by the Government member of China, emphasized the importance of recognizing that freedom from violence and harassment in the world of work was not a new human right, but one that had already been defined implicitly in other texts. Ultimate responsibility to protect human rights lay with governments. He supported the subamendment proposed by the Africa group.
- 554.** The Worker Vice-Chairperson, referring to the definition of gender-based violence, and other relevant provisions of General Recommendations No. 19 (1992) and No. 35 (2017) of the United Nations Committee on the Elimination of All Forms of Discrimination against Women, supported the subamendment by the Africa group.
- 555.** The Government member of the United States recalled that the Convention would be legally binding and must therefore be legally precise. She proposed a further subamendment, supported by the Government members of Argentina, India and Japan, to replace “violates human rights” with “can contribute to violations of human rights”.
- 556.** The Government member of Cuba did not support that subamendment.
- 557.** The Government member of Japan questioned whether it was possible to put all forms of harassment in that same category, as a mild form of harassment may fall outside the scope of the instrument.
- 558.** The Worker Vice-Chairperson reminded the Committee that the Committee of Experts on the Application of Conventions and Recommendations had consistently expressed the view that sexual harassment in the form of sex discrimination was a violation of human rights. Therefore, she wanted to revert to the Workers’ group’s subamendment, which stated: “violence and harassment in the world of work violates human rights and is a threat to equal opportunities, and is unacceptable and incompatible with decent work;”.
- 559.** The Government member of the United States, supported by the Government member of the Islamic Republic of Iran, sought the opinion of the Legal Adviser on the definition of all forms of harassment as a violation of human rights. Specifically, she asked whether an inappropriate remark, which would fall under the existing definition of violence and harassment, would constitute a human rights violation.

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- 560.** The Legal Adviser responded that violence and harassment might, but might not, always constitute a human rights violation. He recalled that the preamble of the prospective Convention was a declaratory statement, not a substantive provision constitutive of rights and obligations. Although it carried legal weight, it was not legally binding.
- 561.** The Government member of Cuba said that the preamble would set the context for the instrument as a whole. He reiterated his support for the subamendment proposed by the Africa group.
- 562.** The Government member of Brazil reflected that violence and harassment, wherever it took place, violated human rights. It therefore seemed reasonable to use such a formulation.
- 563.** The Government member of France, speaking on behalf of the EU and its Member States, introduced a subamendment to insert the words “some forms of” after “recalling that”, such that the text would read: “recalling that some forms of violence and harassment in the world of work constitute a violation of human rights, is a threat to equal opportunities, and is unacceptable and incompatible with decent work;”.
- 564.** The Government members of India, the Islamic Republic of Iran and the United States supported the subamendment.
- 565.** The Worker Vice-Chairperson and the Government member of Argentina did not support the subamendment.
- 566.** The Employer Vice-Chairperson and the Government member of Canada questioned the use of expressions such as “some forms” and “the world of work” in a preamble.
- 567.** The Worker Vice-Chairperson, supported by the Government member of Brazil, stated that “some forms” would suggest that not all forms of violence and harassment were unacceptable, which was contrary to the intention of the instruments.
- 568.** The Government member of France, on behalf of the EU and its Member States, withdrew the subamendment.
- 569.** After an indicative show of hands, the subamendment proposed by the Government member of the United States was not adopted.
- 570.** After a further indicative show of hands, the subamendment proposed by the Africa group was adopted.
- 571.** The Government member of the United States expressed her Government’s concern regarding the wording that the Committee had adopted. In her view, there was no difference between saying that violence and harassment in the world of work are a violation of human rights, and that they are a form of human rights violation. She indicated that there would be a need to return to that issue the following year.
- 572.** The Employer Vice-Chairperson also expressed serious concerns that the conflated definition of violence and harassment was already introducing difficulties in the text, as minor offences could now be considered to be human rights violations. She voiced the hope that the Committee’s discussions in 2019 could resolve the issue. The Government member of France, speaking on behalf of the EU and its Member States, concurred.
- 573.** The amendment was adopted as subamended.
- 574.** Point 6(e) was adopted as amended.

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New clause after point 6(e)

- 575.** The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to add a new clause: “recalling that Members have an important responsibility to promote a general environment of zero tolerance to violence and harassment to facilitate the prevention of such behaviours and recalling that all actors in the world of work have to abstain from, prevent and address violence and harassment;”.
- 576.** The Employer and Worker Vice-Chairpersons supported the amendment.
- 577.** The Government member of Uganda, on behalf of the Africa group, and the Government members of Argentina, Brazil, China, Cuba, Indonesia, Islamic Republic of Iran and New Zealand supported the amendment.
- 578.** The amendment was adopted.
- 579.** The new clause after point 6(e) was adopted.

Point 6(f)

- 580.** The Employer Vice-Chairperson withdrew an amendment to replace “violence and harassment” with “workplace violence and workplace harassment” in light of the Committee’s discussions.
- 581.** The Government member of the United States, speaking also on behalf of the Government members of Israel and Norway, introduced an amendment to replace the word “affects” with the words “may affect”, as not all acts of violence and harassment would necessarily have an effect on workers’ psychological, physical and sexual health, dignity, family and social environment.
- 582.** The Worker Vice-Chairperson did not support the amendment, as a bold preamble was needed.
- 583.** The Employer Vice-Chairperson and the Government member of Argentina supported the amendment.
- 584.** The Government members of Canada, Cuba, New Zealand, the Philippines, and Uganda, on behalf of the Africa group, did not support the amendment.
- 585.** The amendment was not adopted.
- 586.** The Employer Vice-Chairperson introduced an amendment to replace “workers” with “persons” to ensure that nobody was excluded.
- 587.** The Worker Vice-Chairperson proposed a subamendment to add “in the world of work” after “violence and harassment”.
- 588.** The Employer Vice-Chairperson supported that proposal, as did the Government members of Australia, Brazil, China, Cuba, Mexico, the Philippines, the United States, and Uganda, on behalf of the Africa group.
- 589.** The amendment was adopted as subamended.
- 590.** Point 6(f) was adopted as amended.

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Point 6(g)

- 591.** The Employer Vice-Chairperson introduced an amendment seeking to delete the words “also affects the quality of public and private services, and”. It was conceptually unclear why the issue of women’s labour market participation was included in a clause addressing the quality of public and private services.
- 592.** The Worker Vice-Chairperson reiterated the importance of a strong and broad preamble. The clause covered workers in both the public and private sectors, including categories of workers such as nurses, domestic workers and teachers. Violence and harassment had an impact on workers in both sectors.
- 593.** The Government members of Cuba and New Zealand suggested addressing the two concepts separately.
- 594.** The Worker Vice-Chairperson requested an explanation of the background behind the original wording of clause (g).
- 595.** The deputy representative of the Secretary-General explained that the availability and quality of private and public services such as childcare and elder care were essential for the advancement of women in the labour market. Violence and harassment negatively affected private and public services, and the erosion thereof would severely restrict women’s labour market participation. The text drew on the discussions of the Tripartite Meeting of Experts on Violence against Women and Men in the World of Work as well as Report V(1).
- 596.** The Government member of France, speaking on behalf of the EU and its Member States, and supported by the Government members of China, the Philippines, and Uganda, on behalf of the Africa group, did not support the amendment. The quality of public and private services was negatively impacted by violence and harassment, and the link with women’s participation in the labour market was clearly established.
- 597.** The Employer Vice-Chairperson did not agree with the conflation of different concepts in the clause, despite the clarification from the secretariat.
- 598.** The amendment was not adopted.
- 599.** The Government member of the United States, also on behalf of the Government members of Israel and Norway, withdrew an amendment to replace the word “affects” with “may affect”.
- 600.** Point 6(g) was adopted.

Point 6(h)

- 601.** The Government member of the United States, also on behalf of the Government members of Norway and Israel, withdrew an amendment to replace the word “affects” with “may affect”.
- 602.** The Employer Vice-Chairperson introduced an amendment to add “the organization of work” after “impacts negatively on”, to read: “noting that violence and harassment is incompatible with the promotion of sustainable enterprises and impacts negatively on the organization of work, workplace relations, worker engagement, enterprise reputation and productivity;”, which highlighted that the effects of violence and harassment on employers could manifest in many ways; workers could be injured or ill, requiring staff replacement and other organizational adjustments.

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- 603.** The Worker Vice-Chairperson would support the amendment, provided there was due recognition that violence and harassment also had an impact on workers and their performance.
- 604.** The Employer Vice-Chairperson agreed and considered that the amendment covered that concern.
- 605.** The Government members of Brazil, Canada, Cuba, Norway and the Philippines, and the Government member of Uganda, on behalf of the Africa group, supported the amendment.
- 606.** The amendment was adopted.
- 607.** Point 6(h) was adopted as amended.

Point 6(i)

- 608.** The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to add, at the beginning of the clause: “acknowledging that gender-based violence disproportionately affects women and girls, and”.
- 609.** The Employer and Worker Vice-Chairpersons supported the amendment, as did the Government members of Argentina, the Philippines, and Uganda, on behalf of the Africa group.
- 610.** The Government member of the United States proposed a subamendment, for consistency, to add “and harassment” after “violence”.
- 611.** The subamendment was seconded by the Government members of Australia, Argentina, Brazil, Canada, Chile, India and Mexico, and Uganda, on behalf of the Africa group, and France, on behalf of the EU and its Member States.
- 612.** The Employer and Worker Vice-Chairpersons also supported the subamendment.
- 613.** The amendment was adopted as subamended.
- 614.** The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to replace the term “gender-responsive” with “gender-sensitive”, which was the more common term in international standards.
- 615.** The Employer Vice-Chairperson queried the objective and effect of the amendment.
- 616.** The Government member of New Zealand requested clarification from the secretariat of the term “gender-responsive”.
- 617.** The deputy representative of the Secretary-General explained that “gender-sensitive” alluded to an awareness of, and sympathy for, gender-related issues. “Gender-responsive” had proactive connotations of actually taking action to address problems, as well as the notion of awareness and sympathy.
- 618.** In light of that explanation, the Government member of Canada did not support the amendment.
- 619.** The Government member of France, on behalf of the EU and its Member States, withdrew the amendment.

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- 620.** The Worker Vice-Chairperson introduced an amendment to insert “and multiple and intersecting forms of discrimination” after “stereotypes”.
- 621.** The Government members of Brazil, Canada, and France, on behalf of the EU and its Member States, supported the amendment.
- 622.** The Government member of Cuba, while supporting the amendment, requested clarification on the meaning of intersectionality.
- 623.** The Worker Vice-Chairperson explained that a woman with a disability could face double discrimination, with increased negative impacts.
- 624.** The Government members of Argentina, India, the Republic of Korea and the Philippines supported the amendment.
- 625.** The Employer Vice-Chairperson, querying the understanding of the term “intersecting forms of discrimination”, expressed concern about the use of terms that were not well understood.
- 626.** The amendment was adopted.
- 627.** The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to add the words “and unequal power relations” after “gender stereotypes”, such that the text would read: “acknowledging that gender-based violence and harassment disproportionately affects women and girls, and recognizing that an inclusive, integrated and gender-responsive approach which tackles underlying causes and risk factors, including gender stereotypes, multiple and intersecting forms of discrimination, and unequal power relations, is essential to ending violence and harassment in the world of work; and”. The aim was to recognize unequal power relations as a fundamental consideration concerning violence and harassment in society.
- 628.** The Worker Vice-Chairperson supported the amendment.
- 629.** The Employer Vice-Chairperson understood the amendment to capture organizational hierarchies and persons therein who abuse their positions of power. Organizational hierarchies were common and did not produce violence and harassment per se, but could present a risk factor when abused. She proposed a subamendment to replace “unequal” with “abuse of” such that the phrase would read “and the abuse of power relations”.
- 630.** The Worker Vice-Chairperson recalled that the clause was not meant to refer only to employers or to organizational hierarchies, but rather to the nature of power relations more broadly.
- 631.** The Government member of France, speaking on behalf of the EU and its Member States, noted that while his group’s amendment referred to unequal power relations as a risk factor, the subamendment proposed by the Employers’ group referred to a consequence of those unequal power relations. The difference between the two was significant.
- 632.** The subamendment was not adopted.
- 633.** The Government member of Brazil proposed a subamendment, seconded by the Government member of Mexico, to add the words “gender-based” after the word “unequal” such that the phrase read “and unequal gender-based power relations”. The intention was to speak to the concerns of the Employers’ and Workers’ groups.
- 634.** The Worker and Employer Vice-Chairpersons supported the subamendment.

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- 635.** The amendment was adopted as subamended.
- 636.** The Employer Vice-Chairperson withdrew her group’s amendment to replace the phrase “world of work” with the word “workplace”, as a similar amendment had already been discussed and had not been adopted.
- 637.** Point 6(i) was adopted as amended.

Point 6(j)

- 638.** The Worker Vice-Chairperson introduced an amendment to replace clause 6(j) such that it would read: “noting that domestic violence often affects employment, productivity and health and safety, and that the world of work and its institutions can help recognize, respond to and address domestic violence”. While employers could not be held responsible for ending domestic violence, the world of work was an important entry point to prevent or mitigate its effects. Employers might be in a position to offer assistance to persons in distress who were injured or unable to come to work. Evidence showed that domestic violence had a widespread impact on the world of work, including on co-workers, productivity and costs to the employer. A workplace could be a refuge from domestic violence, but also a place where a perpetrator could target their domestic partner. Perpetrators of domestic violence could also be co-workers. That domestic violence impacted everyone in the workplace was evident and an important issue for her group.
- 639.** The Employer Vice-Chairperson appreciated the recognition that employers could play only a limited role in addressing domestic violence.
- 640.** The Government member of India noted that any form of violence and harassment was unacceptable and recognized the role of the competent public authority to implement prevention measures. As in India, domestic violence was treated as a specific issue and not a separate workplace matter, she questioned the appropriateness of addressing domestic violence in the instrument.
- 641.** The Government member of Canada supported the inclusion of a specific reference to domestic work in the preamble. While domestic and family violence might not occur at work, it did affect workers, co-workers, employment and productivity in the world of work, and could occur between co-workers. The workplace could also be a refuge from domestic and family violence for some workers. Employers were not expected to prevent domestic violence, but had a role to play in mitigating its impacts.
- 642.** The Government member of New Zealand endorsed the statement made by the Government member of Canada. He supported the original text, as well as the amendment introduced by the Workers’ group.
- 643.** The Government member of Japan stated that domestic violence should never be tolerated and must be eradicated, and employers could implement useful measures. However, he considered that the clause should be deleted because the matter was beyond the scope of the proposed instruments. Employers must respect workers’ privacy, and given the definition of violence and harassment adopted by the Committee, treating it as one concept, it was not clear that domestic harassment was included.
- 644.** The Government member of Singapore said that domestic violence should never be tolerated, but that it should not be included within the scope of the instrument because it was a private issue which took place outside of the workplace and would be addressed by other legislation. She did not support the amendment.

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- 645.** The Government member of Namibia, speaking on behalf of the Africa group, agreed with the opinions expressed by the Government members of Canada and New Zealand. The proposed Conclusions with a view to a Convention would be incomplete if the relationship between domestic violence and the world of work was not recognized. The current discussion, and the inclusion of the reference to domestic violence in the preamble, acknowledged the importance of a multi-sectoral approach, and was an opportunity to support people who were victims of domestic violence.
- 646.** The Government member of the Philippines highlighted the spillover effects of domestic violence on the workplace, including through absenteeism and productivity loss to employers and enterprises. Her country's legislation recognized the effects of domestic violence in the world of work and included an entitlement of ten days of paid leave in addition to other paid leave. She supported the amendment put forward by the Workers' group.
- 647.** The Government member of China noted that while domestic violence did have a physical and psychological impact on individuals and on the workplace, it should be addressed through a separate comprehensive framework. He agreed with the Government members of Japan and Singapore.
- 648.** The Government member of France, speaking on behalf of the EU and its Member States, reiterated that all forms of domestic violence were unacceptable. He supported the amendment, as it pointed to the role the different partners could play, including governments. He proposed a subamendment to add, at the end of the sentence, the words "by supporting workers who are victims of domestic violence, as well as persons affected in the world of work".
- 649.** The Government member of Egypt stated that there was no need to include references to domestic violence in the Convention.
- 650.** The Government member of Brazil supported the original text, and found the amendment and subamendment interesting. Brazilian legislation acknowledged the link between domestic violence and the world of work, and provided that women who were victims of domestic violence and who had to leave their homes in order to safeguard their physical integrity were entitled to have their employment relationship preserved for up to six months by judicial authorization.
- 651.** The Government member of the United States supported the original text and the amendment by the Workers' group, because they recognized a breadth of possible measures that could be taken, such as training and risk assessments. In contrast, the subamendment seemed too narrow. Moreover, the text stated simply that domestic violence often, but not always, affected the world of work.
- 652.** The Government member of New Zealand supported the subamendment introduced by the Government member of France, on behalf of the EU and its Member States. The language of the proposed text referred to the world of work and its institutions, not just employers. Governments as well would be adopting prevention measures.
- 653.** The Government member of Jordan stated that, while domestic violence had an impact on the workplace, institutions could not be held responsible for eliminating it. It should be addressed by national legislation but not through the proposed instrument. She supported the statements made by the Government members of Japan and Singapore, and the deletion of clause 6(j).

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- 654.** The Worker Vice-Chairperson found the subamendment too narrow and did not support it. Beyond supporting workers, actions such as risk assessments, trainings and other policies and procedures should be taken by several actors.
- 655.** The Employer Vice-Chairperson observed that domestic violence did not stem from the workplace, and that it normally occurred in private homes, unless the victim and the perpetrator of domestic violence were co-workers. Institutions in the world of work were not best placed to address domestic violence; the responsibility sat with governments. The Employers' group had originally proposed the deletion of the clause, but after hearing the discussion, was supportive of maintaining the clause with some amendments to reflect the group's views. As noted by some Governments, many difficult personal circumstances occurring outside the workplace had the capacity to impact people at work. Overall, employers portrayed compassion and sensitivity in these circumstances and were sympathetic to the effects of domestic violence. However, small and medium-sized enterprises, in urban and rural settings, might not have the resources to address the issue of domestic violence. The Committee would need to be mindful of smaller businesses. Moreover, when employees were ill or injured and unable to attend work on account of violence, there was typically an existing paid safety net or leave entitlement that employers already honoured. There was a need to limit employers' responsibility for circumstances outside their control. She proposed a subamendment to replace "the world of work and its institutions" by "member States".
- 656.** The Worker Vice-Chairperson said that the responsibility to address violence and harassment was the responsibility of all actors in the world of work. There were many examples of national laws and policies to address domestic violence, including through public-private partnerships. In addition, some companies were already implementing measures, such as trainings, as well as leave and support, to assist victims of domestic violence. There was a clear business imperative for employers to address domestic violence.
- 657.** The Government member of Mexico raised a discrepancy in the translation of the word "address" into Spanish ("*remediar*"). She proposed a further subamendment, seconded by the Government member of Brazil, to replace the words "member States" by "the world of work, its institutions and governments".
- 658.** The Government member of Cuba supported the further subamendment proposed by the Government member of Mexico, but did not support the subamendment proposed by the Government member of France, on behalf of the EU and its Member States. He proposed a further subamendment, seconded by the Government members of the Dominican Republic, Indonesia and Saudi Arabia to add the words "as part of other national measures, to recognize" before the word "respond".
- 659.** The Worker Vice-Chairperson supported the further subamendment proposed by the Government member of Cuba, with the understanding that all actors, and not just governments, were responsible for addressing the impacts of domestic violence.
- 660.** The Employer Vice-Chairperson stated that victims of domestic violence should indeed have access to support, but that the workplace was not necessarily the best place to address it, and that not all enterprises would have the capacity to do so. She supported the further subamendment proposed by the Government member of Cuba, because it reflected that all actors would have responsibilities.
- 661.** The Government member of Chile supported the further subamendment proposed by the Government member of Cuba.

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- 662.** The Government member of Australia said that it was important to keep a reference to domestic violence in the preamble, which should recognize domestic violence and its impact on the world of work, without assigning responsibilities. She therefore supported the Workers' group amendment, but not the subsequent subamendments.
- 663.** The Government member of France, speaking on behalf of the EU and its Member States, supported the text as subamended by the Government member of Cuba. He also noted, in response to the observations made by the Government member of Chile, that domestic violence did indeed affect the workplace.
- 664.** The Government member of Cuba supported the comments made by the Government members of Chile and France, on behalf of the EU and its Member States, and proposed a further subamendment to replace "often affects" with "can affect".
- 665.** The amendment was adopted with the latest subamendment, which meant that several other amendments fell.
- 666.** Clause (j) was adopted as subamended.
- 667.** Point 6 was adopted as amended.

## **Point 7**

### **Chapeau**

- 668.** The Employer Vice-Chairperson withdrew a proposed amendment to delete "which ratifies the Convention".
- 669.** The Government member of the United States, speaking also on behalf of the Government members of Australia, Israel, Japan and Norway, withdrew a proposed amendment to delete "recognize the right to a world of work free from violence and harassment and" and a proposed amendment to replace "the right to" with "it is vital to pursue".
- 670.** The Government member of the United States, speaking also on behalf of the Government members of Australia, Israel, Japan and Norway, introduced an amendment to insert, before "an inclusive and integrated approach", the words "in accordance with national laws and circumstances". Integrated approaches, including the measures referred to in the clauses of point 7, would have to be developed within such a framework.
- 671.** The Employer Vice-Chairperson supported the amendment.
- 672.** The Worker Vice-Chairperson asked whether the proposed amendment meant that consultations should take place "in accordance with national laws and circumstances".
- 673.** The Government member of Israel clarified that the phrase was meant to apply to the clauses under point 7 and not to the wording on consultations in the chapeau.
- 674.** The Worker Vice-Chairperson did not support the amendment.
- 675.** The Government members of Brazil, Chile, India, Qatar, Singapore, Thailand, and Uganda, on behalf of the Africa group, supported the amendment.
- 676.** The Government member of Brazil proposed a subamendment for clarification, so that the text would read: "Each Member ... should recognize the right to a world of work free from

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violence and harassment and, in accordance with national laws and circumstances, adopt, in consultation with representative employers' and workers' organizations ...”.

- 677.** The Government members of Côte d'Ivoire, Cuba, the Dominican Republic, Mexico, Uganda, on behalf of the Africa group, and the Bolivarian Republic of Venezuela seconded the subamendment.
- 678.** The Worker Vice-Chairperson supported the subamendment and proposed a further subamendment to replace the word “circumstances” with the word “regulations”.
- 679.** The Government member of the Islamic Republic of Iran supported the amendment, but not the subamendment proposed by the Government member of Brazil.
- 680.** The Government member of New Zealand did not support the amendment or the subamendments, and preferred the original text, as a Convention would necessarily be implemented in line with national circumstances.
- 681.** The Government member of China supported the subamendment proposed by the Government member of Brazil.
- 682.** The Government member of Canada agreed with the logic of the subamendment proposed by the Government member of Brazil, but preferred the original text.
- 683.** The Government members of Chile and Argentina supported the subamendment.
- 684.** The Employer Vice-Chairperson noted that her group was initially leaning towards the term “practice” instead of “circumstances”. She did not support the Workers' group subamendment. She supported the subamendment by the Government member of Brazil.
- 685.** The Worker Vice-Chairperson preferred the original text, but could support the subamendment proposed by the Government member of Brazil.
- 686.** The Worker Vice-Chairperson withdrew the further subamendment.
- 687.** The amendment was adopted as subamended.
- 688.** The Worker Vice-Chairperson stated that the Workers' group strongly supported the initial language proposed, but had agreed to the amendment in the spirit of furthering the discussion.
- 689.** The Employer Vice-Chairperson withdrew an amendment which sought to replace “world of work” with “workplace” in both occurrences in point 7, as the same issue had been discussed earlier.
- 690.** The Government member of the Islamic Republic of Iran and the Government member of Japan withdrew two related amendments which sought to insert the words “taking into account national circumstances and specificities” in point 7.
- 691.** The Employer Vice-Chairperson introduced an amendment to insert “where appropriate,” after “workers' organizations” in the chapeau of point 7. She recalled the broad definitions used of “world of work” and of “violence and harassment” and questioned how active governments wanted workers' and employers' representatives to be in all aspects of national policy. It was important to consult with the representatives of workers' and employers' organizations regarding work-related matters, but some strategies would involve issues of criminal law or policing policies and consultations with workers' and employers'

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organizations would not be appropriate at all times. She also cautioned against the proposed Convention going beyond the mandate of the ILO.

- 692.** The Worker Vice-Chairperson disagreed. Consultations with the representatives of workers' and employers' organizations were part of the basic principle of social dialogue, and point 7 made reference to the world of work and not to other issue areas.
- 693.** The Government member of the United States found the argumentation of the Employers' group convincing and supported their proposed amendment.
- 694.** The amendment lacked sufficient support and was thus not adopted.
- 695.** The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to insert the term "gender-sensitive" after the word "inclusive". The draft instrument focused on gender-based violence, and should reference gender in point 7. He also offered a subamendment to refer to "gender-responsive" rather than "gender-sensitive".
- 696.** The Worker and Employer Vice-Chairpersons and the Government members of Brazil and Canada supported the subamendment.
- 697.** The amendment was adopted as subamended.
- 698.** The Government member of Brazil introduced an amendment to insert "but is not limited to" at the end of the chapeau, so as to clarify that clauses (a)–(g) were not a comprehensive list and that other policies could be implemented.
- 699.** The Employer Vice-Chairperson expressed the preference of her group for a less prescriptive instrument and did not support the amendment.
- 700.** The Worker Vice-Chairperson said that the Workers' group had interpreted the list as being examples, not a definitive list. The Workers' group preferred the original text but would not object to the amendment.
- 701.** The Government members of the Plurinational State of Bolivia, Cuba, and Uganda, on behalf of the Africa group, supported the amendment.
- 702.** The deputy representative of the Secretary-General explained that whenever the term "includes" or "including" was used in the text of ILO Conventions, the terms which followed were not intended to constitute an exhaustive list.
- 703.** The Government member of Brazil withdrew the amendment.
- 704.** The chapeau to point 7 was adopted as amended.

#### Point 7(a)

- 705.** The Government member of France, speaking on behalf of the EU and its Member States, withdrew an amendment to delete clauses (a)–(g) of point 7.
- 706.** The Government member of the United States, also speaking on behalf of the Government member of Japan, withdrew an amendment to point 7(a), which would have replaced "all forms of violence and harassment" with "violence and harassment in the world of work".
- 707.** Point 7(a) was adopted without amendment.

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Point 7(b)

- 708.** The Government member of the United States introduced an amendment to add the words “in the world of work” after “harassment”. The intent was to keep the focus on work-related policies.
- 709.** The Worker Vice-Chairperson said that an integrated approach was necessary to tackle violence and harassment. The Workers’ group did not support the amendment.
- 710.** The Employer Vice-Chairperson supported the amendment.
- 711.** The Government members of Cuba, Namibia, on behalf of the Africa group, and France, on behalf of the EU and its Member States, did not support the amendment. An integrated policy approach was needed; the chapeau and the original text of point 7(b) were clear enough.
- 712.** The Government member of India supported the amendment, as she considered a limitation to the world of work as crucial.
- 713.** The amendment did not receive sufficient support and was not adopted.
- 714.** Point 7(b) was adopted without amendment.

Point 7(c)

- 715.** The Government member of Cuba, seconded by the Government members of the Plurinational State of Bolivia, El Salvador, Indonesia, Mexico and the Russian Federation, introduced an amendment to replace point 7(c) with “adopting appropriate measures to prevent and combat violence and harassment in work;”. The amendment sought to expand the text to the possibility of other measures that would combat violence and harassment. He also proposed a subamendment, seconded by the Government members of Islamic Republic of Iran, and Namibia, on behalf of the Africa group, to delete “in work” from the amendment.
- 716.** The Employer Vice-Chairperson supported the amendment as subamended, as non-prescriptive and flexible text.
- 717.** The Worker Vice-Chairperson did not support the use of the word “appropriate”. The Workers’ group largely preferred the original text.
- 718.** The Government member of Cuba wanted to strengthen the text and broaden the scope of protection, thus making it possible for governments to deal with violence and harassment in general through tripartite negotiations at the national level. The proposed text “appropriate measures” was intended to encompass that idea.
- 719.** The Government member of Canada preferred the original text, as she considered a strategy to be the framework, while measures were actions. She proposed a further subamendment to change “measures” to “strategies”.
- 720.** That subamendment was seconded by the Government members of El Salvador, New Zealand, Norway and Switzerland, and Namibia, on behalf of the Africa group.
- 721.** The Worker Vice-Chairperson noted that in the chapeau for point 7, her group had not supported a reference to national laws and circumstances. She found the suggested amendments to be a duplication of that and did not consider that the proposal strengthened the text.

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- 722.** The Employer Vice-Chairperson preferred the wording proposed by the Government member of Cuba, but could accept the use of the word “strategies”.
- 723.** The Government member of Israel noted that “measures” had been adopted in the chapeau for point 7; now there appeared to be duplication. He found the original language more specific and inquired if the secretariat saw the new proposal as repetitive.
- 724.** The deputy representative of the Secretary-General stated that “strategy” was a more comprehensive term which referred to a framework with objectives and guidelines, including specific measures.
- 725.** The Government member of Israel concluded that the original text was better, as it emphasized prevention, which was sensible.
- 726.** The Worker Vice-Chairperson stated that the “comprehensive” component had been lost. She preferred the original text for its precision.
- 727.** The Government member of Brazil proposed a further subamendment, seconded by the Government member of Mexico, to replace clause (c) with “adopting a comprehensive strategy in order to implement measures to prevent and combat violence and harassment;”, with the intent to focus on implementation.
- 728.** The Government member of El Salvador expressed her agreement with the Government members of Canada and Cuba, and wished to propose an additional subamendment which would delete the word “appropriate” from the text as amended by the Government member of Cuba and subamended by the Government member of Canada.
- 729.** The Government member of Cuba agreed with the further subamendment proposed by the Government member of Brazil. Protection needed to be strengthened through an integrated national-level approach.
- 730.** The Worker Vice-Chairperson expressed her support for the further subamendment proposed by the Government member of Brazil, as it was a sensible way to move forward.
- 731.** The Employer Vice-Chairperson questioned whether the subamendment limited flexibility, and asked for the views of the Government members concerning the implication at national level.
- 732.** The Government members of Switzerland, and France, speaking on behalf of the EU and its Member States, supported the further subamendment proposed by the Government member of Brazil.
- 733.** The amendment was adopted as further subamended, which resulted in two amendments falling.
- 734.** Point 7(c) was adopted as amended.

Point 7(d)

- 735.** The Government member of Brazil introduced an amendment, also on behalf of the Government member of Canada, to insert “and strengthening” after “establishing”. Some countries needed to establish enforcement and monitoring mechanisms, while others already had them in place but they needed to be strengthened.
- 736.** The Worker Vice-Chairperson strongly supported the amendment for the same reasons.

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737. The Employer Vice-Chairperson observed that the terms used were active ones – which implied, for example, “strengthening” in perpetuity – and for that reason she queried the implications for national law and practice.
738. The Government member of France, on behalf of the EU and its Member States, supported the amendment. He also proposed a subamendment for application to all contexts: “... establishing mechanisms and/or strengthening enforcement and monitoring mechanisms;”.
739. The Worker Vice-Chairperson asked the secretariat to clarify the implications of the use of the words “and/or”.
740. The deputy representative of the Secretary-General explained that it was not common practice to include that phrasing in international legal instruments. If enforcement and monitoring mechanisms existed, they could be strengthened. In instances where they did not exist, they could be established.
741. The Government representative of France, on behalf of the EU and its Member States, proposed to replace “and/or” with “or”.
742. Upon request of the Committee members, the deputy representative of the Secretary-General advised that a more succinct formulation could be “establishing or strengthening enforcement and monitoring mechanisms”, as the two verbs could apply to both aims.
743. The Government member of Cuba proposed a further subamendment by adding “, as appropriate,” after “strengthening”, since legal provisions were often needed to establish mechanisms; in addition, issues of jurisdiction could require flexibility. It was seconded by the Government members of the Plurinational State of Bolivia, El Salvador, the Islamic Republic of Iran, and by France, on behalf of the EU and its Member States.
744. The Government member of Uganda, speaking on behalf of the Africa group, expressed strong opposition to superfluous discussion of subamendments that did not make substantial changes to the original text.
745. The Government members of Australia and Egypt expressed a preference for the original text.
746. The Government member of Israel expressed support for the subamendment as well as the original text.
747. The Worker Vice-Chairperson’s preference was to revert to the original text, but her group could also support the amendment introduced by the Government member of Brazil. The insertion of the words “as appropriate” seemed confusing.
748. The Employer Vice-Chairperson questioned whether the use of the word “strengthening” meant that governments would be obligated to strengthen their enforcement and monitoring systems into perpetuity. Her group did not have a strong opinion on point 7(d), as it was a government obligation. They could support the original text as well as the amendment introduced by the Government member of Brazil.
749. Subsequent subamendments fell due to insufficient support.
750. The amendment was adopted.

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**751.** The Government member of Brazil withdrew an amendment which had sought to insert the word “investigation” after “enforcement”, as the idea would be contemplated in a future amendment.

**752.** Point 7(d) was adopted as amended.

Point 7(e)

**753.** Point 7(e) was adopted without amendment.

Point 7(f)

**754.** The Employer Vice-Chairperson withdrew an amendment that had sought to replace clause (f) with “providing sanctions for perpetrators”.

**755.** Clause (f) was adopted without amendment.

Point 7(g)

**756.** The Government member of the Islamic Republic of Iran introduced an amendment, which was seconded by the Government member of Cuba, to add at the end of the clause: “, and raising awareness.”. The amendment sought to strengthen the clause and provide a wider range of guidance.

**757.** The Employer and Worker Vice-Chairpersons both supported the amendment, citing the importance of awareness-raising activities.

**758.** The Government members of Colombia, El Salvador, Egypt, India, the Philippines, France, on behalf of the EU and its Member States, and Uganda, on behalf of the Africa group, also supported the amendment.

**759.** The amendment was adopted.

**760.** Point 7(g) was adopted as amended.

New clause after point 7(g)

**761.** The Government member of Brazil introduced an amendment, also on behalf of the Government member of Peru, to add a new clause after clause (g): “strengthening means of inspection and investigation of cases of violence and harassment in the workplace through labour inspection bodies.”. The amendment sought to acknowledge the role of labour inspection bodies and to ensure they had the appropriate conditions and skills to combat violence and harassment.

**762.** The Employer Vice-Chairperson found the amendment unnecessary and prescriptive. Clause (d) addressed the actions of labour inspection bodies as a subset of enforcement and monitoring mechanisms.

**763.** The Government member of Peru explained that even though aspects of the amendment were addressed in clauses (d) and (g), it was necessary to establish specific labour inspection measures in order to combat violence and harassment in the workplace. Clause (d) addressed enforcement and monitoring mechanisms, whereas labour inspection bodies were a distinct body with a specific role. In many countries in Latin America, it was common to have a distinction between inspection and enforcement bodies.

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- 764.** The Government members of Colombia and El Salvador supported the amendment. Labour inspection bodies were responsible for prevention, investigation and issuing sanctions.
- 765.** The Government member of the Philippines did not support the amendment. She noted that issues such as psychological abuse would be better addressed by competent medical professionals rather than labour inspectorates.
- 766.** The Government member of Canada supported the amendment, noting that some regimes administered enforcement and inspection functions separately.
- 767.** The Government member of Chile supported the amendment.
- 768.** The Government member of France, speaking on behalf of the EU and its Member States, felt that the obligation was already covered by points 7(d) and 13(g), but he would not oppose the amendment.
- 769.** The Government member of Australia requested clarification from the secretariat on the legal obligations of using “strengthening” and “effective” and the consequences they may have for reporting on implementation.
- 770.** The deputy representative of the Secretary-General noted that the objective was to ensure effective prevention and protection against violence and harassment in the world of work. National authorities would need to strengthen their inspection or enforcement mechanisms to ensure effective prevention and protection. As the world of work changed and as new risks arose, that might require a process of adjustment, bearing in mind that the ultimate objective was to ensure effective prevention and protection.
- 771.** She explained that “monitoring” was included in clause (d) and was a mechanism to determine that the actions taken to prevent violence and harassment were yielding results. It was not possible to say that one effort of strengthening would remain valid for the years ahead, as that assessment would need to be based on the results of the actions which had been implemented.
- 772.** The Government member of India commented that the points were already covered in clause (d), and that, as the overall definition of violence and harassment included a wide range of behaviours, including domestic violence, which was a criminal offence, other competent bodies would need to be involved. She could not support the amendment.
- 773.** The Government member of Brazil acknowledged the concerns raised by the Government member of Australia regarding “strengthening”, and proposed that a less contentious wording could be “ensuring effective means”.
- 774.** The Government member of Singapore joined the views expressed by the Government members of India and the Philippines, and did not support the amendment. She added that, given the broad definitions adopted for “worker” and “workplace” under the proposed Conclusions with a view to a Convention, it was difficult to see how it could be implementable.
- 775.** The Worker Vice-Chairperson indicated her support for the amendment, however, sought more views from governments, as it was important to develop a text for a Convention that was ratified by governments.
- 776.** The Employer Vice-Chairperson reiterated that an instrument should be flexible enough and that the amendment might mean that member States were required to continuously strengthen labour inspection bodies. According to article 22 of the ILO Constitution,

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signatories of a Convention were required to submit an annual report to the Office on the measures which they had taken to give effect to the provisions of the Convention. Thus, member States would also have to report on the measures contained in the proposed amendment. She wondered whether ending the clause after “workplace” would be helpful and wished to submit a subamendment to delete the words “through labour inspection”.

- 777.** The Government member of Japan was concerned about the implications of the proposed amendment in the national legal context. In Japan, labour inspection bodies would not be the competent authorities to deal with the matter.
- 778.** The Government member of Australia remained concerned about “strengthening” and noted that not only labour inspection bodies but also other authorities would have an essential role to play.
- 779.** The Government member of Israel proposed a subamendment so that the new clause would read “ensuring effective means of inspection and investigation of cases of violence and harassment in the workplace through labour inspection and other competent bodies”.
- 780.** The Government members of Brazil, France, on behalf of the EU and its Member States, Australia, Japan, Switzerland and the United States seconded the new subamendment.
- 781.** The Worker Vice-Chairperson supported the subamendment.
- 782.** The Employer Vice-Chairperson supported the subamendment proposed by the Government member of Israel.
- 783.** The subamendment was adopted.
- 784.** The new clause after point 7(g) was adopted.
- 785.** The Government member of Canada, speaking also on behalf of the Government members of Israel and the United States, proposed an amendment to add an additional new clause with the text “protecting the privacy and confidentiality of those involved, to the extent possible”. Those were important elements in addressing violence and harassment. Disclosure of sensitive information had damaging consequences not only for the workplace as a whole, but also for victims and persons accused as perpetrators. A Canadian study had shown that cases of violence and harassment were often not reported to employers because of the fear that confidentiality and privacy were not guaranteed.
- 786.** The Employer Vice-Chairperson supported the amendment and stressed the importance of confidentiality for all parties involved, including accused persons and victims.
- 787.** The Worker Vice-Chairperson said that the Workers’ group was sympathetic to the amendment, however, did not believe that point 7 was the appropriate place in the text to address the issue of confidentiality. The inclusion of the issue in point 7 could prevent victims from speaking out.
- 788.** The Government member of Uganda, speaking on behalf of the Africa group, supported the protection of privacy but sought clarity on whether perpetrators would also be protected.
- 789.** The Government member of El Salvador proposed a subamendment, which was not seconded and therefore was not discussed.
- 790.** The Government member of Cuba expressed doubts about the proposed amendment; the right to privacy should not serve to protect those who had done wrong.

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791. The Government member of Canada, responding to the question of the Africa group, clarified that the amendment was intended to protect all persons involved, both victims and persons accused of violence and harassment.
792. The Government member of Uganda, speaking on behalf of the Africa group, agreed with the need to protect the privacy and confidentiality of victims. An amendment to protect victims in clause (b) on appropriate and effective remedies, and safe, fair and effective dispute resolution mechanisms would be more appropriate.
793. The Government member of Namibia agreed with those in the Committee who had said that the sensitivity of information might discourage people from speaking up.
794. The Government member of Canada withdrew the amendment.
795. Point 7 was adopted as amended.

### **Fundamental principles and rights at work and protection**

796. The title “Fundamental principles and rights at work and protection” was adopted without amendment.

#### ***Point 8***

797. The Government member of Uganda, speaking on behalf of the Africa group, withdrew an amendment which had proposed to delete point 8.
798. The Government member of Brazil, speaking also on behalf of the Government members of Mexico and Paraguay, introduced an amendment to add after “occupation”, the words “, as well as promote safe and decent work”. The intent was to highlight principles of decent work by including an explicit reference to it.
799. The Employer Vice-Chairperson stated that the Employers’ group supported the ILO Declaration on Fundamental Principles and Rights at Work of 1998, but did not support the amendment, as the language was not in accordance with the fundamental principles and rights at work.
800. The Worker Vice-Chairperson stated that violence and harassment was incompatible with decent work and the Workers’ group had no objection to the amendment.
801. The Government member of Uganda, speaking on behalf of the Africa group, supported the amendment.
802. The Employer Vice-Chairperson noted that Governments had not expressed concerns regarding the ratification of the instrument if the text was added, therefore despite its concerns, the group would not oppose the amendment.
803. The amendment was adopted.
804. Point 8 was adopted as amended.

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**Point 9**

- 805.** The Government member of Uganda, speaking on behalf of the Africa group, introduced an amendment which sought to insert the words “, taking into account its national context,” between the words “should” and “adopt”, as one of the underlying threads of the Committee’s discussion had been national practice, context and circumstances.
- 806.** The Worker Vice-Chairperson disagreed with the amendment. All forms of violence and harassment needed to be tackled and there was no need for a qualification.
- 807.** The Government member of Cuba informed the Committee that another amendment submitted by the Government members of Cuba and the Islamic Republic of Iran addressed the concerns of the Africa group.
- 808.** The Government member of France, speaking on behalf of the EU and its Member States, recognized the value of flexibility and its impact on the ease of ratification of a Convention, but argued that the amendment was too vague and would weaken the idea of combating violence and harassment. Hence they could not accept the amendment.
- 809.** The Africa group withdrew the amendment.
- 810.** The Government member of Cuba, speaking also on behalf of the Islamic Republic of Iran, introduced an amendment to replace “adopt national laws and regulations to prohibit” with “include in its national laws and regulations the prohibition of”. Countries had different types of legislation and, without the amendment, they would feel obligated to enact new legislation specifically concerning violence and harassment.
- 811.** The Government members of Chile and the Russian Federation supported the amendment. It facilitated ratification, since countries had the flexibility to introduce legislation in the appropriate manner.
- 812.** The Government member of Namibia, speaking on behalf of the Africa group, disagreed with the amendment. The original text was standard ILO language used in Conventions. If a country had an appropriate law, it did not need to adopt another law; if existing legislation had to be modified, that could also be done.
- 813.** The Worker Vice-Chairperson considered that the original text offered sufficient flexibility. States could adopt, adapt or amend legislation, as they saw fit.
- 814.** The Employer Vice-Chairperson sought clarity from the secretariat on how point 7(a) was intended to differ from point 9.
- 815.** The deputy representative of the Secretary-General explained that point 7 alluded to the importance of an integrated approach which relied on multiple measures, while the subsequent sections of the text unpacked the different types of measures. Whenever countries had adopted a law, there was no need for the adoption of another law. In ILO Conventions and Recommendations, the term “adopt” also included amending or expanding existing laws.
- 816.** The Government member of Cuba withdrew the amendment, with the clear understanding that the original text did not imply the need to adopt a specific piece of legislation.
- 817.** The Government member of Israel, supported by the Government member of the United States, introduced an amendment which sought to delete the words “all forms of” between

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“prohibit” and “violence”. The amendment represented one in a series of similar amendments that attempted to provide flexibility.

- 818.** The Employer Vice-Chairperson understood and appreciated the desire to mitigate the absolute nature of the text, and understood the reservations of some Governments.
- 819.** The Worker Vice-Chairperson asked whether deleting the reference to “all forms” implied that some forms of violence were permissible.
- 820.** Responding to questions from the Committee members, the deputy representative of the Secretary-General explained that the absence of “all forms of” would mean that the definition the Committee had given to “violence and harassment” would apply, namely, a range of unacceptable behaviours and practices.
- 821.** The Workers’ group and the Government member of France, on behalf of the EU and its Member States, agreed to the amendment on that basis.
- 822.** The Government member of India strongly supported the deletion, also in the light of the fact that the phrase “all forms of violence” had not been defined in contrast to the term “violence and harassment”.
- 823.** The Government member of Israel considered that more countries would be ready to ratify the Convention if the reference to all forms of violence was deleted.
- 824.** The Government member of Zambia opposed the deletion, as no forms of violence and harassment were permissible. Similarly, the Government members of Brazil and Cuba, and Uganda, on behalf of the Africa group, preferred to retain the words “all forms of”.
- 825.** The Employer Vice-Chairperson saw no legal effect attached to the deletion, preferred the clearer drafting without the words “all forms”, and thus accepted the amendment.
- 826.** The amendment was adopted.
- 827.** The Employer Vice-Chairperson withdrew an amendment which proposed replacing “world of work” with “workplace”.
- 828.** The Government member of Israel, speaking also on behalf of the Government member of the United States, introduced an amendment to insert “as appropriate” after “world of work” in point 9. The intention was to provide flexibility to member States, which would improve possibilities for ratification.
- 829.** The Employer Vice-Chairperson supported the amendment, emphasizing her group’s support for flexibility and principle-based responsibility.
- 830.** The Worker Vice-Chairperson did not support the amendment, as it caused confusion.
- 831.** The Government members of Brazil and Cuba did not support the amendment, because it would undermine the ILO’s work to promote fundamental principles and rights at work. Furthermore, the Government member of Argentina and the Government member of Uganda, speaking on behalf of the Africa group, also did not support the amendment.
- 832.** The Government member of France, speaking on behalf of the EU and its Member States, requested the secretariat to clarify whether or not the obligations outlined in point 9 were restricted to criminal law.

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- 833.** The deputy representative of the Secretary-General confirmed that the provisions of point 9 were not restricted to criminal law, but applied to a wider context.
- 834.** The Government member of Israel explained that “as appropriate” had been intended to refer to the form of action. However, taking into account the comments expressed, he withdrew the amendment.
- 835.** The Employer Vice-Chairperson introduced an amendment to replace “in particular” with “including” before “all forms of gender-based violence”. The amendment would emphasize that gender-based violence needed to be addressed, but without the notion of a hierarchy implied by “in particular”.
- 836.** The Worker Vice-Chairperson did not support the amendment, because discrimination played a significant role in violence and harassment, and there was a particular gender dimension.
- 837.** The Government member of Uganda, speaking on behalf of the Africa group, supported the amendment, as it made clear that gender-based violence was just one of many forms of violence and harassment.
- 838.** The Government member of France, speaking on behalf of the EU and its Member States, said that the future Convention should adopt a specific attitude to gender-based violence, therefore he supported the proposed amendment.
- 839.** The amendment was adopted.
- 840.** The Government member of the United States introduced an amendment to delete “all forms of” before “violence and harassment”, to read: “Each Member should adopt national laws and regulations to prohibit violence and harassment in the world of work, including all forms of gender-based violence.”. That would be consistent with a previous deletion of “all forms of” in the text.
- 841.** The Worker Vice-Chairperson did not support the amendment, but wanted to hear from Government members.
- 842.** The Employer Vice-Chairperson and the Government member of Uganda, on behalf of the Africa group, supported the amendment.
- 843.** The amendment was adopted.
- 844.** The Government member of the United States introduced an amendment to add “and harassment” after “gender-based violence”, in the interests of consistency in the text.
- 845.** The Worker and the Employer Vice-Chairpersons supported the amendment.
- 846.** The amendment was adopted.
- 847.** Point 9 was adopted as amended.

## **Point 10**

- 848.** The Government member of United States introduced an amendment to replace point 10, including clauses (a)–(i), with “Members should recognize that discrimination can lead to increased vulnerability to violence and harassment at work and take appropriate measures to

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address this problem.”, to establish a nexus between discrimination, and violence and harassment.

- 849.** The Employer Vice-Chairperson preferred a less prescriptive approach and supported the amendment.
- 850.** The Worker Vice-Chairperson did not support the amendment, as some groups of workers were indeed more affected by violence and harassment than others. Studies had shown that younger women workers experienced greater sexual harassment than women overall. Furthermore, Report V(1) referred to a number of global and national studies showing that LGBTI workers reported a considerably greater incidence of violence in the workplace compared with other workers. Migrant workers and pregnant workers were also at greater risk.
- 851.** The Government members of Argentina, Australia, Brazil, Canada, Chile, Mexico, New Zealand, the Philippines, Switzerland, and France, on behalf of the EU and its Member States, did not support the amendment, as it was important to indicate those groups of workers most vulnerable to violence and harassment, rather than their being subsumed under “all workers”. Furthermore, the word “including” signified that the list was not exhaustive.
- 852.** The Government members of Kuwait, on behalf of the Gulf Cooperation Council, and the Government members of Indonesia, the Islamic Republic of Iran, Japan, Uganda, on behalf of the Africa group, and Zambia supported the amendment, as all workers should be protected; it was not desirable to create a hierarchy of vulnerable workers. There were also some vulnerable groups that were not included in the list. Furthermore, there would be difficulties for some countries in ratifying and implementing an instrument that contained a reference to LGBTI workers which was contrary to their national legislations.
- 853.** The Employer Vice-Chairperson stated that everybody should be protected from discrimination, violence and harassment, including LGBTI persons. Her support for the amendment was based on the understanding that it made the text more inclusive.
- 854.** The Worker Vice-Chairperson emphasized that it was a priority to retain the list of clauses under point 10. She hoped that a solution could be found to ensure that vulnerable groups, including LGBTI workers, enjoyed protection.
- 855.** The Government member of Cuba, noting that the list of workers disproportionately affected by violence and harassment was problematic for some countries, proposed the term “vulnerable groups”, as used by the UN Human Rights Council. Many Committee members understood that the list was not exhaustive. The basic principle was to have a minimum standard that could take account of national realities. One possible solution would be to amend the chapeau of point 10 and delete all references to specific groups.
- 856.** The Government member of Dominican Republic supported the statement by the Government member of Cuba. She proposed additional language regarding “groups in situations of vulnerability” in the chapeau of point 10.
- 857.** The Government member of Australia stated that it was unfortunate that point 10(i) on LGBTI and gender non-conforming persons was causing difficulty for so many. He asked how clauses (a)–(i) could be moved to the proposed Recommendation.
- 858.** The Chairperson explained that that could be done either through a subamendment of an existing amendment related to the proposed Recommendation or by submitting an amendment to the draft Recommendation which would be prepared and submitted for the second Conference discussion in 2019.

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- 859.** The Government member of New Zealand emphasized that the visibility of the groups identified in clauses (a)–(i) was critical. The idea of the proposed Convention was to take active steps to protect workers, such as LGBTI workers, who were often particularly vulnerable. He hoped to discuss the list of groups under the proposed Recommendation.
- 860.** The Government member of Brazil suggested adding “based on gender, age, ethnicity, race, nationality, religion, disability and diversity, among others”.
- 861.** The Government member of Uganda, speaking on behalf of the Africa group, expressed his appreciation for the flexibility of the Committee members and agreed to the proposed text that spoke generally of vulnerable groups. The current discussion of the Committee should be taken into account in the second discussion.
- 862.** The Government member of Australia asked whether it would be possible to return to the issue later in the discussions on the Recommendation, for example, in the context of a forthcoming amendment.
- 863.** The Chairperson confirmed that it would be possible to insert the list later in the text by subamending an existing amendment.
- 864.** The Government member of the Islamic Republic of Iran supported the proposed text that spoke generally about vulnerable groups but not “groups in conditions of vulnerability”, as those were already included within “vulnerable groups”. He did not support listing specific grounds for discrimination as proposed by the Government member of Brazil.
- 865.** The Worker Vice-Chairperson voiced her strong support for the original text. The discussion of point 10 had been very difficult, because discrimination in any form, against any group was completely unacceptable. However, her group was willing to accept the language proposed by the Government member of Brazil in the spirit of compromise, albeit reluctantly.
- 866.** The Government member of France, speaking on behalf of the EU and its Member States, noted that equality of treatment and non-discrimination were fundamental values of the EU, and was strongly in favour of including a reference to LGBTI and gender-nonconforming workers. However, there did not appear to be consensus among Committee members. Seeking to achieve a compromise and the potential for widespread ratification of the future Convention, he would not oppose the amendment. He noted that there would be an opportunity to include the deleted reference to specific grounds, including gender, religion, disability, age, sexual orientation or racial and ethnic origin, under the text of the proposed Conclusions with a view to a Recommendation.
- 867.** The Government member of Kuwait supported the proposed language that spoke of vulnerable groups in general, rather than a list. However, he did not consider that any of the groups mentioned in the original text was unimportant.
- 868.** The Government member of Uganda, speaking on behalf of the Africa group, agreed that it was not appropriate to include a list, which could not be exhaustive. He did not support adding the series of grounds proposed in the Government member of Brazil’s list; moreover, the term “diversity” was unclear. He understood that the reference to “vulnerable groups” should cover all of those groups of workers.
- 869.** The Employer Vice-Chairperson maintained that all persons should be protected from violence and harassment, and be free from discrimination. The Employers shared the views of the Government member of New Zealand, and would insist that if the list was retained, it must include sexual orientation.

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- 870.** The Government member of Canada supported the original text. The proposal of the Government member of Brazil was welcome, but there were also gaps. The omission of LGBTI persons and indigenous and tribal peoples was especially concerning. However, if the list from the original text had to be deleted, she preferred the more generic language regarding vulnerable groups.
- 871.** The Government member of Argentina said that he could accept the more general reference to vulnerable groups.
- 872.** The Government member of the Islamic Republic of Iran did not support the original list or the proposal by the Government member of Brazil.
- 873.** The Government member of Indonesia supported the general language on vulnerable groups.
- 874.** The Worker Vice-Chairperson stated that, reluctantly, and with a heavy heart, her group was willing to align with others who supported the general language on vulnerable groups.
- 875.** The Government member of Australia recalled that a number of Government members had already stated that the Committee could return to the issue when discussing the proposed Conclusions with a view to a Recommendation. He asked whether the list could easily be moved there, or whether it would still be problematic.
- 876.** The Employer Vice-Chairperson remarked that her group had been profoundly offended by the course of the discussion and did not want to be associated with the present outcome. While the initial position of the Employers' group had been to remove the specific listing with a view to making the text less prescriptive and not exclusionary, as the discussion had evolved it had become clear that there was an intent to exclude LGBTI persons. That had upset her group, which was adamant that LGBTI persons needed to be included in protection. She underscored that her group emphatically did not agree with the amended text and requested that the group's position not be recorded as an abstention. She also urged the Chairperson to guide the Committee towards an inclusive outcome.
- 877.** The Government member of Brazil expressed regret at the fact that the Committee had not succeeded in agreeing on more ambitious language.
- 878.** The Chairperson remarked that, in spite of significant reservations expressed with regard to the proposed language, that was the only text that the Committee could come up with. He noted that there was enough support for it to be adopted.
- 879.** The final language of point 10 read: "Each Member should adopt laws, regulations and policies ensuring the right to equality and non-discrimination for all workers, including women workers, as well as workers belonging to one or more vulnerable groups or groups in situations of vulnerability that are disproportionately affected by violence and harassment in the world of work."
- 880.** Point 10 was adopted as amended.
- 881.** As a result, 14 amendments fell.

## **Prevention measures**

- 882.** The title "Prevention measures" was adopted without amendment.

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## **Point 11**

### Chapeau

- 883.** The Employer Vice-Chairperson introduced an amendment to insert in the chapeau the word “appropriate” before the word “measures”, to take into account that measures undertaken might vary according to business size.
- 884.** The Worker Vice-Chairperson preferred the text without the qualifier.
- 885.** The Government members of Uganda, on behalf of the Africa group, France, on behalf of the EU and its Member States, Cuba, Switzerland and the United States supported the amendment.
- 886.** The Government members of Argentina, Canada and New Zealand did not support the amendment.
- 887.** The amendment was adopted.
- 888.** The Government member of the United States, also on behalf of the Government members of Australia, Canada, Israel, New Zealand, Norway and Switzerland, introduced an amendment to replace “ensure the prevention of” with “prevent” in the chapeau of point 11, as member States were not necessarily able to ensure that the measures they took would ultimately prevent violence and harassment in the world of work.
- 889.** The Worker and Employer Vice-Chairpersons and the Government members of Indonesia, Japan, and Uganda on behalf of the Africa group supported the amendment.
- 890.** The amendment was adopted.
- 891.** The Employer Vice-Chairperson introduced an amendment to replace the rest of the chapeau after “harassment in the” with “workplace, applying a risk-based approach, and in consultation with employer and worker representatives, as appropriate”. The amendment sought to streamline the provisions and refer to the workplace specifically, as it was the area where employers could make the greatest difference.
- 892.** The Worker Vice-Chairperson could not support the amendment. Point 11 addressed governments’ responsibilities, not employers’. Moreover, the amendment would entail the deletion of the reference to employers’ and workers’ organizations.
- 893.** The Government member of Uganda, speaking on behalf of the Africa group, did not support the amendment as it departed from the concept of the world of work, which had already been agreed upon.
- 894.** The Government member of Cuba did not support the amendment, as it was too general and did not capture the objective of preventing violence and harassment.
- 895.** The Government member of France, speaking on behalf of the EU and its Member States, understood the desire to include “risk-based approaches”, but did not support the amendment, because measures should be taken in consultation with workers’ and employers’ organizations.
- 896.** The amendment was not adopted.
- 897.** The chapeau of point 11 was adopted as amended.

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New clause after the chapeau

**898.** An amendment by the Government member of the Philippines to add a new clause after the chapeau, “taking measures to ensure good working conditions and compliance with international labour standards”, was not seconded and therefore fell.

Point 11(a)

**899.** The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to insert “where appropriate,” after “identifying”, as at times there would be measures taken by member States themselves that would not require a consultative process.

**900.** The Employer Vice-Chairperson supported the amendment.

**901.** The Government member of Uganda, speaking on behalf of the Africa group, stated that the proposed amendment would undermine the well-established practice of tripartite consultation. He did not support the amendment.

**902.** The Government member of Canada noted that the term “where appropriate” had just been adopted in the chapeau and it was therefore not necessary to repeat it in clause (a). She did not support the amendment.

**903.** The Worker Vice-Chairperson could not think of a situation where it was not appropriate to consult with the social partners and therefore did not support the amendment.

**904.** The Government member of France, on behalf of the EU and its Member States, withdrew the amendment.

**905.** The Government member of Brazil, supported by the Government members of Mexico and Paraguay, introduced an amendment to add “or through other applicable means,” after “concerned,” as there could be other means of identifying the sectors, occupations and work arrangements in which workers were more exposed to violence and harassment, such as consultation with civil society groups, data from official government databases, or surveys, among others.

**906.** The Worker and Employer Vice-Chairpersons did not support the amendment, as it seemed to imply governments could proceed without consulting the social partners.

**907.** The Government member of Brazil clarified that the intention was not to bypass tripartism or social dialogue. She introduced a subamendment, seconded by the Government members of Argentina, Mexico and the United States, to replace “or” with “and” before “other applicable means”.

**908.** The Government member of New Zealand observed that in such a process, governments might not need to consult with workers or employers, since they might already know which sectors were vulnerable. He did not support the amendment.

**909.** The Government members of Argentina, France, on behalf of the EU and its Member States, and the United States supported the subamendment.

**910.** The Employer Vice-Chairperson supported the subamendment since it was obvious that it was not a means of circumventing social dialogue.

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**911.** The Worker Vice-Chairperson observed that the subamendment would not prevent governments from circumventing tripartism.

**912.** The amendment was adopted as subamended.

**913.** Point 11(a) was adopted as amended.

#### Point 11(b)

**914.** The Government member of the United States, also on behalf of the Government members of Australia, Canada, Israel, Norway, New Zealand and Switzerland, introduced an amendment to replace “ensure that workers are effectively protected” with “effectively protect such workers”, as governments could not necessarily ensure protection.

**915.** The Employer Vice-Chairperson supported the amendment.

**916.** The Worker Vice-Chairperson observed that the clause asked simply that member States “take measures to ensure”. The impact of the proposed amendment was not clear.

**917.** The amendment was adopted.

**918.** Point 11(b) was adopted as amended.

#### New clause after point 11(b)

**919.** The Worker Vice-Chairperson introduced an amendment that would add a new clause: “addressing underpinning causes and risk factors.”. Root causes, including their broader, systemic and structural underpinnings, were necessary to prevent future incidents of violence and harassment, which would entail reviewing policies and procedures.

**920.** The Employer Vice-Chairperson commented that underpinning causes and risk factors of violence were complex, and asked how they could be addressed in practice by member States.

**921.** The Government member of the United States supported the amendment.

**922.** The Government member of Cuba questioned the meaning of “underpinning causes and risk factors”, and whether they actually fell within the scope of an international labour standard, or if they stemmed from issues beyond the world of work.

**923.** The Worker Vice-Chairperson explained that the aim was to ensure that all workers were effectively protected. Some instances of violence and harassment happened due to accidents or oversights, such as a door left open, giving a perpetrator access to possible victims. Understanding the underpinning factors could help prevent that incident from reoccurring. A gender-responsive approach would take into account discrimination, which was consistent with the text of clause (i) as adopted.

**924.** The Government members of Argentina, Australia, Canada, Cuba, and France, on behalf of the EU and its Member States, did not support the amendment because the text was too abstract. The Government member of Cuba also felt that the chapeau provided adequate coverage.

**925.** The Employer Vice-Chairperson understood that the proposed clause addressed a broad range of social factors. Those factors should be addressed, but they did not fall within the

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ILO's mandate. The scope of employer responsibilities should, if anything, be narrower, not broader. She did not support the amendment.

**926.** The Worker Vice-Chairperson withdrew the amendment.

**927.** The new clause after point 11(b) was not adopted.

Further new clause after point 11(b)

**928.** The Government member of the United States, also on behalf of the Government member of Canada, introduced an amendment to add a further new clause after point 11(b) that would read: "protecting the privacy and confidentiality of those involved, to the extent possible.". The objective was to remove barriers to reporting and to protect the reputation of those people who were falsely accused.

**929.** The Worker Vice-Chairperson was concerned that that language would protect perpetrators, and noted that, under such conditions, the #MeToo campaign might never have come to light.

**930.** The Employer Vice-Chairperson supported the amendment. An accused person was innocent until proven guilty, and it was also necessary to protect victims and others making allegations while due process was taking place.

**931.** The Government member of Cuba expressed concern that the amendment would protect people who did not deserve protection; the aim should be to prevent acts of violence and harassment from being committed, while protecting those who were deserving of protection.

**932.** The Government member of New Zealand introduced a subamendment, seconded by the Government member of Canada, to insert the word "workers" before the word "involved", such that the text read: "protecting the privacy and confidentiality of those workers involved, to the extent possible.".

**933.** The Worker Vice-Chairperson asked how that subamendment would affect due process in grievance procedures.

**934.** The Government member of Canada replied that the subamendment would not affect due process in grievance procedures, but would simply limit those involved in an investigation until a conclusion was reached.

**935.** The Government member of New Zealand added that workers would not necessarily bring their cases to a joint health and safety committee, but that the safety of victims who filed grievances should not be affected.

**936.** The Government members of Brazil, India, and France, speaking on behalf of the EU and its Member States, felt that the language in question was best placed in sub-clause (b)(iv), which dealt with protection of claimants.

**937.** The Government member of the United States introduced a subamendment, seconded by the Employers' group, to replace the word "workers" with the word "individuals", and to insert the words "and as appropriate" after the words "to the extent possible". The new clause would thus read: "protecting the privacy and confidentiality of those individuals involved, to the extent possible and as appropriate.". The subamendment might ensure protection for people other than workers and people who might be falsely accused.

**938.** The Government member of Argentina supported the subamendment.

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939. The Worker Vice-Chairperson understood that the amendment intended to protect people who wished to come forward, as part of prevention measures. If that wording would not affect due process or use of grievance procedures, she could support the subamendment.
940. The amendment was adopted as further subamended.
941. The further new clause after point 11(b) was adopted as amended.
942. Point 11 was adopted as amended.

## **Point 12**

### Chapeau

943. The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to the chapeau of point 12 to insert after “employers” the words “, as far as it is in their sphere of influence,”. The amendment sought to provide clear and realistic guidelines with respect to the responsibilities of employers, recognizing that there were limits to what they could do to prevent violence and harassment in the world of work.
944. The Worker Vice-Chairperson supported the spirit of the amendment. It was important to limit what employers could and could not do. She proposed a subamendment to replace “, as far as it is in their sphere of influence,” with “, as far as it is reasonably practicable,” as it was consistent with terminology used in occupational safety and health legislation.
945. The Employer Vice-Chairperson agreed that employers should have responsibilities to address violence and harassment, and that there were also limits to them. She supported the subamendment.
946. The Government member of Cuba questioned who would determine what was “reasonably practicable”, and suggested that the wording “as appropriate” would be more straightforward.
947. The Government members of Australia, Canada, New Zealand, France, on behalf of the EU and its Member States, and Uganda, on behalf of the Africa group, supported the subamendment.
948. The amendment was adopted as subamended.
949. The Government member of Australia, also on behalf of Canada, the United States, Israel, Japan, New Zealand, Norway and Switzerland, withdrew an amendment which had proposed to insert the word “reasonable” after the words “requiring employers to take”.
950. The Employer Vice-Chairperson introduced an amendment to replace the text after the words “take steps” with “to prevent all forms of violence and harassment in the workplace” and to delete the clauses, such that employer obligations would be stated generally, and not as a list. The text would thus read: “Each Member should adopt national laws and regulations requiring employers to take steps, as far as it is reasonably practicable, to prevent all forms of violence and harassment in the workplace.” While it was important to ensure measures were feasible for smaller enterprises, the previous amendments to the point that had been adopted sufficiently reflected that concern.
951. The Worker Vice-Chairperson introduced a subamendment to change the word “workplace” to “world of work”.

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- 952.** The Employer Vice-Chairperson did not support the subamendment, as employers had far more control over the workplace than the world of work.
- 953.** The Worker Vice-Chairperson noted that, since the amendment was seeking to delete all the clauses, her group could not support it. The Workers' group withdrew its subamendment.
- 954.** The Government member of Canada did not support the amendment and stressed the importance of retaining the clauses.
- 955.** The Government member of the United States introduced a subamendment, seconded by the Government members of India and Japan, to delete the words "all forms of", such that the text would read: "Each Member should adopt national laws and regulations requiring employers to take steps, as far as it is reasonably practicable, to prevent violence and harassment in the workplace."
- 956.** The Employer Vice-Chairperson supported the subamendment.
- 957.** The Government member of Brazil preferred to retain the words "all forms of", as well as the clauses.
- 958.** The Government member of New Zealand did not support the amendment or the subamendment, and preferred the phrase "world of work" over "workplace".
- 959.** The Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment. He also did not support the subamendment introduced by the Government member of the United States.
- 960.** The subamendment proposed by the Government member of the United States was not adopted.
- 961.** The Government member of Uganda, speaking on behalf of the Africa group, did not support the deletion of clauses (a) and (b) of point 12, and thus did not support the amendment.
- 962.** The Employer Vice-Chairperson explained that the rationale for introducing the amendment was to delete the prescriptive clauses so as to recognize the situation of small businesses, who might have difficulties in implementing clause (b) to "adopt, in consultation with workers and their representatives, a policy on all forms of violence and harassment;"
- 963.** The amendment was not adopted.
- 964.** The Worker Vice-Chairperson sought clarification as to whether the original text, "to prevent all forms of violence and harassment in the world of work", in point 12 would ensure having a working environment free from violence and harassment.
- 965.** The deputy representative of the Secretary-General clarified that "working environment" would already be encompassed by the original text but that adding the term would make the text more specific as it would capture aspects such as the physical conditions, atmosphere and relationships among co-workers and managers.
- 966.** The Worker Vice-Chairperson therefore withdrew an amendment.
- 967.** The Government member of the United States, supported by the Government member of Norway, introduced an amendment which proposed to delete "all forms of" after "prevent" to ensure consistency with previously amended text.

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**968.** The Worker Vice-Chairperson reiterated her group’s concerns about deleting “all forms of” but, given the Committee’s previous discussions, and the fact that the definition in point 3(a) covered all forms of violence and harassment, she supported the amendment.

**969.** The Employer Vice-Chairperson and the Government members of India, and France, on behalf of the EU and its Member States, supported the amendment to maintain consistency.

**970.** The amendment was adopted.

**971.** The chapeau of point 12 was adopted as amended.

Point 12(a)

**972.** Point 12(a) was adopted without amendment.

Point 12(b)

**973.** Given that the chapeau of point 12 had been adopted, the Government member of France, on behalf of the EU and its Member States, withdrew an amendment which had proposed to add “taking into account, where appropriate, the specific needs of small and medium-sized enterprises” at the end of the clause.

**974.** The Employer Vice-Chairperson reintroduced the amendment and proposed a subamendment to insert “characteristics” before “needs”. She highlighted that the majority of employers were small businesses with specific needs; many did not have a union or formal policies in place.

**975.** The Worker Vice-Chairperson did not support the amendment, as it undermined institutions of collective bargaining and industrial relations.

**976.** The Government member of France, speaking on behalf of the EU and its Member States, explained that the amended chapeau offered sufficient flexibility to take into account the needs of small and medium-sized enterprises. Consequently, he no longer supported the amendment.

**977.** The Government member of Cuba did not support a detailed itemization of different types of companies. If a reference to small and medium-sized enterprises was included, large or transnational companies would also have to be mentioned. He did not support the amendment.

**978.** The Government members of New Zealand and of Uganda, on behalf of the Africa group, did not support the proposed text, as it had been dealt with in the adopted chapeau of point 12. The latter also noted that there was no universal definition of the term “small and medium-sized enterprises”.

**979.** The Employer Vice-Chairperson replied that there was a general understanding of the term. However, the amendment would create obligations for businesses of all sizes, including family-run businesses, which would face greater challenges in implementation. She underscored that further consideration should be given to small and medium-sized enterprises in the second discussion in 2019.

**980.** The amendment was not adopted.

**981.** Point 12(b) was adopted without amendment.

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Point 12(c)

**982.** Point 12(c) was adopted without amendment.

Point 12(d)

**983.** The Worker Vice-Chairperson introduced an amendment to clause (d) to insert the words “managers, supervisors and designated support persons” after “workers”, as they should also have access to information and training. The term “designated support persons” would include workers’ and employers’ representatives.

**984.** The Employer Vice-Chairperson contended that the wording was not needed, as the Committee had already agreed on a broad definition of “worker”. Furthermore, the proposed amendment would be difficult for small and medium-sized enterprises. Also, the meaning of “designated support persons” was unclear.

**985.** The Worker Vice-Chairperson explained that it included persons who represented workers or employers, for example, human resources representatives.

**986.** The Government member of Brazil supported the amendment.

**987.** The Government members of Uganda, on behalf of the Africa group, of France on behalf of the EU and its Member States, and of Australia did not support the amendment as the broad definition of “worker” under point 3(d) would also encompass managers and supervisors.

**988.** The Worker Vice-Chairperson withdrew the amendment on the understanding that the relevant persons were all covered by the definition of “worker” in point 3(d).

**989.** The Worker Vice-Chairperson introduced an amendment which proposed to add, after “measures”, the words “, including the objective and effective handling of complaints”, as that could prevent harassment from escalating.

**990.** The Employer Vice-Chairperson said that the provision of training and information should be understood as a general obligation. She did not support the amendment.

**991.** The Government members of Canada, New Zealand, Uganda, on behalf of the Africa group, and France, on behalf of the EU and its Member States, did not support the amendment, as complaint mechanisms were covered by point 13(b).

**992.** The Worker Vice-Chairperson withdrew the amendment.

**993.** Point 12(d) was adopted without amendment.

**994.** Point 12 was adopted as amended.

## **Enforcement, monitoring and victim support**

**995.** The title “Enforcement, monitoring and victim support” was adopted without amendment.

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## **Point 13**

### Chapeau

- 996.** The Government member of France, on behalf of the EU and its Member States as well as Australia, Canada, United States, Israel, Japan, Norway and Switzerland, introduced an amendment to add, at the end of the chapeau of point 13, the words “take appropriate measures to”.
- 997.** The Worker Vice-Chairperson observed that the term “appropriate” was already included in clauses (b) and (c), which provided enough flexibility for the implementation of the proposed Convention. Using the qualifier in the chapeau would be problematic and, as such, she could not support the amendment.
- 998.** The Employer Vice-Chairperson supported the more flexible approach sought by the proposed amendment. She welcomed the wording as the text should speak about taking measures, rather than about absolute obligations.
- 999.** The Government members of Brazil, Mexico, New Zealand, and Uganda, on behalf of the Africa group, supported the amendment.
- 1000.** The amendment was adopted.
- 1001.** The chapeau of point 13 was adopted as amended.

### Point 13(a)

- 1002.** The Government member of the United States, speaking also on behalf of Australia, Canada, Israel, Japan, Norway and Switzerland, introduced an amendment to replace in clause (a) “take appropriate measures to ensure the monitoring and enforcement of” with “monitor and enforce”, as “take appropriate measures” would now be included in the chapeau, and as Governments themselves would monitor and enforce.
- 1003.** The Worker Vice-Chairperson did not support the amendment, as employers would also need to monitor and enforce provisions.
- 1004.** The Employer Vice-Chairperson stated that the Employers’ group understood monitoring and enforcement to be an obligation of member States.
- 1005.** The Government member of Australia understood the amendment as being broader, as it would remove the word “ensure”. She supported the amendment.
- 1006.** The Government members of New Zealand, the Philippines, Thailand, and France, on behalf of the EU and its Member States, supported the amendment.
- 1007.** The Government member of Cuba and the Employer Vice-Chairperson noted issues with the French and Spanish translations, to which the Chairperson replied that the Committee Drafting Committee would address any translation issues.
- 1008.** The deputy representative of the Secretary-General, responding to a question from the Worker Vice-Chairperson, said that the adoption of the amendment would have no impact on the current content of point 27.
- 1009.** The amendment was adopted.

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- 1010.** The Employer Vice-Chairperson withdrew an amendment which proposed replacing “world of work” with “workplace”, while stressing that the broad concept of “world of work” would pose challenges for practical enforcement and monitoring measures.
- 1011.** The Worker Vice-Chairperson introduced an amendment to clause (a) which sought to add “, including allocation of adequate financial and human resources;” after “the world of work”, as governments needed to make available sufficient financial and human resources, as well as effective systems, to ensure monitoring and enforcement.
- 1012.** The Employer Vice-Chairperson expressed doubts about the amendment, as it directed governments on where to allocate resources, and the word “adequate” was difficult to define.
- 1013.** The Government member of France, speaking on behalf of the EU and its Member States, said that it was the duty of governments to allocate the necessary resources. That also applied to many other sections of the text, and, hence, the EU and its Member States could not support the amendment.
- 1014.** The Government member of Namibia speaking on behalf of the Africa group, and the Government members of India, Indonesia, New Zealand, Thailand and Qatar did not support the amendment.
- 1015.** The Worker Vice-Chairperson withdrew the amendment.
- 1016.** Point 13(a) was adopted as amended.

Point 13(b)

- 1017.** The Government member of Australia introduced an amendment, also on behalf of the Government members of Canada, Israel, Japan, Norway, Switzerland and the United States, which sought to replace “ensure” with “provide” at the beginning of clause (b), in line with earlier amendments.
- 1018.** The Worker Vice-Chairperson opposed the amendment, as the clause would then only apply to State-provided remedies.
- 1019.** The Employer Vice-Chairperson, the Government member of France, on behalf of the EU and its Member States, and the Government members of Jordan, India and New Zealand supported the amendment.
- 1020.** The Government member of Zambia, on behalf of the Africa group, and the Government members of Kuwait and Egypt did not support the amendment.
- 1021.** The Government member of Cuba also did not support the amendment, as conflict resolution measures were needed for victims and alleged perpetrators.
- 1022.** The Government member of Brazil suggested that “provide all workers with easy access” might be a better formulation than “provide that all workers have easy access”.
- 1023.** The Government member of Australia explained that the intention was not to water down the text. Governments were able to provide remedies but it was difficult for them to ensure that workers had access to them.
- 1024.** The Employer Vice-Chairperson stated that “ensure” was too absolute, as governments could only take reasonable and realistic steps to provide services.

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- 1025.** The Government member of Cuba said the discussion of whether to use “ensure” or “provide” was unnecessary, since the member States would have an obligation to implement the Convention at national level to oblige the employers to protect the rights of workers. As the word “provide” was potentially unclear, he did not support the amendment.
- 1026.** The deputy representative of the Secretary-General explained that the intent of the original text was that member States should take measures with a view to achieving certain results, but not necessarily to secure the results.
- 1027.** In the light of the explanation provided by the secretariat, the Government members of Argentina, Brazil, Chile, the Dominican Republic, Mexico, the Philippines, Thailand, and Uganda on behalf of the Africa group did not support the amendment.
- 1028.** The amendment was not adopted.
- 1029.** The Employer Vice-Chairperson introduced an amendment to replace “workers” with “persons at work” in clause (b), to ensure that persons other than workers were not excluded.
- 1030.** The Worker Vice-Chairperson noted that there was a definition of “workers” under point 3, and so did not support the amendment. The Government member of Uganda, on behalf of the Africa group, agreed.
- 1031.** The Government member of Egypt supported the amendment, noting that anybody at work, including employers, could be affected by violence and harassment.
- 1032.** The Government member of Cuba was of the view that the phrase “persons at work” was not sufficiently inclusive. He introduced a subamendment to replace “persons at work” with “persons involved in violence and harassment”.
- 1033.** The Government member of Brazil seconded the subamendment.
- 1034.** The Government member of Cuba noted that the proposal for the subamendment took into account the concerns of other member States.
- 1035.** The deputy representative of the Secretary-General explained that the measures outlined under point 13(b) were intended to cover not only workers, but other persons such as witnesses and, as such, were consistent with point 5 of the proposed Conclusions, as amended. She suggested the text might be clarified by adding “and other persons concerned” after “workers”.
- 1036.** The Employer Vice-Chairperson preferred the text of the original amendment, to replace “workers” with “persons at work”.
- 1037.** The Worker Vice-Chairperson asked the Employer Vice-Chairperson to confirm that the proposed wording would not undermine industrial action; the latter confirmed that was the case.
- 1038.** The Government member of Cuba felt it important to include language that was inclusive of victims, perpetrators, witnesses and even family members of victims, who themselves could be affected by the psychological impact of violence and harassment.
- 1039.** The Government member of Brazil proposed a further subamendment, seconded by the Government members of the United States and Uganda, on behalf of the Africa group, to simplify the text by replacing the phrase “persons involved in cases of violence and harassment” with “persons concerned”.

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- 1040.** The Employer Vice-Chairperson supported the further subamendment, as it was more inclusive.
- 1041.** The Worker Vice-Chairperson supported the further subamendment with the understanding that it included third parties and persons involved in violence and harassment, and that industrial action was not undermined.
- 1042.** The amendment was adopted as further subamended.
- 1043.** The Employer Vice-Chairperson withdrew an amendment which sought to delete “and effective” in the first line of clause (b), and an amendment which sought to remove “effective” before “dispute resolution mechanisms”.
- 1044.** The Worker Vice-Chairperson introduced an amendment to insert “reporting” before “dispute resolution mechanisms”, as safe reporting mechanisms would encourage workers to come forward, without fear of retaliation.
- 1045.** The Employer Vice-Chairperson did not support the amendment.
- 1046.** The Government members of Brazil and Canada supported the amendment because it improved the text and included the important issue of confidentiality.
- 1047.** The Government member of France, on behalf of the EU and its Member States, emphasized that it was essential to provide reporting mechanisms, but as there were different national mechanisms, the issue would better be covered under a Recommendation. Moreover, sub-clauses to clause (b) already covered the aspect of reporting. However, he did not oppose the amendment.
- 1048.** The Government members of Mexico and Cuba supported the amendment.
- 1049.** The Worker Vice-Chairperson noted that reporting was a basic right, which deserved to be in a Convention, as victims needed to be able to safely report cases.
- 1050.** The deputy representative of the Secretary-General clarified that sub-clause (iv) focused on the protection of whistle-blowers and others, while reporting established a channel where information could be provided. Therefore, the two issues were connected but distinct.
- 1051.** The Government member of Israel noted that his country had separate reporting and complaint mechanisms. However, he found the amendment to be potentially superfluous.
- 1052.** The Government member of India noted that the issue was covered in sub-clause (i) and therefore did not support the amendment.
- 1053.** The Government member of Brazil emphasized that reporting was essential, did not necessarily require any resources, and that all member States could support it.
- 1054.** The amendment was adopted.
- 1055.** The Employer Vice-Chairperson introduced an amendment to delete “including” and sub-clauses (i)–(v), as her group considered them to be overly prescriptive and that they should be considered under the Recommendation. Such prescription would be reviewed during the Employers’ group’s deliberations in support of the Convention.

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**1056.** The Worker Vice-Chairperson did not support the amendment, as the sub-clauses provided clear guidance to governments on what constituted effective remedies, and safe, fair and effective reporting and dispute resolution mechanisms.

**1057.** The Government members of Uganda, on behalf of the Africa group, France, on behalf of the EU and its Member States, Kuwait and the Philippines did not support the amendment.

**1058.** The amendment was not adopted.

**1059.** The chapeau of point 13(b) was adopted as amended.

*Point 13(b)(i)–(iii)*

**1060.** Sub-clauses (i)–(iii) were adopted without amendment.

*Point 13(b)(iv)*

**1061.** The Government member of the United States introduced an amendment, also on behalf of the Government members of Australia, Canada, Israel, Japan, Norway and Switzerland to insert after “victimization of” the words “or retaliation against”. The change pertained to whistle-blowers, who were known to be subjected to retaliation.

**1062.** The Worker Vice-Chairperson, the Employer Vice-Chairperson, the Government member of France, on behalf of the EU and its Member States, and the Government member of Brazil supported the amendment.

**1063.** The amendment was adopted.

**1064.** The Worker Vice-Chairperson withdrew an amendment to add the words “designated support persons”.

**1065.** Point 13(b)(iv) was adopted as amended.

*Point 13(b)(v)*

**1066.** The Government member of Uganda introduced an amendment on behalf of the Africa group to add “medical” after “legal, social”.

**1067.** The Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government members of Argentina, Cuba, Brazil, and France, on behalf of the EU and its Member States, supported the amendment.

**1068.** The amendment was adopted.

**1069.** Point 13(b)(v) was adopted as amended.

**1070.** Point 13(b) was adopted as amended.

*Point 13(c)*

**1071.** The Government member of Israel introduced an amendment, also on behalf of the Government members of Australia, the United States, Japan and Norway, to replace “appropriate” after “sanctions” with “where appropriate”. The proposed formulation was drawn from the Istanbul Convention.

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- 1072.** The Worker Vice-Chairperson did not support the amendment as it changed the meaning of the clause. The clause provided for sanctions when necessary, but it did not mean that they must be used.
- 1073.** The Government member of Israel noted that the need to apply sanctions depended on the results of investigations, and might not always be an appropriate response.
- 1074.** The Employer Vice-Chairperson supported the amendment.
- 1075.** The Government members of Canada, Switzerland, and Uganda, on behalf of the Africa group, supported the amendment; the latter noted that other measures such as dialogue, counselling or advice could also be taken.
- 1076.** The Government member of Cuba noted that sanctions fell within the State’s mandate, and that the appropriateness of response was important.
- 1077.** The Government member of Kuwait supported the original text, which provided for appropriate sanctions.
- 1078.** The amendment was adopted.
- 1079.** The Employer Vice-Chairperson withdrew an amendment to insert “against the perpetrators” after “sanctions”, and an amendment to replace “world of work” with “workplace”.
- 1080.** Point 13(c) was adopted as amended.

Point 13(d)

- 1081.** The Employer Vice-Chairperson introduced an amendment to delete clause (d), in order to remove overly prescriptive language. Furthermore, specialized dispute resolution mechanisms were already included in points 29 and 30.
- 1082.** The Worker Vice-Chairperson and the Government members of Australia, Brazil, Canada, Cuba, India, Israel, the Philippines and New Zealand did not support the amendment, as they considered that gender-based violence did indeed require specialized dispute mechanisms.
- 1083.** The amendment was not adopted.
- 1084.** The Government member of the United States introduced an amendment, also on behalf of the Government members of Australia, Canada, Israel, Japan, Norway and Switzerland, to replace the words “adopt additional measures to ensure” with “provide”. If measures were already in place, additional measures might not be needed; moreover, ensuring effective access may be outside governments’ control.
- 1085.** The Worker Vice-Chairperson asked the secretariat whether “additional measures” referred to those measures listed under point 13, or to measures governments might take in the future.
- 1086.** The deputy representative of the Secretary-General responded that the inclusive, gender-responsive and integrated approach under point 7 was relevant to all points under Part C of the proposed Conclusions. That did not necessarily mean introducing additional mechanisms, but taking steps to include a gender-responsive perspective in existing judicial systems.
- 1087.** The Government member of France, on behalf of the EU and its Member States, and the Employer Vice-Chairperson supported the amendment.

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- 1088.** The Government member of Australia noted that the wording “additional measures” raised questions about when the requirements stipulated by the eventual Convention would be met. The term “provide” introduced the same principle, but set a clearer benchmark.
- 1089.** The Government member of Cuba proposed a subamendment to insert after “provide” the words “specific measures so”, to resolve the concerns raised by the Government member of Australia.
- 1090.** The Employer Vice-Chairperson and the Government member of Israel did not support the subamendment.
- 1091.** The Worker Vice-Chairperson supported the subamendment.
- 1092.** The subamendment was not adopted.
- 1093.** The amendment was adopted, and a subsequent amendment fell.
- 1094.** The Government member of Israel introduced an amendment, also on behalf of the Government members of Canada, the United States, Japan, Norway and Switzerland, to replace “specialized” with “effective”. The amendment sought to clarify that gender-based violence should be addressed effectively within the regular judicial system.
- 1095.** The Government member of France, on behalf of the EU and its Member States, introduced a subamendment to add the words “, safe and gender-responsive” before the words “dispute resolution mechanisms”. Point 13(b) already ensured access to specialized dispute resolution mechanisms, but these were often not gender-responsive.
- 1096.** The Employer Vice-Chairperson was of the view that the text as proposed was overly prescriptive, and expressed concern that it would act as a barrier to support for an eventual Convention. She could nonetheless support the amendment and the subamendment.
- 1097.** The Worker Vice-Chairperson stated that there were unique aspects of gender-based violence and harassment that required specialized training for persons dealing with victims. She supported the subamendment.
- 1098.** The Government members of Brazil and Cuba supported the subamendment.
- 1099.** The amendment was adopted as subamended.
- 1100.** Point 13(d) was adopted as subamended.

Point 13(e)

- 1101.** The Employer Vice-Chairperson introduced an amendment to delete clause (e), “recognize the effects of domestic violence on the world of work and take measures to address them”. In her group’s view, the text was repetitive and overly prescriptive.
- 1102.** The Government member of Japan, also speaking on behalf of the Government members of China, India and Singapore, withdrew an identical amendment. Domestic violence was already referred to in the text of point 6(j) as amended, and the chapeau in point 13 as amended provided a sufficient amount of flexibility.
- 1103.** The Worker Vice-Chairperson said that the impact of domestic violence should appear in the operative part of the future instrument as well as the preamble. Report V(1) had provided

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examples of governments having taken action requiring employers to adopt measures in cases of domestic violence. The Workers' group did not support the amendment.

- 1104.** The Government member of New Zealand stated that domestic violence had impacts on the world of work, and that the clause required only that member States recognize and address it. He fully supported the inclusion of the clause and did not support the amendment.
- 1105.** The Government members of Australia, Brazil, Canada and France, on behalf of the EU and its Member States, did not support the amendment.
- 1106.** The amendment was not adopted.
- 1107.** Point 13(e) was adopted without amendment.

Point 13(f)

- 1108.** The Employer Vice-Chairperson introduced an amendment to insert the words “where appropriate” after “ensure that”, such that the text would read: “ensure that, where appropriate, workers have the right to remove themselves ...”. The aim was to introduce some flexibility, as the implications for certain persons, such as those working in emergency services, was not clear.
- 1109.** The Worker Vice-Chairperson noted that the text simply gave people the right to remove themselves from danger, as provided for in Article 13 of the Occupational Safety and Health Convention, 1981 (No. 155).
- 1110.** The Government members of Canada, New Zealand, and Uganda on behalf of the Africa group did not support the amendment, the latter specifying that workers had the right to remove themselves from situations of imminent danger, and that the term “reasonable justification” already conveyed the spirit of the amendment.
- 1111.** The amendment was not adopted.
- 1112.** The Employer Vice-Chairperson introduced an amendment to delete “and harassment” after “violence”. It was unclear in which kinds of situations workers might have to remove themselves due to harassment, given the breadth of its definition as adopted by the Committee.
- 1113.** The Worker Vice-Chairperson and the Government members of Canada, New Zealand, Brazil, and Uganda on behalf of the Africa group did not support the amendment. Harassment could have enduring psychological impacts; also, the word “imminent” set a high threshold for the provision.
- 1114.** The Employer Vice-Chairperson agreed to withdraw the amendment on the understanding that the clause would mean workers had the right to remove themselves from a work situation because of a form of harassment that presented an imminent and serious danger to life or health.
- 1115.** The Government member of the United States, also speaking on behalf of the Government members of India and Switzerland, introduced an amendment to replace the word “and” with the word “or”, such that the text would read “violence or harassment”. Referring to violence and harassment suggested that someone would have to experience both before having the right to remove themselves from the situation.

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- 1116.** The Worker Vice-Chairperson stated that the definition of “violence and harassment” had been agreed under point 3(a). She did not support the amendment.
- 1117.** The Employer Vice-Chairperson supported the amendment, as her group preferred to separate the terms.
- 1118.** The Government members of Canada, Egypt, and Uganda on behalf of the Africa group did not support the amendment.
- 1119.** The amendment was not adopted.
- 1120.** Point 13(f) was adopted without amendment.

Point 13(g)

- 1121.** The Employer Vice-Chairperson introduced an amendment to replace “labour inspectors” with “appropriate authorities”, to accommodate practices in different jurisdictions.
- 1122.** The Worker Vice-Chairperson did not support the amendment. It was important to empower labour inspectors, although other actors might also have a role.
- 1123.** The Government member of France, on behalf of the EU and its Member States, did not support the amendment.
- 1124.** The amendment was not adopted.
- 1125.** The Government member of France, on behalf of the EU and its Member States, introduced an amendment, also on behalf of the Government members of Australia, the United States, Israel, Japan, New Zealand, Norway and Switzerland to insert, after “labour inspectors”, “or other relevant authorities”.
- 1126.** The Worker Vice-Chairperson introduced a subamendment to replace “or” with “and”, since other authorities may also have to be empowered to do so.
- 1127.** The Employer Vice-Chairperson did not support the subamendment as it might cause challenges in certain countries where the powers of various public authorities had to remain separate.
- 1128.** The Government members of Australia, India, Israel and France, on behalf of the EU and its Member States, observed that in their countries it was important to keep the responsibilities of various competent authorities separate. They did not support the subamendment.
- 1129.** The Worker Vice-Chairperson noted that the subamendment was also of relevance to point 33 of the proposed Conclusions, which read, “Labour inspectors and other competent authorities should undergo gender-responsive training ...”.
- 1130.** The Government members of Israel and of the United States observed that there was a qualitative difference between training other competent authorities, as mentioned in point 33, and empowering other competent authorities.
- 1131.** The Government member of Uganda, speaking on behalf of Africa group, recalled that it was essential to take a multi-sectoral approach involving labour inspectors, health inspectors, policy-makers, courts and others, all of which would need to be empowered to ensure the effective monitoring and enforcement of an eventual Convention. Where labour

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inspectors could not play a role, such as in the case of violent crimes, other competent authorities such as the police could provide support. He supported the subamendment.

- 1132.** The Government members of Argentina and Egypt also supported the subamendment.
- 1133.** The Government members of the Republic of Korea, New Zealand and China did not support the subamendment.
- 1134.** The Worker Vice-Chairperson sought to clarify whether, by using the word “or”, it would mean that either the labour inspectorate or another authority would be empowered to address a specific situation, but not both.
- 1135.** The Government member of Israel recognized that labour inspectors had an important role to play, but that certain powers would need to be mandated to other relevant authorities in order to accommodate different national circumstances.
- 1136.** The deputy representative of the Secretary-General clarified that “and” would be more suitable if there was a clear intention to empower the labour inspectorate. “Or” would be more suitable if there was uncertainty as to which competent authority would be empowered.
- 1137.** The Employer Vice-Chairperson observed that the scope of the proposed instruments went well beyond labour standards and working conditions, and was addressing threats to life. Such a scope might require interventions beyond the labour inspectorate. Governments must understand the implications that they would be required to train and empower those actors.
- 1138.** The Government member of Brazil proposed a further subamendment, seconded by the Government members of Mexico, the Dominican Republic and Argentina, to add “, as appropriate,” after “and”, to take into account that labour inspectorates were essential and would need to be empowered, but also that other relevant authorities might be needed in some circumstances.
- 1139.** The Worker Vice-Chairperson supported the subamendment.
- 1140.** The Employer Vice-Chairperson observed that the subamendment could be a barrier to ratification in cases where labour inspectorates were not the appropriate authority. She did not support the further subamendment.
- 1141.** The Government member of the Islamic Republic of Iran preferred “or” and did not support the further subamendment.
- 1142.** The Government member of France, speaking on behalf of the EU and its Member States, introduced a further subamendment that read: “ensure that labour inspectorates and other relevant authorities, as appropriate ...”. The aim of the subamendment was to reference inspection, not individual inspectors, and to cover other types of inspection. In some countries, labour inspection did not have a legal mandate but could have a technical possibility to address violence and harassment. In response to a query by the Government member of Brazil regarding the effects of the words “as appropriate”, he explained that it was important not to constrain a member State in empowering its labour inspectors to deal with violence and harassment, to make a future Convention more ratifiable.
- 1143.** The Worker Vice-Chairperson accepted the proposed compromise.
- 1144.** The Employer Vice-Chairperson pointed out that governments would need to have the capacity to implement that requirement.

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- 1145.** The Government members of Israel, and Ethiopia, on behalf of the Africa group, supported the further subamendment.
- 1146.** The Government member of Australia expressed his preference for the original amendment but would not oppose the subamendment.
- 1147.** The Government member of Brazil could accept the subamendment, while emphasizing that it was the labour inspectors who needed to be empowered.
- 1148.** The amendment was adopted as further subamended.
- 1149.** An amendment proposed by the Philippines was not seconded and so fell.
- 1150.** The Employer Vice-Chairperson withdrew an amendment that would have inserted the words “in accordance with national law” after “harassment”, in noting that her group would likely resubmit it for consideration during the discussion in 2019.
- 1151.** Point 13(g) was adopted as amended.

New clause after point 13(g)

- 1152.** The Worker Vice-Chairperson introduced an amendment to add a new clause after point 13(g), to read: “ensure access to adequate social protection for victims and their dependent survivors, including workers’ compensation, medical care and psycho-social care”, which took into account the inclusive and integrated approach that members of Committee had agreed was important.
- 1153.** The Employer Vice-Chairperson did not support the proposed amendment, as it duplicated other text and also could not be achieved in practice, taking into account the broad definition of the term “workers” adopted by the Committee. It was unnecessary to add further prescriptions.
- 1154.** The Government member of France, on behalf of the EU and its Member States, recognized the importance of including a reference to social protection. However, the proposal was far-reaching and would be better placed in the proposed Recommendation.
- 1155.** The Government members of Australia, Israel, New Zealand, Switzerland, and Uganda on behalf of the Africa group also did not support the amendment.
- 1156.** The Worker Vice-Chairperson withdrew the amendment.

Further new clause after point 13(g)

- 1157.** The Employer Vice-Chairperson subamended an amendment proposed by her group to insert a new clause after point 13(g), which would read: “ensure that all persons at work who are subjected to violence and harassment during the course of, or arising from, industrial disputes, have access to protection, and that appropriate remedies and sanctions are applied”. The proposal sought to protect workers and employers. The Employers’ group recalled that the Committee had decided to take an expansive approach to the definitions and scope of violence and harassment as well as the world of work. The world of work, and risks of violence and harassment, must encompass what happened when work was withdrawn or where an employer excluded workers from work. Both were potential points of risk for violence and harassment, which could be suffered by employers, striking workers and non-striking workers. Overall, both employers and workers should not suffer violence and harassment based on their part in or decision to participate in industrial disputes.

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- 1158.** The Worker Vice-Chairperson viewed the proposed amendment as undermining the right to take industrial action and therefore did not support the proposal, which crossed an important line.
- 1159.** The Employer Vice-Chairperson replied that her group did not seek to impinge in any way on legitimate industrial action activities; the rationale of the amendment was to ensure that all persons would be protected from violence and harassment in those circumstances.
- 1160.** The Government member of Uganda, on behalf of the Africa group, observed that the Employers' group had often warned against over-prescription. The proposed amendment, which he did not support, could result in laws that would undermine the right to collective bargaining and strike action.
- 1161.** The Government member of Cuba could not accept an amendment that sought to dismantle the achievements of union movements worldwide in a bid to protect employers.
- 1162.** The Employer Vice-Chairperson drew attention to a range of case studies available demonstrating that people were subjected to unreasonable behaviour during industrial actions putting their health and safety at risk. In her view, the proposed amendment was not duplicative; industrial action took place in the world of work and any violence and harassment that arose as a result was not acceptable.
- 1163.** In response to the Worker Vice-Chairperson's comment that a high number of trade unionists had been killed for taking legitimate industrial action, the Employer Vice-Chairperson clarified that they would also be covered by the proposed amendment.
- 1164.** The Government member of New Zealand acknowledged the sensitivities of the issue for both the Workers' and Employers' groups. There were examples of lockouts and strikes that had been unlawful; at the same time, workers had been harassed by employers when taking part in union activities and vice versa. He asked the Workers' group to articulate where in the proposed Conclusions with a view to a Convention such situations were already covered, and conversely, asked the Employers' group to identify in what way the issue was not yet covered by the text.
- 1165.** The Worker Vice-Chairperson explained that her group had repeatedly asked the Employers' group to state that it was not seeking to undermine the right to take industrial action through the proposed instruments. Her group did not support the amendment.
- 1166.** The Employer Vice-Chairperson explained that her group was not seeking to interfere with legitimate industrial activities. The proposed amendment would make it absolutely clear that no form of violence and harassment was acceptable.
- 1167.** The Government members of Argentina and Chile supported the amendment. The broad definition of violence adopted by the proposed Conclusions included all forms of unacceptable conduct. Various ILO Conventions defined acts of violence as those that involved the use of force. The proposed Conclusions would not affect workers' collective rights.
- 1168.** The Government member of Cuba observed that the legality of industrial action would be determined by the applicable national law. However, there was a risk that the proposed amendment provided for compensation beyond that already foreseen. He therefore could not support the amendment.

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- 1169.** The Government member of France, on behalf of the EU and its Member States, agreed that the amendment was superfluous as the term “victim” had been defined to include workers, employers, and their respective representatives.
- 1170.** The Government member of Japan agreed and also did not support the amendment.
- 1171.** The Government member of Uganda, on behalf of the Africa group, agreed that it would not be necessary to list all circumstances where violence could occur, or to be overly prescriptive. Collective bargaining and industrial action were adequately covered under points 4 and 5. The Africa group did not support the amendment.
- 1172.** The Government member of Australia noted that a protection gap existed, particularly in situations where a worker might boycott or picket another workplace in the spirit of solidarity. He asked the secretariat to clarify whether such a situation would be covered by the term “world of work” in the proposed Convention.
- 1173.** The deputy representative of the Secretary-General wished to clarify that it was not in the secretariat’s mandate to provide an interpretation of the text that was currently being negotiated by the tripartite constituents. The meaning of the points that had been discussed was to be provided by the Committee itself. Notwithstanding, she could confirm that the amendment touched on issues covered in previously adopted points. For example, point 4 covered a wide range of circumstances in which violence and harassment in the world of work could occur. Further, point 5 acknowledged that workers, employers and third parties could be both victims and perpetrators of violence and harassment. The reference solely to “workers” in point 13(b) had been amended to “persons concerned” to broaden the support to victims beyond the definition of “worker” adopted in point 3(d). Moreover, point 8 under “Fundamental principles and rights at work and protection” stated clearly that freedom of association and the effective recognition of the right to collective bargaining were protected. Those different points should be read together for an understanding of the protection provided by the proposed instrument. The kind of situation envisaged by the Government member of Australia would therefore be covered.
- 1174.** The Employer Vice-Chairperson expressed concern about the interpretation provided by the secretariat, as the Employers’ group wished to address all dimensions of violence and harassment. The Committee had already addressed issues which were outside the workplace, for example domestic violence. The Employers’ group was not against legitimate industrial action, but wished to address occurrences of violence and harassment during or arising from industrial action. The discussions on points 18, 24 and 25 would provide further opportunities to address the issue. She also indicated that if the Employers’ group had been able to make amendments to point 4 at that juncture, it would have included the situation of industrial action. She expressed doubt about the ability of the Employers’ group to vote for a legally binding instrument if the issue was not addressed. She also expressed hope that governments would give the issue further consideration before the second discussion in 2019.

**1175.** The amendment was not adopted.

**1176.** Point 13 was adopted as amended.

## **Support and guidance**

**1177.** The title “Support and guidance” was adopted without amendment.

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## **Point 14**

### Chapeau

- 1178.** The Government member of the United States, speaking also on behalf of Australia, Israel, Japan, Norway and Switzerland, proposed an amendment to add in the chapeau of point 14, after “should”, the words “seek to”. The intention was not to limit consultations but to acknowledge that governments could not ultimately ensure the effectiveness of measures.
- 1179.** The Worker Vice-Chairperson stated that the amendment weakened the objective of the point and that governments already had a choice of measures to take. She did not support the amendment.
- 1180.** The Employer Vice-Chairperson and the Government member of the Islamic Republic of Iran supported the amendment.
- 1181.** The amendment was adopted.
- 1182.** The chapeau of point 14 was adopted as amended.

### Point 14(a)

- 1183.** Point 14(a) was adopted without amendment.

### Point 14(b)

- 1184.** The Government member of Australia, also on behalf of Israel, Japan, Norway and the United States, introduced an amendment to replace “and other tools” with “or other tools”, so that governments would be obliged to provide only those tools deemed appropriate for a specific context.
- 1185.** The Worker Vice-Chairperson sought clarity from the secretariat on whether the original text already provided flexibility in the choice of tools to be provided by governments.
- 1186.** The deputy representative of the Secretary-General stated that the choice of tools depended on the circumstances. The wording “and other tools” pointed to the need to use tools beyond guidance, resources and training.
- 1187.** The Worker Vice-Chairperson preferred the original text.
- 1188.** The Government member of Brazil introduced a subamendment, which was seconded by the Government member of Kuwait to replace “or” with “among”, as a compromise.
- 1189.** The Worker Vice-Chairperson supported the subamendment.
- 1190.** The Employer Vice-Chairperson did not support the subamendment because it reduced governments’ flexibility in their choice of tools.
- 1191.** The Government member of New Zealand, and the Government member of Australia, also on behalf of the United States, Israel, Japan and Norway, did not support the subamendment.
- 1192.** The subamendment was not adopted.
- 1193.** The Worker Vice-Chairperson accepted the original amendment.

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- 1194.** The amendment was adopted.
- 1195.** The Employer Vice-Chairperson introduced an amendment to replace in point 14(b) from “provided to” to the end of the clause with “made freely available to employers and workers and their organizations.”. She stated that the inclusion of enforcement authorities was not needed and that receiving information from the government free of charge would benefit employers and workers.
- 1196.** The Government member of Cuba said the amendment was an attempt to shift the responsibility of protecting workers from employers to governments.
- 1197.** The Worker Vice-Chairperson did not support the amendment, as the wording “made freely available” was a passive formulation, whereas the original text implied a more active role for governments in the dissemination of information. The amendment also removed the reference to enforcement authorities and awareness-raising campaigns.
- 1198.** The Government member of France, speaking on behalf of the EU and its Member States, considered the references to both the enforcement authorities and to awareness-raising campaigns to be important and therefore did not support the amendment.
- 1199.** The Employer Vice-Chairperson stated that point 14(b) placed an obligation on member States. If guidance, resources, training and other tools were developed for the social partners, the amendment sought to establish that they would be free of charge.
- 1200.** The amendment was not adopted.
- 1201.** The Government member of France introduced an amendment on behalf of the EU and its Member States to replace “enforcement” with “relevant” before “authorities”, in order to include other authorities, such as social services.
- 1202.** The Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government member of Uganda, on behalf of the Africa group, supported the amendment.
- 1203.** The amendment was adopted.
- 1204.** Point 14(b) was adopted as amended.
- 1205.** Point 14 was adopted as amended.

## **Means of implementation**

- 1206.** The title “Means of implementation” was adopted without amendment.

### **Point 15**

- 1207.** The Government member of the United States, speaking also on behalf of the Government members of Australia, Israel, Japan and Norway, withdrew an amendment that would have inserted “, where necessary,” after “including” in point 15.
- 1208.** Point 15 was adopted without amendment.
- 1209.** Part C was adopted as amended.

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## **D. Proposed Conclusions with a view to a Recommendation**

- 1210.** In relation to Part D, four amendments to replace the words “world of work” with the word “workplace”, one amendment to add “and harassment” after “gender-based violence”, and three amendments to replace “gender-based violence” with “violence and harassment” were withdrawn, in the light of decisions made by the Committee.
- 1211.** The title of Part D, “Proposed Conclusions with a view to a Recommendation”, was adopted without amendment.

### ***Point 16***

- 1212.** The Employer Vice-Chairperson withdrew an amendment to delete point 16.
- 1213.** The Government member of the United States, speaking also on behalf of the Government members of Australia, Canada and Switzerland, introduced an amendment to replace from “indicating that” until the end of the point, with “that is concise and focused.”, so that it would read: “The Recommendation should include a preamble that is concise and focused.”
- 1214.** The Worker Vice-Chairperson pointed out that the original text was standard wording, which should be maintained.
- 1215.** The Employer Vice-Chairperson supported the amendment and regretted that a similar proposal had not been made under the proposed Conclusions with a view to a Convention.
- 1216.** The Government members of New Zealand and Uganda, speaking on behalf of the Africa group, while appreciating the sentiment of the amendment, preferred to maintain the standard wording.
- 1217.** The Government member of France, speaking on behalf of the EU and its Member States, proposed a subamendment to restore the original text and insert it after “concise and focused”.
- 1218.** The Worker Vice-Chairperson sought clarification from the secretariat on how the wording would translate to the content of the Recommendation.
- 1219.** The deputy representative of the Secretary-General clarified that in the case of a Recommendation supplementing a Convention, the language of the preamble was usually short and often contained factual information, such as the date and location of its adoption, and the title of the Convention it accompanied. The original text of the point had been drawn from Paragraph 1 of the Domestic Workers Recommendation, 2011 (No. 201).
- 1220.** The Worker Vice-Chairperson preferred the original text and did not support the subamendment. The text was already concise.
- 1221.** The Employer Vice-Chairperson preferred to keep the words “concise and focused”.
- 1222.** The Government member of France, on behalf of the EU and its Member States, withdrew the subamendment.
- 1223.** The amendment was not adopted.
- 1224.** Point 16 was adopted without amendment.

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## **Fundamental principles and rights at work and protection**

**1225.** The title “Fundamental principles and rights at work and protection” was adopted without amendment.

### ***Point 17***

**1226.** The Government member of the United States, also on behalf of the Government member of Norway, introduced an amendment to delete “all forms of” after “Members should address”, such that the text would read: “... Members should address violence and harassment in the world of work ...”.

**1227.** The Employer Vice-Chairperson supported the amendment.

**1228.** The Worker Vice-Chairperson had no objections to the amendment.

**1229.** The amendment was adopted.

**1230.** The Government member of the United States, also on behalf of the Government member of Norway, introduced an amendment to insert “and employment” in the third line after “labour”, to recognize that employment laws were also relevant in covering violence and harassment in the world of work in some national contexts.

**1231.** The Worker Vice-Chairperson supported the amendment.

**1232.** The Government members of New Zealand and France, on behalf of the EU and its Member States, supported the amendment.

**1233.** The amendment was adopted.

**1234.** The Worker Vice-Chairperson introduced an amendment to insert “and domestic violence” after “non-discrimination”. Many governments had adopted legislation on domestic violence and the world of work; such legislation should be further encouraged.

**1235.** The Employer Vice-Chairperson did not support the amendment, as such laws were not in place in all member States, and domestic violence was already dealt with in other types of laws.

**1236.** The Government member of France, speaking on behalf of the EU and its Member States, noted that domestic violence deserved to be addressed specifically, as agreed by the Committee in its discussions on points 6(g) and 13(e). Since the specific reference to domestic violence legislation raised some concerns, he did not support the amendment.

**1237.** The Government member of Australia aligned with the EU and its Member States. He proposed a subamendment, to move the words “including domestic violence” to after “in the world of work”.

**1238.** The Government member of Cuba observed that the proposed subamendment would broaden the scope of the Convention and Recommendation. He did not, however, support the subamendment.

**1239.** The Government members of Argentina, Israel and Mexico agreed with the Government members of Cuba and France, on behalf of the EU and its Member States.

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1240. The Government member of Australia withdrew the subamendment.

1241. The Worker Vice-Chairperson withdrew the amendment.

1242. Point 17 was adopted as amended.

### **Point 18**

1243. The Employer Vice-Chairperson introduced an amendment to replace “Members should ensure that all workers, including those in sectors, occupations and work arrangements in which they are more exposed to violence and harassment, fully enjoy freedom of association and the right to collective bargaining in accordance with” with “In addressing violence and harassment in the workplace, Members should respect, promote and realize principles and rights set out in”.

1244. The Worker Vice-Chairperson and the Government members of Uganda, on behalf of the Africa group, and France, on behalf of the EU and its Member States, did not support the amendment.

1245. The Employer Vice-Chairperson expressed disappointment at the lack of support for the amendment, as the language proposed was consistent with that of the ILO Declaration on Fundamental Principles and Rights at Work. Employers should also enjoy the right to freedom of association, as should governments that were employers. While her group was prepared to defer the discussion, it would take the issue up again during the Committee’s deliberations in 2019.

1246. The amendment was not adopted.

1247. The Government member of the United States, also on behalf of the Government members of Australia, Israel, the Republic of Korea and Norway, withdrew an amendment to replace “are” with “may be” in the second line, before “more exposed”.

1248. Point 18 was adopted without amendment.

### **Point 19**

#### **Chapeau**

1249. The Employer Vice-Chairperson introduced an amendment to insert “appropriate” before “measures”, because measures may not be universally applicable.

1250. The Worker Vice-Chairperson did not support the amendment. Social dialogue was the bedrock through which workers and employers could address problems in the world of work. Workers were best placed to identify risks and solutions.

1251. The Government members of New Zealand and of Uganda, on behalf of the Africa group, did not support the amendment. The Government member of New Zealand found it superfluous; it was implicit that measures taken would be appropriate.

1252. The Government members of Argentina, Australia, Israel, Thailand, the United States and France, on behalf of the EU and its Member States, supported the amendment.

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- 1253.** The Worker Vice-Chairperson and the Government member of New Zealand agreed to support the amendment, with the understanding that the word “appropriate” would not have substantial ramifications.
- 1254.** The amendment was adopted.
- 1255.** The chapeau of point 19 was adopted as amended.

Point 19(a)

- 1256.** The Government member of Israel, speaking also on behalf of the Government members of Australia and the United States, introduced an amendment to replace “encourage collective bargaining at all levels as a means of preventing” with “encourage social partners to include in collective bargaining agreements provisions aimed at preventing”. The text would then read: “encourage social partners to include in collective bargaining agreements provisions aimed at preventing and addressing violence and harassment in the world of work and dealing with the effects of domestic violence on the world of work; and”. The amendment was not intended to impinge on collective bargaining, but rather to clarify the role and responsibilities of member States in line with the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).
- 1257.** The Employer Vice-Chairperson noted that collective agreements would not prevent violence and harassment in the world of work, and that member States should not necessarily be encouraging social partners beyond the promotion of collective bargaining. She introduced a subamendment to replace the clause with “promote the role of collective bargaining in addressing violence and harassment in the world of work and dealing with the effects of domestic violence on the world of work; and”.
- 1258.** The Worker Vice-Chairperson believed the intention of the clause was to create an environment for collective bargaining to help prevent violence and harassment. That could be accomplished through collective bargaining at all levels, and should thus be encouraged, in line with Convention No. 98. The Workers’ group did not support either the subamendment or the amendment.
- 1259.** The Government members of Argentina, Canada and Uganda, on behalf of the Africa group, did not support either the subamendment or the amendment. Governments could encourage collective bargaining, but not the content of resulting agreements.
- 1260.** The Employer Vice-Chairperson withdrew the subamendment.
- 1261.** The Government member of Israel withdrew the amendment.
- 1262.** The Employer Vice-Chairperson withdrew an amendment to replace “encourage” with “promote the role of”.
- 1263.** The Employer Vice-Chairperson introduced an amendment to replace “at all levels” with “, where appropriate,”. Not all workplaces used collective bargaining; it was one, but not the only, means of addressing violence and harassment.
- 1264.** The Worker Vice-Chairperson did not support the amendment.
- 1265.** The Government members of Argentina, France, on behalf of the EU and its Member States, and Uganda, on behalf of the Africa group, did not support the amendment. There were different levels at which collective bargaining could take place, such as the enterprise or sectoral levels.

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- 1266.** The Employer Vice-Chairperson recalled that legal frameworks varied, and that collective bargaining did not always happen at all levels.
- 1267.** The amendment was not adopted.
- 1268.** The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to replace “all” with “different”, such that the text of clause (a) would read “encourage collective bargaining at different levels ...”.
- 1269.** The Employer Vice-Chairperson supported the amendment, referring to her previous comments on the matter.
- 1270.** The Worker Vice-Chairperson did not support the amendment, as her group could not accept the implication that governments could encourage only one form of collective bargaining over others.
- 1271.** The Government member of Uganda, speaking on behalf of the Africa group, aligned himself with the Workers’ group, and, together with the Government member of Argentina, did not support the amendment.
- 1272.** The Government members of Australia and the United States supported the amendment.
- 1273.** The Government member of France, on behalf of the EU and its Member States, withdrew the amendment.
- 1274.** The Government member of Switzerland, speaking also on behalf of the Government member of Israel, introduced an amendment to insert “and other forms of workers’ participation, as appropriate,” after “collective bargaining”. The proposal aimed to broaden the scope of actors with whom consultations could take place, to ensure a voice for workers who might not be tied to a formal bargaining process.
- 1275.** The Worker Vice-Chairperson did not support the amendment.
- 1276.** The Employer Vice-Chairperson supported the amendment in so far as it mitigated the broad scope of the wording “at all levels”.
- 1277.** The Government members of Argentina, Egypt and Uganda, on behalf of the Africa group, did not support the amendment.
- 1278.** The amendment was not adopted.
- 1279.** The Employer Vice-Chairperson said that she had received feedback suggesting that the motives behind the Employers’ group’s stand in supporting the principle that all persons should be protected from violence and harassment, including LGBTI persons, were being questioned. She stressed that the Employers’ group had grave concerns with the adopted text so far, as it was formulated on the basis of exclusion of certain groups from protection. She also expressed disappointment that essential amendments were being withdrawn without sufficient discussion and noted that collective bargaining issues – such as “bargaining at all levels” – had led to lack of support for certain international labour standards in the past, such as the Human Resources Development Recommendation, 2004 (No. 195). The inclusion of that text would seek to have governments encouraging all levels of collective bargaining regarding the prevention of violence and harassment, and it would be highly problematic for the Employers’ group. The phrase “bargaining at all levels” introduced unnecessary uncertainty, as different practices existed that applied at each national level. She also expressed concerns around the lack of debate and lack of exchange of meaningful dialogue

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in issues of significant importance to employers. She stated that, as the text stood now, it was not sufficient to be considered as a starting point for the Committee's second round of discussions in 2019. In addition, the Employers' group questioned whether tripartism was working effectively in the Committee, as it seemed that the diversity of views were not being heard; rather, the loudest voices were being taken into account. Finally, she stressed that the Employers' group had come with an open mind to address very human and pressing concerns, and urged the Committee to make a genuine effort to find ways to deliver an instrument or instruments that could be widely supported and make a real difference.

- 1280.** The Worker Vice-Chairperson reiterated her position that violence and harassment was despicable and LGBTI persons were particularly affected by it. Her group was committed to including LGBTI workers but recognized that would pose a challenge for some member States. In order to achieve a highly ratified Convention, supplemented by a Recommendation, all parties to the discussion must be heard.
- 1281.** The Chairperson reiterated that the ILO had the opportunity to show the world its constituents had the tools to address violence and harassment. Although there might be different understandings on how best to proceed, there was consensus that the issue needed to be tackled. He hoped that the polarization seen on other issues could be avoided. Although discussions were moving slowly, the Committee could move forward, in a spirit of cooperation and mutual understanding.
- 1282.** The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to replace the words "and dealing with the effects of domestic violence on the world of work" with "and supporting workers who are victims of domestic violence". Then he proposed a subamendment to read "and take measures to address the effects of domestic violence", in order to align the wording of the clause with the text of point 13(e).
- 1283.** The Government member of Uganda, speaking on behalf of the Africa group, did not support the amendment.
- 1284.** The Worker Vice-Chairperson said that the amendment, as subamended, changed the meaning substantially. She said that point 31 also referred back to point 13(e).
- 1285.** The Government member of France, speaking on behalf of the EU and its Member States, withdrew the amendment.
- 1286.** Point 19(a) was adopted without amendment.

Point 19(b)

- 1287.** The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to replace in clause 19(b) the word "facilitate" with "encourage". He explained that the proposed change would better reflect the realities in countries where governments might not be in the position to facilitate collective bargaining.
- 1288.** The Worker Vice-Chairperson stated that the idea of the clause was to create a conducive environment for collective bargaining without interference by the government. She did not support the amendment.
- 1289.** The Employer Vice-Chairperson supported the amendment. The Government member of Australia concurred.
- 1290.** The Government member of Argentina did not support the amendment.

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- 1291.** The Government member of Israel requested clarification from the secretariat as to whether the term “facilitate” would entail over-intervention by governments in the affairs of the social partners.
- 1292.** The deputy representative of the Secretary-General explained that the term “facilitate” in the context of the text entailed providing information, such as those related to good practices, to facilitate collective bargaining.
- 1293.** The Employer Vice-Chairperson proposed a subamendment to replace “encourage” with “support”.
- 1294.** The Worker Vice-Chairperson and the Government members of Israel and Argentina supported the subamendment.
- 1295.** The amendment was adopted as subamended.
- 1296.** The Employer Vice-Chairperson withdrew an amendment which sought to insert “, when necessary,” after “bargaining”.
- 1297.** The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to replace “through” with “on the basis of” to ensure that the individual situations of different member States were respected.
- 1298.** The Employer Vice-Chairperson considered the amendment a matter of semantics.
- 1299.** The Worker Vice-Chairperson, supported by the Government member of the United States, did not support the amendment. The original text sought active support from governments in sharing trends and good practices on negotiations and collective bargaining.
- 1300.** The Government member of France, speaking on behalf of the EU and its Member States, withdrew the amendment.
- 1301.** The Employer Vice-Chairperson introduced an amendment to delete the end of the clause after “information”, as it was overly prescriptive.
- 1302.** The Worker Vice-Chairperson did not support the amendment and underscored that the role of a Recommendation was to provide guidance, including through good practices.
- 1303.** The Government members of Argentina and Canada did not support the amendment.
- 1304.** The amendment was not adopted.
- 1305.** Point 19(b) was adopted as amended.
- 1306.** Point 19 was adopted as amended.

## ***Point 20***

- 1307.** The Employer Vice-Chairperson introduced an amendment to delete point 20, observing it could create extraterritorial issues for member States.
- 1308.** The Worker Vice-Chairperson and the Government member of France, speaking on behalf of the EU and its Member States, stressed the importance of having a provision on migrant workers, and, thus, did not support the amendment.

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- 1309.** The Government members of Argentina and Mexico did not support the amendment.
- 1310.** The Employer Vice-Chairperson withdrew the amendment.
- 1311.** The Worker Vice-Chairperson introduced an amendment to insert “regardless of migrant status” after “protect migrant workers”.
- 1312.** The Employer Vice-Chairperson emphasized that, indeed, everybody should be protected.
- 1313.** The Government members of Argentina, Brazil, Kuwait, France, on behalf of the EU and its Member States, and Uganda, on behalf of the Africa group, supported the amendment.
- 1314.** The Government member of Mexico supported the amendment and recalled discussions from the ILO’s Committee for Labour Migration and the forthcoming Global Compact for Safe, Orderly and Regular Migration.
- 1315.** The Government member of the United States noted that migrant workers should be protected, for example by occupational safety and health provisions. However, she wondered what the implications were of the broad view of violence and harassment in point 20, together with the definition of “worker” in Part B, which also covered jobseekers. Would employers have to hire migrants who did not have work authorization? There was also the issue of extraterritoriality in the context of origin, destination and transit countries. She did not support the amendment.
- 1316.** The Government member of Cuba explained that the rationale behind the instrument was to protect workers from violence and harassment. Migrant workers must be protected.
- 1317.** The Government member of the Dominican Republic was concerned that the scope of the amendment went beyond the workplace. She could, however, support the amendment.
- 1318.** The Government member of Egypt asked whether that amendment was in fact recommending that member States should protect illegal migrants.
- 1319.** The Employer and Worker Vice-Chairpersons said that point 20 would ensure protection for all migrant workers, regardless of migrant status.
- 1320.** The Government member of Argentina underscored the importance of the point, which related to protections against exploitation and forced labour, to which migrant workers were particularly vulnerable.
- 1321.** The amendment was adopted.
- 1322.** The Government member of Australia, speaking also on behalf of the Government members of Canada, Israel, Norway, New Zealand and Switzerland, introduced an amendment to replace “, in origin, destination and transit countries, against violence and harassment” with “from violence and harassment in the world of work.” in point 20. The amendment addressed the issue of extraterritoriality, and linked protection to violence and harassment in the world of work.
- 1323.** The Employer Vice-Chairperson supported the amendment.
- 1324.** The Worker Vice-Chairperson said that point 20 provided useful guidance for member States that were origin, destination and transit countries.

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- 1325.** The Government member of Kuwait, supported by the Government members of Argentina and Brazil, did not support the amendment. Employment might begin in a country of origin, and later move to a country of destination.
- 1326.** The Government member of Israel explained that the purpose of the amendment was to remove any ambiguity from point 20. The original text might imply that a member State destination country would have to provide protections to migrant workers in the origin and transit countries.
- 1327.** The Government member of Cuba, seconded by the Government member of Brazil, proposed a subamendment to insert “as appropriate” after “origin, destination and transit countries”.
- 1328.** The Government members of France, speaking on behalf of the EU and its Member States, and the Dominican Republic supported the subamendment.
- 1329.** The subamendment was adopted.
- 1330.** Point 20 was adopted as amended.

### **Point 21**

- 1331.** The Government member of the United States, supported by the Government member of Norway, introduced an amendment to insert “as appropriate” after “ensure that”, since some member States had not yet ratified the instruments listed.
- 1332.** The Worker Vice-Chairperson did not support the amendment, which would remove reference to fundamental Conventions. She clarified that, according to the ILO Declaration on Fundamental Principles and Rights at Work, member States were committed to respect and promote the principles and rights in the fundamental Conventions, regardless of whether they had ratified them or not.
- 1333.** The Employer Vice-Chairperson considered that listing instruments could create barriers to ratification. She supported the amendment.
- 1334.** The Government member of Kuwait reiterated that the fundamental Conventions listed should be taken into consideration, even if they had not been ratified.
- 1335.** The Government member of the United States withdrew the amendment.
- 1336.** The Government member of the United States, speaking also on behalf of the Government members of Australia, Norway and Switzerland, introduced an amendment to insert “in employment” after “non-discrimination”.
- 1337.** The Employer Vice-Chairperson supported the amendment.
- 1338.** The Worker Vice-Chairperson did not support the amendment, because “employment” did not cover all the appropriate Conventions, such as the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which included occupation, in addition to employment.
- 1339.** The Government member of Uganda, speaking on behalf of the Africa group, did not support the amendment.

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1340. The amendment was not adopted.
1341. The Government member of France, speaking on behalf of the EU and its Member States, introduced an amendment to add “and other relevant instruments” at the end of the point.
1342. The Government members of Argentina, Brazil, Canada and Kuwait supported the amendment.
1343. The amendment was adopted.
1344. Point 21 was adopted as amended.

## **Prevention measures**

1345. The title “Prevention measures” was adopted without amendment.

## ***Point 22***

1346. The Government member of Australia introduced an amendment to replace “the” with “relevant” so that the text read “... regulations and policies should take into account relevant occupational safety and health instruments of the International Labour Organization,” so the document would be future-oriented.
1347. The Employer Vice-Chairperson supported the amendment.
1348. The Worker Vice-Chairperson did not support the amendment, noting that the Recommendation provided guidance, and all occupational safety and health instruments were relevant to violence and harassment at work.
1349. The amendment was adopted.
1350. The Government member of Uganda, speaking on behalf of the Africa group, introduced an amendment to delete the remainder of point 22 following “International Labour Organization”. The list of instruments was long and incomplete and created an unnecessary hierarchy.
1351. The Employer Vice-Chairperson supported the amendment, which was identical in substance to the amendment of the Employers’ group. Listing instruments, many of which had not been widely ratified, could be divisive and created obstacles.
1352. The Worker Vice-Chairperson did not support the amendments. The reference to other instruments provided useful guidance.
1353. The Government member of the United States supported the proposal. The list of instruments distracted from the main issue and might become redundant over time.
1354. The amendments were adopted, and a related amendment fell.
1355. Point 22 was adopted as amended.

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## **Point 23**

### Chapeau

- 1356.** The Employer Vice-Chairperson introduced an amendment that would replace the entire chapeau with: “Members should encourage employers to consult, where appropriate and consistent with existing national laws, with workers and their representatives on violence and harassment policies referred to in point 12(b), and such policies, where possible, should:”. Small and family-run businesses might not be able to fulfil that consultation requirement.
- 1357.** The Worker Vice-Chairperson noted that flexible language was appropriate in Recommendations, because they provided guidance. Workers should be involved in the design, implementation and monitoring of an employer’s policy on violence and harassment. She did not support the amendment.
- 1358.** The Government member of Australia noted an obligation for governments to require that workers took part in consultation processes. However, as the definition of “workers” was extremely broad, it would be difficult to consult with some within that category, such as jobseekers.
- 1359.** The Government members of Canada, France, on behalf of the EU and its Member States, and Uganda, on behalf of the Africa group, did not support the amendment.
- 1360.** Following a question from the Government member of Israel, the Worker Vice-Chairperson asked the secretariat to clarify whether the text suggested consultation with jobseekers.
- 1361.** The deputy representative of the Secretary-General stated that point 12, which had been discussed at length and had been adopted the previous day, covered occupational safety and health management systems at workplaces, including policies and risk-mapping, which would apply to persons who were actually working.
- 1362.** The Employer Vice-Chairperson referred to point 12(b), which required particular steps, and point 16, which considered the provisions in the Recommendation in conjunction with those of the Convention. As such, she maintained that the broad definitions and scope that the Committee had agreed on were problematic throughout the text.
- 1363.** The Government member of Uganda, on behalf of the Africa group, proposed a subamendment which after “Members should” would insert: “as appropriate, specify that workers and their representatives should take part in the design, implementation and monitoring of the policy adopted by the employer on violence and harassment, referred to in point 12(b), and such policy.”.
- 1364.** The Government members of the United States and Israel asked for clarification on the use of “specify”.
- 1365.** The deputy representative of the Secretary-General stated that “specify” had been used in the sense of “indicate” or “spell out”. It was not specifying how or when such consultations should take place.
- 1366.** The Government member of the United States remained concerned that future readers of the Convention would read it without the benefit of having heard the Committee’s discussions. Thus, it was important to be clear which persons were, or were not, covered.

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- 1367.** The Employer Vice-Chairperson said it was important to take into account a wide range of employers, including family-owned businesses, who would need to understand the practical application of the text. She preferred the amendment, as the subamendment complicated the matter.
- 1368.** The Worker Vice-Chairperson preferred the original text, as it would be appropriate to use “should take part” and not “encourage”.
- 1369.** The Government member of Australia preferred the subamendment, as did the Government member of France on behalf of the EU and its Member States.
- 1370.** The amendment was adopted as subamended, and a number of amendments fell.
- 1371.** The chapeau of point 23 was adopted as amended.

Point 23(a)

- 1372.** The Government member of the United States introduced an amendment which, for the sake of consistency, would delete “no form of” and, after “will”, insert “not”. It was seconded by the Government members of Argentina and India.
- 1373.** The Worker Vice-Chairperson, the Employer Vice-Chairperson and the Government member of France, on behalf of the EU and its Member States, supported the amendment.
- 1374.** The amendment was adopted.
- 1375.** Point 23(a) was adopted as amended.

Point 23(b)

- 1376.** The Employer Vice-Chairperson introduced an amendment which would replace the text of point 23(b) with: “include measures to prevent violence and harassment”. The reference to programmes and measurable objectives was too onerous for small businesses.
- 1377.** The Worker Vice-Chairperson did not support the proposal, as it removed the reference to prevention programmes.
- 1378.** The Government members of Canada, France on behalf of the EU and its Member States, and Brazil preferred the original text, although the latter requested that the secretariat provide examples of “measurable objectives”.
- 1379.** The deputy representative of the Secretary-General explained these were targets set on the basis of identified problems, such as reducing cases of psychological stress. In determining concrete improvements, it was a valid point to take into account the size and nature of the business.
- 1380.** The Government member of Israel echoed the sentiments of the Government member of Brazil regarding the endorsement of prevention programmes, but noted these might not always include measurable objectives. He proposed a subamendment to introduce “where appropriate” before “measurable objectives”, which was seconded by the Government member of Brazil.
- 1381.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the subamendment.

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**1382.** The amendment was adopted as subamended.

**1383.** Point 23(b) was adopted as amended.

Point 23(c)

**1384.** Point 23(c) was adopted without amendment.

New clause after point 23(c)

**1385.** The Government member of Switzerland, supported by the Government member of the United States, introduced an amendment to insert a new clause after clause (c) of point 23 to read “promote organizational measures that reduce tensions and conflicts in the workplace”. The amendment was supporting primary prevention programmes that would tackle the problems at source, to remove triggers of violence and harassment.

**1386.** The Employer Vice-Chairperson did not support the amendment as more prescription would make it difficult for small businesses to implement such policies.

**1387.** The Government member of France, speaking on behalf of the EU and its Member States, did not agree with the introduction of two new concepts – “tension” and “conflict” – at that point in the text. He introduced a subamendment to replace “tension and conflicts in the workplace” with “the risks of violence and harassment in the world of work”.

**1388.** The Worker Vice-Chairperson and the Government members of Canada, and Uganda on behalf of the Africa group, did not support the amendment.

**1389.** The amendment was not adopted.

Point 23(d)

**1390.** The Employer Vice-Chairperson introduced an amendment to delete clause (d) of point 23. The broad definition of “worker” adopted by the text meant that it was difficult to identify who should be consulted, informed or trained. Furthermore, workers’ representatives might not be present in small businesses and the reference to “relevant modalities” was unclear.

**1391.** The Worker Vice-Chairperson expressed support for the original text and believed it was important for workers and their representatives to be consulted. Two Conventions, the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), contained provisions on consultation with workers regardless of the size of enterprise.

**1392.** The Government member of Australia agreed with the amendment put forward by the Employers’ group but did not see the added value of clause (d) given that the chapeau of point 23 already stated workers and their representatives should take part in the design, implementation and monitoring of these policies.

**1393.** The Government member of Israel asked for clarification from the secretariat on the intent of clause (d).

**1394.** The deputy representative of the Secretary-General stated the intention had been to emphasize the way in which workers and their representatives could be consulted, informed and trained, such as through posters, newsletters and emails. Especially when workers were not conversant in the workplace language, all intended parties should be reached.

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**1395.** The Government member of Israel suggested that clause (d) did not fulfil the Office’s intent and, therefore, supported the amendment.

**1396.** The amendment was adopted. A subsequent amendment fell.

**1397.** Point 23(d) was deleted.

### **Points 23(e) to 26**

**1398.** The Government member of France, speaking on behalf of the EU and its Member States, moved a motion in accordance with article 63 of the Standing Orders of the Conference to postpone discussion of amendments to points 23(e) to 25 and proceed with consideration of point 26. During the discussion on point 10, a list of vulnerable groups had been deleted from the text, on the understanding that the discussion on vulnerable groups would be reopened as a subamendment under point 26 of the proposed Conclusions with a view to a Recommendation.

**1399.** The Government member of Uganda, speaking on behalf of the Africa group, saw no reason to depart from the established procedure of advancing clause by clause. It was evident that the goal was to bring about a discussion on LGBTI, but that was not an issue where consensus could be reached, which was why the term “vulnerable groups” had been adopted: to accommodate the different national realities. Furthermore, Africa could not be party to any instrument where sexual orientation or LGBTI was mentioned. While the Africa group had accepted the inclusion of the reference “sexual orientation” in Recommendations Nos 200 and 205, its position was no longer the same. If the Committee wished to continue along that path, the Africa group could take no further part in the discussions. The Committee appeared to disrespect African culture and heritage.

**1400.** The Employer Vice-Chairperson opposed any exclusion of LGBTI persons and recalled the difficult compromise reached on point 10; she supported the motion.

**1401.** The Government member of New Zealand also supported the motion.

**1402.** The Government member of the Islamic Republic of Iran reminded the Committee that the ultimate goal, which was shared by all, was to stop violence and harassment in the world of work. Members of the Committee would be advised not to reopen the debate on vulnerable groups. Nobody had been excluded from the provisions of the instrument. The Africa group should not be put in a difficult position. He opposed the motion.

**1403.** The Government member of Brazil observed that different countries had different positions and difficulties to overcome. Brazil was proud of its LGBTI community and supported its right to protection against violence and harassment. She urged members of the Committee not to deny the opportunity to debate the issue and find language that would accommodate everybody’s concerns. It would be important to discuss the special vulnerabilities of all people appearing on the list. She therefore supported the motion put forward by the Government member of France on behalf of the EU and its Member States.

**1404.** The Government member of Israel rejected the suggestion that the Committee did not respect some cultures. It had been possible to talk about other issues and to highlight other groups of people. He supported the motion.

**1405.** The Government member of Canada regretted the departure of the Africa group from the discussion. In light of the compromise reached on point 10, she supported the motion. The Government members of Australia, Iceland, Norway and Switzerland concurred.

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- 1406.** The Worker Vice-Chairperson did not believe that the decision taken to amend point 10 had been intended to exclude the listed people. Many members of the Committee had made impassioned statements about vulnerable groups, including the Africa group. The list included not only LGBTI workers, but also indigenous peoples, workers with disabilities, caste-affected workers and members of ethnic groups, among others. Everyone was trying to find a way forward, through difficult and at times emotional discussions, in order to reach the objective of developing a ratifiable Convention. Homosexuality had been illegal in her former country at one time, but the law had changed. The purpose of the debate was to have an exchange of views with others, to give each other the space to reflect and to keep open the possibility that opinions could change. For many years, some countries had imposed their laws, rules and beliefs on other countries. It was time to stop and consider what others were feeling. Everyone was pursuing the same objective, but it was vital to do it together. Countries that found certain ideas difficult to accept should not be spurned, but engaged. She requested the Chairperson to indicate what would be possible, procedurally, to close the Committee’s discussion on that matter and keep the dialogue with all members open.
- 1407.** The Government member of Saudi Arabia, speaking on behalf of the Gulf Cooperation Council, stated that she was against restarting the discussion and opposed the motion.
- 1408.** The Chairperson expressed his regrets about the departure of the Africa group. It was unfortunate that the Committee could not agree on how to protect vulnerable groups – and much less on who those groups were. After conducting an indicative show of hands, he saw large support in the Committee for the motion of the EU and its Member States.
- 1409.** The motion to move the discussion to point 26 was adopted.
- 1410.** An amendment was introduced to replace the text of point 26, starting from “or the other groups” until the end of the point, with “and other vulnerable groups”.
- 1411.** The Government member of New Zealand proposed a subamendment, seconded by the Government members of Canada, and France on behalf of the EU and its Member States, to insert, after “and other vulnerable groups”, the list of vulnerable groups originally included in the clauses under point 10 of the proposed Conclusions with a view to a Convention: “including: (a) younger and older workers; (b) pregnant and breastfeeding workers, and workers with family responsibilities; (c) workers with disabilities; (d) workers living with HIV; (e) migrant workers; (f) workers from indigenous and tribal peoples; (g) workers who are members of ethnic or religious minorities; (h) caste-affected workers; and (i) lesbian, gay, bisexual, transgender, intersex and gender-nonconforming workers.”.
- 1412.** The Government member of France, speaking on behalf of the EU and its Member States, specified that the objective of the subamendment was to integrate the list of vulnerable groups into the Recommendation, as had been agreed as part of the negotiations around point 10. Their intention had never been to exclude anyone from the dialogue. As such, and since the Committee seemed unwilling to continue the discussions, he moved a motion for closure and requested that the amendment with the subamendment be included in point 26 and placed, together with the text from point 23(e) to point 37, in square brackets.
- 1413.** In the absence of any objection among the Committee members, the Chairperson stated that there was consensus in the room to include the text of the amendment with the subamendment in point 26 and that the motion for closure was carried.
- 1414.** The Chairperson proposed that, with a view to preparing the proposed instruments for examination at the next session of the Conference, the Committee could defer the discussion on the points that had not been discussed and include them in the proposed Conclusions in square brackets. Bracketing text, either for lack of time or for other reasons, was not

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unprecedented. The brackets would simply indicate that the text had not been discussed and had thus been neither rejected nor agreed due to lack of time. The bracketed text would be reproduced in the proposed Recommendation which would be prepared and communicated, together with the proposed Convention, to the governments for comments within two months after the closing of the current session of the Conference. As a consequence, all the related amendments would fall, but they would be taken into account in the preparation of the final report containing the proposed texts of the proposed instruments to be communicated to the governments not later than three months before the opening of the 2019 session of the Conference. The information would also be included in the next report on the matter, to be communicated to the governments two months after the closure of the current session of the Conference.

**1415.** The Committee placed the points from 23(e) to point 37 in square brackets.

**1416.** The Committee adopted the entire proposed Conclusions as amended, subject to the above understanding and any modifications by the Committee Drafting Committee.

## **Resolution**

**1417.** The Committee adopted the draft resolution to place an item entitled “Violence and harassment in the world of work” on the agenda of the next ordinary session for the second discussion with a view to the adoption of a Convention supplemented by a Recommendation.

## **Concluding statements**

**1418.** In their closing statements, all speakers expressed particular gratitude to the Chairperson for his leadership and patience, and to the secretariat for their guidance and support throughout the discussions. They also thanked the Worker Vice-Chairperson, the Employer Vice-Chairperson and Government members for their willingness to engage in constructive dialogue, as well as the members of the Committee Drafting Committee for their tireless efforts.

**1419.** The Government member of Israel acknowledged the complexity of the issues discussed and the real need to discuss certain points of contention at length. He expressed hope that the Committee in its entirety would come together the following year to continue engaging in open discussions. Violence and harassment in the world of work was a serious issue that his Government remained committed to addressing at a global level through a Convention and Recommendation. The instruments should be ambitious, flexible, practical and effective. The broad definition adopted by the Committee meant that a wide range of tools would need to be used to implement its provisions. It would be important to protect other rights, such as the right to privacy. The proposed Conclusions contained many positive elements, but more work was needed to reach a balanced instrument that was acceptable to all.

**1420.** The Government member of Bulgaria, speaking on behalf of the EU and its Member States, said that the following countries aligned themselves with the statement: Albania, Iceland and Norway. She expressed the desire to build constructively on the principles discussed in order to address the important topic of violence and harassment in the world of work. The issue represented a gap in international law, which needed to be addressed through a good Convention supplemented by a Recommendation that was widely supported by the tripartite constituents. The text as adopted provided a sound basis on which to build further discussions, as it included a strong gender perspective, a focus on prevention and protection, measures to provide support to victims, and a recognition of the effects of gender-based violence and domestic violence in the world of work. The definitions of “violence and

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harassment” and “worker” needed further attention. A more focused scope could increase the level of protections afforded and facilitate the ratification of the proposed Convention. The instruments should protect all persons in the world of work, especially those who were most vulnerable, including LGBTIQ persons. It was a matter of human rights. She noted the Committee members’ shared responsibility to stay in dialogue, and expressed commitment to that end.

- 1421.** The Government member of New Zealand said that violence and harassment was a topic of high relevance and could stir up emotions, as it could affect all persons in the world of work, including employers and workers. The Committee’s aim was to set an international labour standard that would be general enough to be adopted by many member States, and thus needed broad definitions, including for the “world of work”. The Convention would confer rights and thus required a certain degree of prescription, but it should also be aspirational; only then would it be relevant and bring protection to those in need.
- 1422.** The Government member of Canada stated that her Government supported a Convention, supplemented by a Recommendation. She appreciated that the Committee had adopted a definition of “violence and harassment” that recognized a range of behaviours and practices. Discrimination against diverse groups was an important issue to take into account when discussing violence and harassment. The Committee’s responsibility was to aim high, which required a broad concept of “world of work”, among other things. The current points relating to the scope and definitions of the instruments were indeed ambitious, whereas the operative sections were balanced and focused. She looked forward to the discussions in 2019, which would prove the strong *raison d’être* of the ILO on its centenary.
- 1423.** The Government member of the United States recalled that the discussions had started on the heels of media spotlights on violence and harassment that often occurred in the shadows. The Committee had made some real progress; it would now be important to analyse carefully the draft text and consider how the provisions related to one another. The draft scope and definitions of the instruments were overly broad, running the risk that governments, employers and workers might find it difficult to understand and implement the provisions. The Government of the United States would consider how the definition and scope might be refined in 2019, and looked forward to continuing to participate in a constructive manner.
- 1424.** The Government member of Australia congratulated all members on the success achieved by the Committee. He reiterated Australia’s commitment to a standard that helped to stamp out violence and harassment at work worldwide, and emphasized the need for any new standard to be widely ratifiable in order to be effective.
- 1425.** The Government member of India expressed her Government’s commitment to making workplaces free from violence and harassment. There were different views on the scope and flexibility of the instrument to accommodate national laws and circumstances. Her Government strongly supported a Convention and Recommendation that would be widely supported, and thus, the scope of the instruments should be restricted. Existing national frameworks for addressing violence and harassment should be taken into account in the discussions.
- 1426.** The Government member of Brazil observed that important progress had been made on several points, and that the Committee was capable of working towards a consensus-based, meaningful and comprehensive Convention, supplemented by a Recommendation. She expressed regret at the absence of the Africa group, and acknowledged the constructive role that group had played, along with other groups and delegations.
- 1427.** The Government member of China stated that the Committee had made substantive progress, although further challenges laid ahead. He strongly supported a Convention, supplemented

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by a Recommendation. With concerted efforts, he believed the Committee could achieve instruments that could effectively address violence and harassment in the world of work.

- 1428.** The Government member of Mexico stated that violence and harassment was an important topic with relevance in all countries. It had many different forms that affected health, institutions, workers and their families. Violence and harassment would have to be addressed holistically, and through tripartite social dialogue. She hoped that the discussion could be continued in a constructive spirit in 2019, with a view to adopting a Convention, supplemented by a Recommendation.
- 1429.** The Employer Vice-Chairperson stated that protection from violence and harassment was essential to be able to work and live together. She expressed her satisfaction about addressing that important issue at a global level, but was concerned about the form of the instrument to be chosen. Recent technical Conventions had low levels of ratification. She expressed her disappointment that the proposed Conclusions were a list of concerns rather than principles that could be used for translation into national laws. The text was too prescriptive and not flexible enough, which would particularly pose a challenge to small and medium-sized companies. Employers were recognized as potential victims of violence in point 5, but they were not protected in the operative provisions. The links between violence and harassment and industrial actions would require clarification in 2019. The conflation of violence and harassment into one single concept was problematic, the adopted definition of “worker” was too broad and the rest of the text entailed a high level of ambiguity with regard to the responsibilities related to their protection. The notion of “world of work” used in the text, which extended employer responsibilities beyond the workplace where targeted measures could yield concrete results, would also need to be addressed. As in some countries, the text of a ratified Convention would become national law, words used in a Convention needed to be very clear so as to be interpreted in a practical way.
- 1430.** The Worker Vice-Chairperson observed that the Committee had undertaken a historic task when it began discussing violence and harassment in the world of work. The Committee had accomplished a first few important steps towards achieving a new standard on that important issue. Disagreements were to be expected, but there was a spirit of fruitful cooperation that would continue in the year ahead. The discussion was also timely, following the emergence of social movements such as #MeToo, #YoTambién, #NiUnaMenos, and many others. Women workers were speaking out, and it was important to adopt a Convention, supplemented by a Recommendation, to address situations such as theirs. The Convention should not be so prescriptive as to be unratifiable, nor so weak and narrow in scope that it failed to protect. Violence and harassment were the antithesis of decent work, and attention must be paid to the most vulnerable. The Committee was breaking new ground by beginning to address the impacts of domestic violence in the world of work. She hoped the instruments would be the product of a visionary ILO that would stand the test of time. She hoped to adopt a standard that left no one behind and that would make the eradication of violence and harassment in the world of work a reality.
- 1431.** The Workers’ group was saddened by the absence of the Africa group. It seemed the Committee had forgotten to apply many of the principles that it had been discussing: the need to focus on impact, not on intentions; to be forward-thinking; to leave no one behind. When views diverged significantly, it was especially important to strive to understand where others were coming from. It was unfortunate that the Committee was unable to ensure compromise, inclusion and leaving no one behind within its work. A Convention, supplemented by a Recommendation, would show the world that the ILO and its Conference were forward-thinking, and had the interests of vulnerable groups in the forefront of their minds. She hoped the Committee members would return for the second discussion with open hearts and minds.

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**1432.** The representative of the Secretary-General recalled the important and ground-breaking nature of the Committee's work, as it was the first time an international labour standard on violence and harassment in the world of work was being negotiated. It was therefore no surprise that the discussions had proved challenging and intense; yet, the discussion also showcased the full power of the ILO's tripartite approach, which was particularly important when discussions were difficult. The Committee members' determination to explain, dialogue and find consensus, as well as their passion and patience, were crucial to ensuring progress. The Committee had managed to adopt proposed Conclusions with a view to a Convention, and had started the discussion on the proposed Conclusions with a view to a Recommendation. Although it had not covered the draft Conclusions in their entirety, it had adopted the proposed Conclusions with a view to a Convention without bracketed text. That was a remarkable result.

**1433.** The Chairperson highlighted that the Committee had a rare opportunity to address an issue that was attracting global attention. It had been a challenging, emotional and rewarding experience. The challenge stemmed from the expectations of the house, the governments and the global community. The discussion touched on personal, rather than abstract, issues that touched everyone. It was also rewarding because much had been accomplished in a short period of time. There was much work ahead, and there would be wins and losses for everyone, as in every negotiation. While the task ahead would be difficult, he was confident that the Committee was capable of achieving a lot through dialogue and hard work, and expressed commitment to continuing that work before and during the second discussion. He hoped future generations would one day see that this was the Committee that had set the standards to eliminate violence and harassment in the world of work.

Geneva, 8 June 2018

*(Signed)* R. Patry  
Chairperson

A. Matheson  
Employer Vice-Chairperson

M. Clarke Walker  
Worker Vice-Chairperson

S. Casado García  
Reporter



## Plenary sitting

### Reports of the Standard-Setting Committee: Violence and Harassment in the World of Work

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Friday, 8 June 2018, 11.30 a.m.

*President: Ms Majali*

## Summary of proceedings

### Submission, discussion and approval of the report of the Standard-Setting Committee: Violence and Harassment in the World of Work

#### The President

We now move on to the submission, discussion and approval of the report of the Standard-Setting Committee on Violence and Harassment in the World of Work, contained in *Provisional Record* No. 8B, which provides a summary of the Committee's proceedings and is available on the Conference website.

I would like to invite the Officers of the Committee – Mr Patry, Chairperson; Ms Matheson, Employer Vice-Chairperson; Ms Clarke Walker, Worker Vice-Chairperson; and Ms Ortíz de Rosas Gómez, on behalf of the Reporter, Ms Casado García, – to take their seats on the podium.

I now call on Ms Ortíz de Rosas Gómez to present the Committee's report. The other Officers will then take the floor.

#### Ms Ortíz De Rosas Gómez

Government (Mexico), speaking on behalf of the Reporter of the Standard-Setting Committee:  
Violence and Harassment in the World of Work  
(*Original Spanish*)

I have the honour of presenting to the Conference the report of the Standard-Setting Committee on Violence and Harassment in the World of Work.

As part of the double-discussion standard-setting process, the Committee held the first discussion on the proposed conclusions with a view to drafting a Convention and Recommendation on this subject. This is the first time that the issue of violence and harassment has been addressed from a standard-setting point of view within the ILO. Next year, when the ILO centenary will be celebrated, there will be a second and final discussion with a view to the possible adoption of these instruments on such a complex, multifaceted and highly topical subject.

The Committee held 17 sittings, beginning on 28 May and concluding on 6 June. Approximately 146 Government members, 185 Employer members and 184 Worker members took part in the Committee's deliberations. In addition, several international organizations and 62 non-governmental organizations took part. The Committee Drafting Committee met on four occasions.

The Committee held substantive discussions, which were at times arduous and emotional. All parties agreed that violence and harassment have no place in a rapidly-evolving world of work undergoing radical change, as is evident in the discussions on the future of work. They also agreed on the need to address the impact of violence and

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harassment on victims, particularly on their physical, mental and sexual health, as well as on their families, the world of work, the productivity of enterprises and society in general.

The tripartite members have set themselves an ambitious goal of establishing the guidelines for providing effective protection to all people in the world of work, be they workers, employers or third parties such as customers or service providers. They have also recognized that it is the responsibility of all – governments, employers, workers and society in general – to adopt the necessary measures to prevent and tackle violence and harassment in the world of work. It is governments which must adopt an appropriate legislative framework, which clearly defines what constitutes unacceptable behaviour, provides for the adoption of preventive mechanisms and establishes appropriate sanctions. For their part, employers and workers should comply with standards and regulations, promoting working environments where the dignity and rights of all are respected. At the same time, it was recognized that the world of work is a good starting point from which to address violence and harassment in society in general. It was also recognized that the impact of domestic violence extends beyond the direct victims and their families, having an effect on work colleagues and the working environment as well.

The ambitious nature of the proposed conclusions called for the parties to show a real willingness to reach consensus on multifaceted concepts. This was not an easy path to tread. Several topics were the subject of intense discussion. The concepts that were most widely debated relate to the definition of what constitutes “violence and harassment”, including gender-based violence and harassment, and the scope of the “world of work”, which extends beyond the workplace. The issue of persons to be protected was also widely debated.

However, the fact that the Committee adopted conclusions on a possible Convention and partial conclusions on a possible Recommendation clearly demonstrates the intention of all parties to achieve a common objective. Owing to lack of time, the Committee was unable to consider all of the amendments submitted by the tripartite constituents. The innovative nature of the instrument and the variety of issues covered would have required more time for reflection and exchanges among all the parties. The Committee therefore decided to bracket the text from point 23(d) to point 37 of the proposed conclusions, with the intention of resuming the discussion in 2019.

All tripartite participants should remain open to dialogue over the coming months, so as to have a better understanding by 2019 of the expectations of all sectors. With this in mind, the parties should continue their discussions and exchanges this year in order to have a clearer picture of the common objective, the concepts, and the rights and responsibilities of the various stakeholders. We should continue to take an ambitious approach to adopting a Convention and a Recommendation that provide practical and realistic responses to violence and harassment in the world of work. It is a unique opportunity that we cannot afford to waste.

I have the honour of submitting for approval to the International Labour Conference the report of the Standard-Setting Committee on Violence and Harassment in the World of Work. The report on the Committee’s deliberations has three sections. The first section contains the opening statements in which the Worker and Employer members, representatives of regional government groups, as well as individual governments, presented their views on the proposed conclusions. Several non-governmental organizations presented their views as well. The second section summarizes the discussion on 222 of the 307 amendments submitted by a large cross-section of delegates, as well as a large number of subamendments. The third section contains the closing statements in which a number of Committee members express the urgent need to continue tripartite dialogue and consensus building in order to achieve the goal of providing all people with protection against violence and harassment in the world of work.

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Lastly, I present to you the proposed conclusions and resolution with a view to including in the agenda of the 2019 session of the International Labour Conference – a significant date because it marks the centenary of the Organization – an item for a second discussion on violence and harassment in the world of work with a view to the adoption of a Convention supplemented by a Recommendation.

**Ms Matheson**

Employer Vice-Chairperson of the Standard-Setting  
Committee: Violence and Harassment in the World  
of Work

Governments, workers and employers have been presented with an important opportunity to work together constructively, united by the common goal of ending workplace violence and harassment. The causes of unacceptable human behaviour are complex and our task is a challenging one, but everyone in the community can play a role in driving the right behaviours and, to the extent possible, ensuring that the way we treat others does not, or is not intended to, cause them harm. We recognize that the subject we are dealing with – violence and harassment – is of great importance to us all, and that our work can make a big difference to the lives of many people around the world. Violence goes to the heart of our very existence as human beings, and protection from it is fundamental to our ability to live and work together, whether in enterprises or in society at large. So we were glad to have this opportunity to do something at the global level, at the ILO, to make a difference.

We have been consistent in our desire to ensure that this discussion, together with the one we will have in 2019, delivers an outcome that can be implemented in national law and practice in as many member States as possible. As we considered the proposed Conclusions, we gave careful consideration to the likely follow-up that member States of the ILO will give to this work. We have no appetite to create another standard that is poorly ratified and does little more than sit on the books. This is because we want the end product of our discussions to make a real difference in addressing and minimizing exposure to violence and harassment through the ILO's mandate. We must be ambitious; however, our ambition must be directed at ratification, binding laws and application, and not merely reflect unrealistic or impractical aspirations.

We are concerned that this discussion has not produced proposed Conclusions that will enable us to properly focus our efforts, and that the text presents a number of barriers to ultimate adoption and practical implementation.

Effective instruments that get wide uptake in binding national regulations tend to focus on principles and objectives rather than on details of application. The proposed Conclusions, as currently drafted, look more like a declaration of concern than a practical, flexible legal text that would provide a framework for legislators to use as a basis for national law. The text is far too broad in scope and far too detailed, including the prescription of responsibilities that do not seem to take into account the circumstances of the diverse range of businesses that would be required to meet them, including small and medium-sized enterprises (SMEs). The structure of our discussions did not require us to vote on the text at this stage, but had there been a vote, we would have found it very difficult to support the text.

Importantly, we are hoping for an instrument that applies to everybody, because protection from violence and harassment is so fundamental to us all. There has been unnecessary, regrettable contention regarding which persons should be named in the text for the purposes of the protections of the future instrument. Widely ratified fundamental Conventions of the ILO have overcome this problem by seeing all persons as human beings who deserve equal treatment, and they are not concerned with categories or definitions. We have consistently cautioned that such lists risk excluding people, and we remain

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disappointed that so much time was dedicated to discussion of whether lesbian, gay, bisexual, transgender and intersex (LGBTI) persons should be expressly included in the text of the proposed Conclusions with a view to a Convention. It is very important to us that we ensure that all people are protected from violence and harassment, including LGBTI persons, and that should be made abundantly clear in the text, particularly in the light of the discussion held in 2018. We consider it necessary to address this matter in 2019.

We are also disappointed that employers are excluded from key protections in the text. While the text recognizes that a broad range of persons can be both victims and perpetrators, its operative provisions are insufficient when it comes to protection for employers. We are disappointed that our efforts to extend essential protections were rejected because of fears that we were interfering with industrial relations activities, despite our clear explanation on the record that we only want to address violence and harassment in the scope of this future instrument. We strongly emphasize that violence and harassment are unacceptable in all contexts, and we are very disappointed that we could not secure clarification to this effect. We note that the Committee on Freedom of Association, the supervisory body, has recognized that protection and immunities with respect to industrial action do not extend to acts of violence, or to the preparation and incitement of violence. We would like to see that point clarified in the text in 2019.

We are also concerned that the text, as currently drafted, does not properly reflect that all persons in the workplace should share responsibility for ensuring that violence and harassment does not happen. Employers should have responsibilities and so should other participants in the workplace. Committing not to engage in violence and harassment is frankly something that should be uncontroversial.

As currently drafted, the key definitions in the proposed Conclusions that are critical to setting the scope and parameters for this discussion and helping us to focus our efforts are, in our respectful view, highly problematic. The definition of the term “violence and harassment” presents major practical problems when considered in the context of the operative provisions. Both violence and harassment are unacceptable and measures must be taken to prevent and address them, but they are different things when it comes to how we deal with them practically. Definitions need to provide clarity as we interpret the boundaries of responsibilities, but the current text does not meet that criterion. Violence and harassment can lead to sanctions. In most countries, sanctions are only applied when the offence is defined with clear boundaries and facts can be objectively established. In most cases of violence, that would not be a problem, but harassment covers such a wide range of behaviours that it needs to be addressed differently, both for sanctions to be applied in accordance with principles of fairness and for bringing such harassment to an end. We should have had separate definitions and we hope we will in 2019.

There are other definitions that make the text difficult to convert into legislation. The definition of the term “worker” is far too broad, and given the combination of ambiguity and prescription with respect to responsibilities in the proposed Conclusions both with a view to a Convention and with a view to a Recommendation, employers might be obliged to extend employment-related responsibilities to people they have never met, for events that never happened and in places they cannot reach, let alone control. The definition of the term “worker” needs to be more precise so that we can better focus our efforts.

We would also like to address the notion of the term “world of work”. We do not want to see violence anywhere or in any context – in our homes, our public spaces or our workplaces. During this discussion, we have emphasized the need to make sure that our efforts are targeted to those areas where we can all make a difference and that is at the workplace, where the responsibilities of employers and workers can be made relatively clear. We also want to ensure that any resulting instrument is relevant to the ILO’s mandate, a point reiterated by a number of governments. The very broad definition of the term “world

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of work” as currently drafted seems beyond the ILO’s mandate: it covers conduct occurring in public spaces, private homes and areas well beyond places where people work.

There also seems to be an underlying assumption in the text that employers who are being asked to take on the responsibilities provided in the text are large, highly sophisticated and very well-resourced. The vast majority of workers, however, work for small enterprises, which cannot possibly implement the highly prescriptive provisions contained in the proposed Conclusions.

We have heard comments to the effect that we should not be too legalistic in discussing this text, but we need to be aware that, in some countries, the text that we are debating would provide the direct basis of national legislation. This means that it is not just the spirit of this discussion that matters; it is also our words on the page, which will become law, that matter, because they will have real impacts for the employers who will be required to meet responsibilities, including SMEs.

We will be taking this text away and consulting with our employers, including SMEs, because as we see it, we are finding it very difficult as their representatives to see how they might be able to meet their obligations, even if they had the capacity to implement the most sophisticated systems in the world, particularly given the exceptionally broad scope. As noted earlier, the proposed Conclusions set out responsibilities for employers, both public and private, with regard to people they have never met, and for events that happen in places they cannot reach or control. We really hope that 2019 will provide a further opportunity to address our concerns.

I would like to close by thanking everybody who participated in the discussion for their contributions, including the Chairperson for his effective stewardship of our Committee during this past week in very challenging circumstances. I also thank the Worker Vice-Chairperson for her constructive contribution to our work and her considered, respectful approach throughout the discussion, and the governments and workers who participated in the discussion, as well as the secretariat for the support it provided. I would also like to extend my sincerest thanks to the employers in our team for their expertise, support, input and enduring commitment to our discussion and to addressing this important issue. Finally, we would like to thank the interpreters for making this whole exercise possible among people from so many countries.

We should now seek to make the best use of the double discussion procedure. We remain highly committed to this issue and stand ready to participate in the next round of discussion and to maximize the opportunity to revisit these issues in 2019. The opportunity is unique because the subject we are addressing is so important to all of us, and because we will be making our final decision at the ILO’s centennial conference – an occasion to celebrate tripartism. We hope that at the end of this process, we will be celebrating the triumph of tripartism, with all of us finding our concerns understood and addressed and supporting an effective role for the ILO and its constituents in dealing with the important issue of violence and harassment.

**Ms Clarke Walker**

Worker Vice-Chairperson of the  
Standard-Setting Committee: Violence  
and Harassment in the World of Work

We would like to thank the Employer Vice-Chairperson and her secretariat and colleagues on the Employers’ team; the Chairperson of the Committee and his team; the Office and the secretariat; and the Workers’ team, including our secretariat, those who served on our bureau, in particular the technical advisers, and the entire Workers’ bench, for their unwavering support during this very important and sometimes difficult discussion.

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In deciding to create a new international standard at this very challenging time in global politics, we took on an audacious task. In the year that led up to this discussion, as hashtags such as “#MeToo”, “#YoTambién” and “#NiUnaMenos” brought to the surface stories that showed the widespread and pernicious nature of harassment and violence in the world of work, our challenge became even more pronounced. We took on this task, together, because we know the cost that harassment and violence extracts from every single one of us, resulting in deep and lasting impacts on the daily lives and on the physical and psychological health and economic security of workers. It can also have considerable impacts on productivity, the health and safety of society at large and the work environment. So not only did we take on a particular challenge in choosing to create a new international instrument, we chose an issue that has likely already impacted everyone in this room, some of us in very deep and personal ways. So it is not surprising that there were strong feelings in the room and that the discussion was difficult. This, I believe, is a good thing.

I am heartened that an overwhelming majority of Governments spoke in favour of a Convention, supplemented by a Recommendation, and that this support was confirmed after agreement was reached on the definitions and scope of the proposed instruments. We were gratified that Governments seemed to want instruments that would be ambitious and forward-thinking and would stand the test of time as our societies and the world of work evolve. At the same time, we have all agreed that we want instruments that governments will be able to ratify and implement. Together, we are striving to achieve a balance between the aspirational and the practical.

We heard a clear commitment to adopt a standard that will make a real difference in the lives of working people the world over. We also heard a commitment to demonstrate the value of tripartism and the relevance and ability of the ILO, through its fundamental mission to promote peace, social justice and democracy, to make a significant and positive impact on a world that today is deeply fragmented in many ways. As difficult and passionate as our discussion was, we are confident that this commitment of governments and social partners will not waver during the second round of this discussion, when we will celebrate the 100th anniversary of this vital institution.

Globally, we are seeing an exponential rise in inequalities and a strong pushback against the progress made in addressing all forms of discrimination. And, of course, we are seeing a rise in violence throughout our societies and communities, whether through the escalation of conflict and war, violence and harassment against particular groups of people, violence and harassment in our homes or violence and harassment in the world of work.

Workers came here with the expectation that we would negotiate a Convention that would signal without ambiguity that violence and harassment are unacceptable and represent the antithesis of decent work and therefore demand serious and urgent action. We wanted such a Convention to help to create a level playing field by setting down the minimum steps required by governments, employers and workers and their organizations to end violence and harassment. And we wanted a Recommendation that would supplement the Convention by providing more detailed and practical guidance on how to translate the principles embedded in the Convention into action. As difficult as much of our discussion was, we have achieved a great deal together.

We have been able to agree on an instrument that will signal without any ambiguity that violence and harassment are unacceptable and the antithesis of decent work, and will moreover provide a path for the protection of all workers in all occupations and sectors of economic activity around the world, including in the private and public sectors, private and public spaces and the formal and informal economies.

Our Committee recognized that violence and harassment are intertwined and represent a range of unacceptable behaviours and practices, and that gender-based violence and

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harassment are particular forms of violence and harassment that require distinct approaches and solutions. We have recognized that particular attention must be paid to those who are most vulnerable, and that certain working situations pose a particularly high risk. We have broken new ground in acknowledging the impact of domestic violence in the world of work and the positive and proactive role that the world of work and its institutions can play.

We have also agreed that there needs to be an integrated and inclusive approach to prevent and address violence and harassment in the world of work, and that we all have a role to play in taking this action. In this way, I believe that we are creating instruments that show the visionary nature of the ILO that will stand the test of time and will be flexible in order to adapt to the challenges of the future world of work. Of course we had disagreements and there is much we still need to discuss and resolve. As we return to our respective countries and the role that we play outside this forum, I encourage everyone to endeavour to listen – really listen and hear – and take the time to really walk in the shoes of others as we deliberate what we need to do in 2019. Let us return to this conversation ready to work together, to find that necessary balance between the aspirational and the practical and ensure an end result that is truly inclusive.

This Committee has achieved a significant amount and I look forward to returning in 2019, when the ILO will be celebrating its 100th anniversary. We will be here to complete our work and to ensure that we have succeeded in meeting the heavy responsibility that this Committee assumed to create a standard that will make a real difference in the lives of all those in the world of work, leaving no one behind, by setting out a vision for the eradication of violence and harassment and laying down a path that all can follow to make that a reality for all.

**Mr Patry**  
Chairperson of the Standard-Setting Committee:  
Violence and Harassment in the World of Work

It has truly been an honour, and indeed a privilege, to chair the Standard-Setting Committee: Violence and Harassment in the World of Work.

Although the issue we have been dealing with is by no means a new one, public attention has turned to this issue only very recently. There is now broad awareness of the pervasiveness and devastating impacts of violence and harassment in the world of work and this issue can no longer be ignored.

This first of two Conference discussions could not be more timely. The world is watching us and expectations are very high. Yet, even before the recent global campaigns, ILO constituents had identified this as a critical issue in the world of work, requiring new international standards. We began this journey with a shared understanding of the fundamental importance of this subject and an understanding that it was incumbent upon us to take steps that would make a real difference in the lives of real people. This was not an intellectual or an abstract exercise. The discussions were impassioned, as I am sure you have heard, and we all knew that we needed to succeed. The world needs solutions to address the issue; the world needs hope.

“Business as usual” is not going to end violence and harassment in the world of work. An inclusive, integrated and gender-responsive approach is needed that tackles the multiple underlying causes and risk factors. The Committee acknowledged that we all have a role to play in ending violence and harassment in the world of work and it also discussed definitions and scope. Some considered that the proposed definitions and scope were too broad to allow for effective and targeted action. Others felt that this broad approach ensured flexibility so that the outcome would be relevant to all national contexts. We discussed how to ensure

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meaningful rights and protection, while recognizing that different countries address violence and harassment in different ways.

The discussions were challenging and constructive and the debate was enriched by the range of approaches and experiences reflected in the room. The commitment of all those involved was evident. When we return to our countries, capitals and communities, when we discuss the outcome with our friends and families, we can tell them with pride what we have achieved in 2018, acknowledging that the road ahead is still a long one. We must continue to consult, debate and listen as we prepare for the second and final discussion in 2019.

We are all acutely aware that our journey is far from over. We have taken significant steps towards making the invisible visible and ensuring that violence and harassment are no longer tolerated in their many manifestations, in the many places they are found in the world of work and given their many adverse impacts on a diversity of people.

On the eve of the ILO's centenary, we have an enormous responsibility to develop a meaningful Convention and Recommendation for a future of work free from violence and harassment, a future of work that we all want to see. We have built a strong foundation for our discussions in 2019 and it will be essential to continue this constructive dialogue as we prepare for those discussions. We are working in uncharted territory and progress will not always be smooth. But with the goal that we all share of ending violence and harassment in the world of work and with our commitment to make a difference, I am confident that we will succeed.

I would like to warmly thank the Vice-Chairpersons, who are both my colleagues and my friends, whose passion, knowledge and wisdom enabled us to reach an important stage in our journey; the members of their Committee, for their passionate commitment to this issue; and, of course, the secretariat, for its diligent work, in particular the representative of the Secretary-General, Ms Greenfield, and the deputy representative of the Secretary-General, Ms Tomei, for their wise counsel and guidance in extremely challenging circumstances.

I recommend the adoption of the report and of the proposed Conclusions of the Standard-Setting Committee: Violence and Harassment in the World of Work.

## **The President**

I would like to thank all the Officers of the Committee for the report that has been submitted and for the work they have done.

The discussion of the report of the Committee is now open.

## **Ms Aleksandrova** Government (Bulgaria)

I speak on behalf of the European Union and its Member States. The candidate country Albania and the European Free Trade Association countries Iceland and Norway, members of the European Economic Area, align themselves with this statement.

Let me start by thanking Ms Ortíz de Rosas Gómez and Mr Patry for the overviews they have provided of the issue of violence and harassment in the world of work and of the report on the work of the Standard-Setting Committee on Violence and Harassment in the World of Work and the proposed Conclusions. We would also like to thank the Chairperson and Vice-Chairpersons of the Committee for leading the discussions, the Office and the secretariat for their support and guidance, and the interpreters for their work. We would also like to reaffirm that having accurate versions of the adopted text in all three official ILO

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languages is essential to facilitate our work; we therefore welcome the work done by the drafting committee. We extend our gratitude to the Workers' and Employers' groups, as well as to the governments, for their active participation and valuable input to the discussions. We express our sincere desire to build upon the positive statements of principle that were expressed in this session, as well as the willingness to listen and to engage respectfully and constructively on the issues. We look forward to continuing our discussions.

As we underlined at the beginning of the Committee's work, we strongly support the ILO in its efforts to address violence and harassment in the world of work. Given the seriousness of this problem and the existing gap in international law, it is both timely and essential that this issue be tackled in a comprehensive and inclusive manner. Our discussions on this standard-setting item have been an important step in this regard. This problem calls for a well-constructed Convention that can enjoy tripartite support and be widely ratified. We welcome the decision of the Standard-Setting Committee to put forward proposals for a Convention supplemented by a Recommendation. We hope that the next step in this standard-setting process will enable all of us to agree on the text of these standards, thereby establishing wide support for their adoption and implementation.

The text as agreed so far provides a good basis for productive work in 2019. During the past two weeks, we have agreed on an approach that promotes key principles, such as a gender-responsive perspective and a focus on prevention and protection. It also provides measures to improve enforcement and to provide appropriate assistance for victims, including legal, social, medical and administrative support. We welcome the fact that gender-based violence and harassment and the effects of domestic violence in the world of work have been addressed in the text. Our discussions on the standard-setting item have produced many important new ideas and initiatives to address the issue of violence and harassment in the world of work, taking into account the responsibility of tripartite constituents. However, there remain some important points in the text that require additional attention and further consideration, and that we would like to revisit and review further during our discussions in 2019, including the definition of violence and harassment in the world of work, which is the core element of the standard. Further consideration should also be given to the definition of the term "worker" and the other definitions in the instrument. Indeed, the scope of the Convention will have an impact on the nature of the obligations contained in its operative parts. A more focused scope could enable an increase in the level of protections afforded and would also facilitate ratification.

We remain fully committed to ensuring that the instrument protects all persons in the world of work against discrimination, leaving no individuals or groups behind, as has already been reiterated this morning. Therefore, we stress the need for further discussions and dialogue in this regard in order to make the invisible visible, as stressed by the Chairperson. We also reaffirm that violence and harassment in the world of work is a human rights issue that must be condemned by all. We encourage the Office to build on the progress achieved during this session of the Conference and ensure that the period between the two standard-setting discussions will be used to conduct further consultation with the tripartite constituents and all relevant stakeholders. We stress our shared responsibility to enable a constructive and consensus-oriented dialogue with all stakeholders. We will make every effort in the Standard-Setting Committee in 2019 to reach a consensus that adequately addresses all forms of violence and harassment in the world of work. The world is watching. As we approach the centenary of the ILO in 2019 and with the ongoing global call for action on this matter, we cannot fail to act.

**Mr Syder**  
Employer (United Kingdom)

I speak on behalf of the Confederation of British Industries (CBI). The CBI and its members have a keen interest in the issues debated this year. From start-ups to established

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multinational companies and medium-sized, family-run or privately-owned firms, the CBI represents businesses of all sizes across every sector and region within the United Kingdom. We speak for 190,000 businesses, employing 7 million people, which is about one third of the private-sector workforce in the United Kingdom.

Businesses in the United Kingdom understand and embrace their duty of care to protect all their workers from violence and harassment in the workplace. We understand the value of diversity and of inclusive workplaces. We positively encourage them and, increasingly, they are seen as a source of competitive advantage.

Unfortunately, it is going to be difficult to explain the current text. We came seeking an instrument that we would be proud to encourage our Government to ratify, but at the halfway point of this standard-setting process we are sadly a very long way from being able to do so.

Among other issues, UK businesses will be concerned by the expansive definition of the term “worker”, the loosely defined slogan “world of work” and the failure to recognize that an employer can only do what is reasonably practicable in the workplace. We anticipate concern and disappointment in equal measure.

We have an opportunity to address these issues in the period leading into the ILO’s centenary year. It will be unacceptable if the instrument that we produce is not widely ratified because it is poorly defined and unclear. Employers must know who to protect, where to protect them and what to protect them from. It will be unacceptable if the text is not clear on how businesses of all sizes can meet their responsibilities in practice. We must show the world that social dialogue and tripartism deliver clear solutions to violence and harassment in the workplace.

Nevertheless, we have not given up hope for an ambitious instrument. Governments, workers and employers all need an instrument that expressly protects the most vulnerable workers.

It became clear during this year’s discussion that the LGBTI community is at particular risk of exclusion, and this simply cannot be allowed to happen.

We hope that all constituents will reflect on the problems raised in this year’s discussion. By working together to address these issues, we can deliver a widely ratifiable and progressive instrument that will make a real difference. That will be the ILO at its very, very best.

**Ms Keyter**  
Worker (South Africa)

Governments need legislative and administrative reforms to address violence and harassment in the world of work. It is the obligation of governments to identify and address matters of violence, harassment and discrimination. Governments must allocate resources and ensure that educational measures are implemented. We must be proactive, establish relevant goals, targets and indicators and ensure that the social and economic needs of the most marginalized communities and workers are being fairly addressed.

As noted in paragraph 54 of the Report of the Director-General, *The Women at Work Initiative: The push for equality*: “Gender-based violence and harassment, both at home and in the workplace, is a major human rights violation and impediment to women’s access to decent work and economic empowerment. Failure to address it effectively undermines the credibility and sustainability of any action in favour of gender equality at work.”

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The Standard-Setting Committee on Violence and Harassment in the World of Work has recognized the right to a world of work free from violence and has also recognized the need for governments to adopt, in consultation with workers and employers, an inclusive, integrated and gender-responsive approach for the elimination of violence and harassment in the world of work.

An inclusive approach will ensure that the realities and the multiple and intersecting forms of discrimination faced by millions of workers everywhere are fairly addressed. It will also require that workers and employers together identify those sectors, occupations and work arrangements in which workers are more exposed to violence. An integrated approach will require governments to undertake a range of measures to help prevent, address and redress violence and harassment in the world of work.

Discrimination based on colour, race, sexual orientation or religion and other forms of discrimination are a violation of human rights. The world of work must be free of violence and harassment and must be a safe environment that preserves every person's human rights.

I am pleased that the Committee has agreed on the importance of addressing violence and harassment in the world of work through an intersectional lens that reflects how multiple personal characteristics and multiple forms of discrimination interact. I am, however, saddened, disappointed and frustrated that the Committee could not find a way to clearly and unambiguously express a consensus that discrimination against anyone, anywhere is unacceptable.

We are on the eve of the ILO's Centenary and the world is watching. The ILO has continuously promoted decent work for all persons in the world of work, and in 2018 the Organization has embarked on a long-overdue journey to develop new standards that recognize the centrality of equality and non-discrimination in the eradication of violence and harassment in the world of work.

If I cut myself, the blood that flows is red, and so is the blood of my brothers and sisters who are being exposed and subjected to violence and harassment on a daily basis. It does not matter whether we are persons living with HIV/AIDS, women, persons living with a disability, indigenous persons, migrant workers or refugees or whether we are gay, lesbian, bisexual, transgender, intersex or gender-nonconforming persons, we are all equal. We must enjoy the same rights, because when we cut our fingers, our blood is red.

I am confident that the positive and significant progress we have made will serve us well for the conclusion of our discussions next year. We must end discrimination, violence and harassment and we must do so now.

**Mr Wandera**  
Government (Uganda)

On behalf of the Africa group, comprising 54 countries, I wish to reiterate that Africa remains committed to the adoption of a Convention supplemented by a Recommendation as a vehicle for ending violence in the world of work.

However, we note that, because of cultural differences, it is difficult to reach a consensus on what constitutes vulnerable groups that are disproportionately affected by violence and harassment in the world of work. The Africa group has therefore been very consistent in its position that the instrument that we adopt should use language that allows member States to expand the scope of vulnerable groups to beyond where there is already international consensus. To this end, the Committee adopted the language of "vulnerable groups", without providing a list, under point 10. This is because you can have an endless

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list. It is not possible to have consensus on an exhaustive list and that is why we insist that there should not be a list.

Notwithstanding the above, we note with great concern that some groups in the Committee have approached this discussion as an opportunity to inject into the international human rights agenda certain ideologies, values and practices that are contrary to the values and norms of a considerable number of African member States.

While we think that consensus can be reached on an international labour standard to bring an end to violence and harassment in the world of work, this can be achieved only if respect is shown for the rights of sovereign member States to develop laws and principles in this critical area that are appropriate to their national circumstances.

We therefore wish to reiterate our earlier position that there should be no list of vulnerable groups; this is because we cannot agree on an exhaustive list. To attempt to do so is to create a hierarchy of vulnerability on which, I repeat, we cannot have consensus.

The Africa group wishes therefore to state that it disassociates itself from the decision to introduce for consideration a list of vulnerable groups under point 26 with the sole intention of listing and specifically including LGBTI workers. Therefore we propose, again, that the language should be general and that terminology for vulnerable groups that accommodates the different national realities should be adapted.

Because of point 26, which provides a list of vulnerable groups, the Africa group wishes to dissociate itself from the proposed Conclusions and would prefer – or rather requests – that that point be expunged from the report.

Other groups have not been shy in saying what they do not want in the text. Africa's right to say what it does not agree with should therefore be respected, especially as it is not stopping any country from giving a broader meaning to the term "vulnerable groups".

With that, the Africa group also wishes to emphasize that if Africa's concerns are not taken into consideration, Africa will have to reconsider its position of supporting a Convention supplemented by a Recommendation on ending violence and harassment against women and men in the world of work.

**Ms Oldfield**  
Worker (New Zealand)

This year we celebrate the 20th anniversary of the Declaration on Fundamental Principles and Rights at Work, which enables full participation in the world of work. But the exercise of those rights and therefore full participation is impossible in the face of violence and harassment. So this Committee had, as we have heard, a very critical task. My remarks will return to the issue of the scope of that task.

The Committee already knew when it started its work that violence and harassment are present in many different ways in the world of work: from the beatings and murders described in the International Trade Union Confederation (ITUC) global rights index launched at this Conference yesterday to the sexual harassment and sexual assault which have come to global attention in recent months.

The Committee heard many further examples: the pregnant nurse punched in the stomach by a patient; the driver of the last bus who was followed and attacked on her walk home from work; the housekeeping staff member subjected to repeated sexual assaults and abuse from hotel guests; and workers bullied and humiliated on social media by co-workers.

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We also heard how the effects of domestic violence can spill over into the world of work, damaging the productivity of the person primarily affected, as well as that of those working around them. We heard, in the most extreme situations, of workers and co-workers attacked and even killed when abusers targeted individuals at or through their work.

These examples were compelling. At times they were harrowing to listen to. The Committee knew that to address the full scope of the issue we needed a comprehensive and inclusive definition of violence and harassment, and we needed to acknowledge that the risks associated with work extend beyond the immediate workplace.

It was vital therefore that violence and harassment be understood as a range of unacceptable behaviours, practices and threats, including gender-based violence and harassment. In the same way, it was critical for us to address the risks posed by the whole work environment; in other words, in the world of work.

This exercise was not about seeking to impose unachievable obligations on employers. On the contrary, it was about turning to employers to tackle violence in the world of work, because in the world of work, employers have control, and it is not possible for workers to keep themselves safe in the world of work when so much of it is outside their control. So we take a more positive view in the Workers' group than our colleagues on the Employers' benches. We do not share their concerns that the text is simultaneously too broad and too detailed.

We thank the experts whose reports prepared us for this task, the Office staff who supported us through the process and of course our highly skilled Chairperson and spokespersons. The work of this Committee was not easy. It was a very difficult two weeks for a whole variety of reasons for many of us who participated, but a good outcome on an issue such as this will never be easily achieved. I, for one, am heading home with my delegation, confident that we have taken the first significant steps towards making the world of work a much safer place.

**Ms Herzog**  
Employer (United States)

I am proud to represent employers from the United States of America.

We remain optimistic that the International Labour Organization and its tripartite constituents can work together to successfully craft an instrument that meaningfully addresses the important issues of workplace violence and workplace harassment.

Neither violence nor harassment have any place in any workplace, and employers are clear that they have responsibilities, as do we all, to protect workers from these unacceptable practices.

The challenge for the ILO – and for all of us – is how to craft an impactful instrument that could help the most people suffering from workplace violence or harassment in most places in the world.

To achieve this goal, the ILO and its tripartite constituents must be both bold and balanced in their drafting – understanding that if we are to be successful, we must both inspire member States to join the global fight to eradicate this problem, and help them by providing clear definitions and guidance so that they can more easily understand the responsibilities of all of the social partners and then take action.

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Disappointingly for all of us, this year's discussion did not produce consensus on fundamental concepts that must be the starting point for any instrument seeking to provide a practical framework that ILO member States can understand and apply around the world.

Instead, overly broad and unclear definitions were gavelled through on key questions like who is a worker, what are the boundaries of a workplace, who should have protection and what behaviours should be mitigated. The implications of pushing through such unclear concepts began to become clear for many in the room when trying to apply those same unclear definitions to actual government, employer and worker responsibilities and protections, especially considering that workplaces range widely in size – from large public and private-sector employers to small and medium-sized enterprises.

When we are talking about workplace violence or workplace harassment, we must be clear so that we can be understood by everyone and so that everyone can be understood.

*(The speaker continues in Spanish.)*

Everyone must be able to understand and feel that they have been understood, including in Spanish and in the other important languages that this institution deals with. We are also clear that we want an inclusive instrument which provides protection for all against violence and harassment in the workplace: protection for workers, protection for employers and, yes, protection also for all the LGBTI community.

*(The speaker continues in English.)*

The opportunity for all of us to get this right begins anew today. United States employers will work together with our Employer colleagues and the ILO social partners with the goal of seeing you all again here next year, to mark the ILO's 100-year anniversary by hopefully adopting a meaningful instrument addressing workplace violence and workplace harassment.

**Ms Familia**

Worker (Dominican Republic)

*(Original Spanish)*

The report put forward by the Committee that worked on these proposals for a Convention supplemented by a Recommendation concerning violence and harassment in the world of work is a mere reflection of the joint effort made by the constituents of the ILO, who have decided on a tripartite basis to confront the scourge of violence and harassment in the world of work so as to strengthen the policies relating to decent work and the application of the fundamental ILO Conventions.

The progress achieved on the definitions and the scope of application of the Convention, as well as various items included in the Recommendation, make it clear that trade unions, employers and governments are counting on social dialogue as a means of resolving the challenges that face us in global production, taking action to guarantee the eradication of all forms of discrimination, violence and harassment in the world of work, and promoting work both now and in the future under the most favourable conditions to ensure greater prospects of equality.

The global trade union movement and the trade unions of the Americas are pleased to note the commitment by the Governments and Employers in this Committee to work jointly with the Workers at the 108th Session of the International Labour Conference in 2019 towards the adoption of a Convention supplemented by a Recommendation on violence and harassment in the world of work. We workers, male and female alike, believe that this will

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make a far-reaching contribution to a society involved in global production, which the ILO will achieve through tripartite dialogue as it reaches its centenary.

We view this standard as a contribution to society because when employers and trade unions work together under the guidance of government policy, they implement programmes that contain educational measures, impose sanctions on the perpetrators and award compensation to the victims of violence and harassment in the world of work, and this will have a clear impact on families and cultures as well as reduce the rates of violence found in households and in the public arena.

ILO experts have said – and this is true – that violence and harassment pose a threat to human dignity, health and well-being, cause company losses in terms of both productivity and reputation, and run counter to decent work. This is why the Workers anticipate that this Convention supplemented by a Recommendation will be one of the major tasks that workers, employers and governments must address if we hope to reach 2030 having achieved success under the Sustainable Development Goals, in terms of decent work and sustainable enterprises, an end to poverty, equality between men and women, health, and other rights.

We appreciate the work of the Committee, particularly that of our spokesperson and the Government and Employer spokespersons.

The Conclusions show us that when we return to our respective countries we need to keep the discussions going between trade unions, governments and employers, because we cannot leave matters pending and then take up the dialogue again in a year's time at the next session of the Conference. No, we must take a collective look at the specific issues which slow down our work at the Conference and deal with them together, because what we are working on is not a standard intended to create difficulties for a particular sector. Rather, the aim must be to collaborate in an endeavour that, once fully conceived, will have an impact on respect for human rights. It will strengthen the principle of decent work and it will impart greater dignity to people's lives in a globalized world which is afflicted by violence and harassment in so many areas, including work.

**Ms Mannie**  
Employer (South Africa)

It has been an honour to be involved in the deliberations on such a crucial and critical topic. I wish to emphasize at the outset that the Employers' group came into this discussion in the true spirit of tripartism. We remain committed to the discussion despite the upheavals and the challenges that we have faced, and will endeavour to continue in the same spirit through to 2019. As has just been said by our Worker colleague, these discussions will continue for the rest of the year and be revived once again next year.

The timing of this topic is appropriate and important, and the whole world is watching us. However, it would be untoward not to note the concerns expressed by many of my Employer colleagues this morning, and I would like to use this opportunity to inject a word of caution as we move forward. Many Government and Employer delegates raised concern around the issue of definitions. We need to work with the text that will come out in a few months' time and review the contents so that we are able to review and revise the definitions to ensure that we have an instrument that is enforceable and ratifiable, in whatever form.

The Employers pointed out that where the text should be prescriptive it is vague, and where it should be more broadly expressed it is too prescriptive, which would certainly be problematic in terms of implementation.

I would also like to raise the issue of the role of public and private employers. We employers are often viewed simply as the private sector, and there seems to be little

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consideration for the fact that, in most countries, it is actually the State – the public sector – that is the largest employer. So, when we look at definitions, when we look at the roles and responsibilities in implementation, we need to ensure that that balance is taken into account.

Several times this morning, concern has been raised about the lack of appreciation or consideration for small, medium and micro-enterprises. On the African continent, the vast majority of businesses actually fall within the micro-enterprise category. A highly prescriptive, inflexible text that fails to offer much support for implementation will create huge barriers to implementation for small, micro- and medium-sized enterprises – this is an unintended consequence that we would not like to see.

In conclusion, I wish to reaffirm that the Employers remain committed to continued engagement on this topic. We reiterate that violence and harassment have no place in any society – however it is defined – workplace, world of work or community. This is a collective action, but this text is relevant to the role of the employer within the prescribed sphere of the workplace. We look forward to 2019, when we trust that we shall be part of the historic conclusion to an appropriate instrument that will meaningfully support the eradication of violence and harassment in the workplace.

**Mr Khawaldeh**  
Government (Jordan)  
(*Original Arabic*)

My delegation thanks all of the members of the Committee for their efforts but would like to express its reservations regarding point 26(i) of the proposed text. Jordan remains bound by its obligations stemming from ratified international Conventions and in accordance with national legislation and public order. We are looking forward to completing the discussion in 2019 in order to achieve the objective of ending violence and harassment in the world of work.

**Mr Cordero**  
Employer (Argentina)  
(*Original Spanish*)

I represent the employers' sector in the Republic of Argentina. I have come from far away, I have been working for many days, and I am feeling as tired as everyone else here. I am aware that, for 99 years now, at least once a year, delegates have been coming to meet here, filling these empty spaces with voices from different parts of the world, all heavy with responsibility. Responsibility, because those voices are not just our own but the voices of the people whom we represent. And those people represent nothing more or less than the whole of humanity, because this house is open to all of humankind. And the empty space within these imposing walls depends on the spirit of those voices to fill it.

Concerning the issue of violence and harassment at work, we are in no doubt that as humans we have no option but to pour all our efforts into creating a solid and strong instrument that will protect the victims of violence and harassment in the workplace. But, in so doing, we need to use our best resources, we need to use the intelligence that enables our power of reasoning, as well as the love in our hearts. And neither my pulse nor my voice falters when I speak of love in this room, because what has happened is that we all came here with our voices but we have been unable to listen to each other. We heard, but did not succeed in listening. The dizziness of daily life, this world where things are bought and thrown away, leaves us no time to think properly about what we are saying.

The concepts of physical and psychological violence are clear. The same goes for sexual harassment, and we also know what bullying and mobbing entail when we hear those terms, there is no other way to understand them. But if we wish to go further, we need to

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explain things to one another, and if we fail to find good definitions, we will have blindfolded the figure of justice at the wrong time. This is in fact what happened: we placed a blindfold over the eyes of justice and failed to agree on definitions. And when someone walking in the corridors asked what was happening, nobody could explain. Nobody knew if we were talking about a problem between workmates, or something that involved specific violence, or if it meant just a slight disagreement between two people, and so nobody knew how to deal with it.

That was how we started, we were proceeding without understanding what we were talking about, because things had not been defined. And although some people thought that things were defined, each person had his or her own understanding, and this is how we proceeded. Along the way we started talking about sanctions and we provided a sword for the figure of justice. Since justice was already blindfolded, we did not know for whom, against whom and in whose interest it was to be applied. We are all involved in the task, we are all in agreement, we cannot blame anybody else if we make mistakes in drafting the document, because it will be our own incompetence that is to blame. We have a duty to humanity and to God, who is watching us.

So we continued working after providing justice with a sword. We were not on the same wavelength, with everyone speaking different languages, but it was not so much the words as what was in our hearts that prevented us being able to draw up this document. We were unable to achieve the result that humanity was expecting from us, and this should lead us to think deeply about who we are as human beings, where we want to go and what kind of world we want to leave for posterity. Because if this definition is not clear, then we are trampling over what our forebears achieved in working for freedom. If we do not know what we have to do or, at the same time, what we must avoid doing, if this is not clear, then it is freedom that is at stake here. This is crippling. All this amounts to the need for a clear definition so that we understand what we are talking about. Otherwise, employment contracts will be crippled, we will lose our humanity, our happiness and our spontaneity, because we will constantly be afraid of what might happen to us if we are accused of something that we do not understand. The very least that we deserve is to know the reasons why we are being punished. I am speaking as an individual human being, not just as someone in a suit. I want to understand, and here work needs to be done, because justice must have the purpose of preventing confusion. Confusion is a breeding ground for tyranny. Under past tyrannies, laws were not observed or were confused. This instrument must be a beacon for humanity. A light is not obscure, it is clear and straightforward. This is what we need to achieve. We are all in agreement that we need an instrument which takes account of everyone, because in this way justice will be equipped with scales. We will have no concerns about saying that everybody, the whole of humanity, is protected, including in labour disputes. We want no more violence anywhere, and this does not deprive workers of any individual or collective rights, nor is there the slightest attempt to do so in any sector.

What we want is to eliminate violence and harassment in the world. So we must first provide the scales of justice to understand what we are talking about, then we must provide the sword of justice to impose sanctions, and lastly we must place the blindfold over the eyes of justice so that justice is dispensed equally to men and women all over the world irrespective of their status.

**Mr Abduljalil**  
Government (Kuwait)  
(*Original Arabic*)

Very briefly, the delegation of my country would like to reiterate the position which it had taken throughout the meetings of the Committee. Human rights cover all workers and the right to decent work must be granted to all workers without singling out categories of

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workers. That is why we associate ourselves with the position taken by the Ugandan representative on behalf of the Africa group.

**Ms Ismail**

Worker (Australia)

I speak on behalf of the Australian trade union movement, which represents approximately 46 affiliated unions and 2 million Australian workers. I would like to thank the Chairperson, who did an extraordinary job and maintained a very cool head in some very difficult circumstances; the Worker Vice-Chairperson, who guided us ably through some stormy waters; and the Employer Vice-Chairperson, a fellow Australian, with whom we did not agree on everything but whose cooperative and respectful engagement with the Workers' group was appreciated. The Australian workers strongly support a Convention supported by a Recommendation to protect all workers from violence and harassment at work.

There are two ways to look at human rights. One is that they do not exist until they are recognized in national law. The other is that they exist by virtue of our humanity. We subscribe to this second view. There are some minimum standards of treatment that we should all enjoy regardless of national circumstances, culture or religion. I would like to finish by sending a message of solidarity from the Australian union movement to lesbian, gay, bisexual, transgender and intersex workers around the world, who are disproportionately affected by violence and harassment and who are still fighting for their basic rights. We stand with you. We look forward to returning in 2019, in a spirit of cooperation, collaboration and compromise, to listen to everyone's views and to finish our work successfully.

**Mr Abu Al-Ragheb**

Employer (Jordan)

*(Original Arabic)*

On behalf of the Jordanian employers' group, we support all the standards that limit violence and harassment at the place of work. We support international standards and we indeed support the reservations by the Government of Jordan as regards the point at issue in the report.

**The President**

As there appear to be no further requests to take the floor, we shall proceed to the adoption of the report of the Committee's proceedings, which appears in paragraphs 1–1435 of the report contained in *Provisional Record* No. 8B.

If there are no objections, may I take it that the Conference adopts the report, bearing in mind that Committee members have until 6 p.m. on Friday, 15 June 2018 to request any corrections to their statements?

*(The report – paragraphs 1–1435 – is approved.)*

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## Resolution and conclusions

### Adoption of the Conclusions concerning violence and harassment in the world of work

#### The President

We shall now proceed to the adoption of the Conclusions concerning violence and harassment in the world of work, which are based on the work of the Standard-Setting Committee and have been published in *Provisional Record* No. 8A.

May I take it that the Conference adopts the Conclusions, Part by Part?

The delegate of Uganda has requested the floor.

#### Mr Wandera Government (Uganda)

On behalf of the Africa group, I wish to affirm that the Africa group disassociates itself from point 26 because the list of vulnerable groups contained therein was included in circumstances that represented, if I may say so, an abuse of procedure.

#### The President

The intervention by the representative of the Africa group has been placed on record.

The delegate of Namibia has also requested the floor.

#### Ms Ya Toivo Government (Namibia)

We would like some clarification. A number of points in Part D have been bracketed, they have not been agreed upon in the Committee. Now what is the import of this body adopting them? Are we adopting the brackets or adopting what?

#### The President

I invite the Legal Adviser of the Conference to take the floor to clarify the question.

#### The Legal Adviser of the Conference

I thank the member of Namibia for the question. All these explanations are to be found in the report of the Committee. During the closing moments of the Committee, the Chairperson explained that, owing to lack of time, part of the Recommendation – points referring to the Recommendation – could not be adopted, and not even discussed, and that the tool used in such cases is bracketing. It was explained that “bracketing” or “bracketed text” is used when text has neither been agreed nor rejected, and that the Committee had unanimously agreed that the bracketed text would be included in the proposed conclusions on the understanding that it would be reproduced for next year’s discussion.

It was also explained that any amendments which had been duly registered and submitted concerning points that had been bracketed would fall, and that their authors would have to submit either the same or other amendments during next year’s discussions.

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The Chairperson added that these explanations will be repeated in the Office report to be sent to the member States in two months' time, so that everyone understands what exactly the bracketing represents.

This method was last used in the 2016 discussion on what later became the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205).

You may recall that, in that case, there was a whole section on refugees which remained bracketed between the first and the second discussions. I hope this clarifies the question.

### **The President**

I would like to thank the Legal Adviser of the Conference and hope that this has satisfied the query by the delegation of Namibia.

If there are no objections, may I take it that the Conference adopts the Conclusions, points 1–37, Part by Part?

*(The Conclusions – points 1–37 – Part by Part, are adopted.)*

If there are no objections, may I take it that the Conference adopts the Conclusions, as a whole?

*(The Conclusions are adopted as a whole.)*

### **Adoption of the resolution to place on the agenda of the next ordinary session of the Conference an item entitled “Violence and harassment in the world of work”**

#### **The President**

We shall now proceed to the adoption of the resolution to place on the agenda of the next ordinary session of the Conference an item entitled “Violence and harassment in the world of work”, as published in *Provisional Record* No. 8A.

If there are no objections, may I take it that the Conference adopts the resolution?

*(The resolution is adopted.)*

I would now like to thank the members of the Committee and the secretariat for their contributions to the drafting of the report, the conclusions and the resolution. A special thanks goes to the team of interpreters and to all translators, operators and linguistic staff who worked into the early hours of the morning on a number of consecutive days. Thank you again to all and congratulations to the members of the Committee.

*(The sitting closed at 1.15 p.m.)*



## **Sixth item on the agenda: A recurrent discussion on the strategic objective of social dialogue and tripartism, under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization, 2008**

### **Reports of the Recurrent Discussion Committee: Social dialogue and tripartism: Resolution and conclusions submitted for adoption by the Conference**

This *Provisional Record* contains the text of the resolution and conclusions submitted by the Recurrent Discussion Committee: Social dialogue and tripartism for adoption by the Conference.

The report of the Committee on its proceedings has been published on the Conference website in *Provisional Record 6B* and is submitted for adoption by the Conference subject to corrections, which committee members will be able to submit until 15 June 2018, 6 p.m.

### **Proposed resolution concerning the second recurrent discussion on social dialogue and tripartism**

The General Conference of the International Labour Organization, meeting at its 107th Session, 2018,

Having undertaken a second recurrent discussion on social dialogue and tripartism, in accordance with the ILO Declaration on Social Justice for a Fair Globalization, 2008 (Social Justice Declaration), to consider how the Organization should respond more effectively to the realities and needs of its Members through coordinated use of all means of action,

1. Adopts the following conclusions, which contain a framework for action on the promotion of the strategic objective of social dialogue and tripartism;
2. Invites the Governing Body of the International Labour Office (the Office) to give due consideration to the conclusions and to guide the Office in giving effect to them; and
3. Requests the Director-General to:

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- (a) Prepare a plan of action to give effect to the conclusions for consideration by the Governing Body;
  - (b) communicate the conclusions to relevant global and regional organizations and to the Global Commission on the Future of Work for their attention;
  - (c) take into account the conclusions when preparing future programme and budget proposals and mobilizing extra-budgetary resources; and
  - (d) keep the Governing Body informed of their implementation.

## **Conclusions concerning the second recurrent discussion on social dialogue and tripartism**

### GUIDING PRINCIPLES AND CONTEXT

Recalling the resolution concerning the first recurrent discussion on social dialogue adopted by the International Labour Conference (hereinafter the Conference) at its 102nd Session in 2013, the Conference reaffirms the full relevance of the guiding principles contained therein. Social dialogue, based on respect for freedom of association and the effective recognition of the right to collective bargaining, has a crucial role in designing policies to promote social justice. It is a means to achieve social and economic progress. Social dialogue and tripartism are essential for democracy and good governance.

Free, independent, strong and representative employers' and workers' organizations, together with trust, commitment and respect by the governments for the autonomy of the social partners and social dialogue outcomes are key conditions for effective social dialogue.

Social dialogue comes in various forms and levels according to national traditions and contexts, including in the form of cross-border social dialogue in an increasingly complex globalized economy. There is no one-size-fits-all approach to organize and strengthen social dialogue. However, collective bargaining remains at the heart of social dialogue. Consultations, exchanges of information and other forms of dialogue between social partners and with governments are also important.

Tripartite and bipartite social dialogue plays an important role in setting wages and working conditions, promoting decent work, gender equality and non-discrimination, social protection and occupational safety and health, supporting skills development, reducing inequalities, and anticipating and managing change. Social dialogue can be a strong driver for economic and social resilience, competitiveness, stability and sustainable and inclusive growth and development.

As the International Labour Organization (ILO) approaches its centenary and against a backdrop of deep and rapid changes affecting the world of work, the tripartite constituents renew and reaffirm their commitment to promote and apply the principles of social dialogue and tripartism. They also reaffirm that the practical implementation of the ILO's actions should be guided by the diverse needs and realities of the national constituents, as outlined in the ILO Declaration on Social Justice for a Fair Globalization, 2008.

Embedding social dialogue at all levels and enhancing its relevance, inclusiveness and effectiveness, including through Decent Work Country Programmes (DWCPs), is particularly important for the effective implementation of relevant initiatives, including the 2030 Agenda for Sustainable Development (2030 Agenda) and the related sustainable

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development goals (SDGs), and in the context of the ongoing reform of the United Nations development system.

Social dialogue plays an important role in shaping the future of work taking into account particular trends of globalization, technology, demography and climate change.

Meaningful social dialogue in all its forms remains essential to the well-being of the social partners and society. Despite economic and social development, numerous challenges persist, including poverty, declining labour share, informality, decent work deficits, economic, social, and gender inequalities and the need to accommodate interests of vulnerable groups. Many countries fail to fully protect the right to collective bargaining, and data indicate that the majority of workers are in informal employment and nearly 25 million people are in forced labour.<sup>1</sup> While global supply chains can be an engine of development and increase opportunities for men and women to transition to formality, failures within global supply chains have contributed to decent work deficits. Rapid changes, including technological advances and the green economy, may create new opportunities, but may also lead to disruption and job displacement. Social dialogue is indispensable for addressing these challenges.

## Framework for action

1. Recalling that the framework for action adopted by the Conference in 2013 set forth the objectives for the ILO and its constituents, the Conference calls upon the Office and constituents to ensure effective implementation of those objectives.
2. The proposed framework for action stemming from the second recurrent discussion on social dialogue and tripartism held at the 107th Session of the International Labour Conference requires both Members and the ILO to take action to give effect to the conclusions adopted therein.

## Measures to promote social dialogue and tripartism

3. Members, with the support of the Organization, should:
  - (a) Ensure that, in an evolving world of work and in the context of implementation of the SDGs, social dialogue and tripartism are granted appropriate resources and become or remain prominent in policy making;
  - (b) act on their obligation to respect, promote and realize the principles concerning the fundamental rights of employers and workers and their organizations to freedom of association and the effective recognition of the right to collective bargaining as enabling conditions for the attainment of the strategic objective of social dialogue and tripartism. The Conference calls for the universal ratification and effective implementation 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);
  - (c) foster an enabling legal and institutional environment to promote effective social dialogue;

<sup>1</sup> *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*, Geneva, ILO, 2017.

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- (d) strengthen mechanisms and institutions for social dialogue on policies regarding the changing world of work, including technological change, green economy, demographic shifts and globalization;
  - (e) promote voluntary collective bargaining at all appropriate levels in both the private and public sectors, according to relevant laws and practices, to help attain a just share of the fruits of progress to all, decent working conditions, equal pay for work of equal value, gender equality, as well as developing skills and enhancing enterprise sustainability;
  - (f) encourage effective workplace cooperation as a tool to help ensure safe and productive workplaces, in such a way that it respects collective bargaining and its outcomes and does not undermine the role of trade unions;
  - (g) promote the effective linkage between different forms and levels of social dialogue;
  - (h) provide the necessary financial, technological and human resources and strengthen the effectiveness and efficiency of national labour administration systems;
  - (i) ensure that agreed outcomes of social dialogue are respected and implemented, as appropriate, by governments and social partners;
  - (j) establish, where appropriate, and develop with social partners dispute prevention and resolution mechanisms that are effective, accessible and transparent;
  - (k) develop innovative approaches, including initiatives to ensure the exercise of freedom of association and the effective recognition of the right to collective bargaining are extended to, and respected in, employment relationships where they have not traditionally been available, and to new and emerging forms of employment, and that those workers are able to enjoy the protection afforded to them under the applicable collective agreements, in accordance with applicable laws and national circumstances;
  - (l) create an enabling environment for employers and workers to exercise their right to organize and to bargain collectively and to participate in social dialogue in the transition to the formal economy. In designing this environment, Members should consult with and promote active participation of the most representative employers' and workers' organizations, which should include in their ranks, according to national practice, representatives of membership-based representative organizations of workers and economic units in the informal economy;
  - (m) expand cooperation to exchange experiences and innovative practices on social dialogue and tripartism;
  - (n) support and finance the ILO plan of action around SDG target 8.8 within the context of the ILO programme and budget and extra-budgetary funding;
  - (o) provide an enabling environment for and promote, where appropriate, cross-border social dialogue to foster decent work, including for vulnerable groups of workers in global supply chains;
  - (p) promote gender equality and non-discrimination, and encourage the strengthening and increase of participation and engagement of women and youth in social dialogue;
  - (q) encourage, where appropriate, tripartite social dialogue on issues related to labour migration with relevant authorities.

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## ***Mobilizing ILO means of action on social dialogue and tripartism***

4. As the ILO approaches its centenary, the Organization is called upon to give full effect to this resolution and assist Members in strengthening social dialogue in all its forms and at all levels in line with ILO standards. This should be done using the following means of action:

### Building capacity and strengthening development cooperation

5. The International Labour Office (the Office) should, with the support of the constituents, as part of a broader programme of development cooperation including through DWCPs and enhanced collaboration with the International Training Centre of the ILO in Turin (Turin Centre), and in cooperation with other relevant partners, enhance the capacity of constituents and social dialogue institutions to:
- (a) Strengthen the capacity of the most representative organizations of employers and workers to include in their ranks, according to national practice, representatives of membership-based representative organizations of workers and economic units from the informal economy to enable them to engage effectively in tripartite and bipartite social dialogue, negotiate and implement agreements and influence policies in line with the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204);
  - (b) encourage the inclusion in social dialogue and the effective recognition of the right to collective bargaining of workers in employment relationships that have traditionally been less included and those in new and emerging forms of employment;
  - (c) engage in collective bargaining that contributes to inclusive labour markets, gender equality and non-discrimination, fair wage distribution, decent working conditions and productivity enhancement, taking into consideration the diversity of systems and national circumstances;
  - (d) enhance the effectiveness and inclusiveness of mechanisms and institutions for national tripartite social dialogue between governments and the social partners, including in relation to areas pertaining to the future of work and the SDGs;
  - (e) promote social dialogue and the role of social partners at all levels in the design and implementation of policies to support workers and enterprises to adapt to the rapidly changing work environment, including through skills development and lifelong learning;
  - (f) use social dialogue as a tool to generate employment and decent work for the purposes of prevention, recovery, peace and resilience with respect to crisis situations arising from conflicts and disasters, in line with the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205);
  - (g) encourage effective workplace cooperation as a tool to help ensure safe and productive workplaces, in such a way that it respects collective bargaining and its outcomes and does not undermine the role of trade unions;
  - (h) play a stronger role in an international context, in particular through cross-border social dialogue based on knowledge and research provided by the ILO;

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- (i) encourage participation of women and other underrepresented groups in social partner organizations and seek to achieve equal representation of women and men in social dialogue institutions at the national and international levels;
  - (j) strengthen dispute prevention and resolution systems at various levels that promote effective social dialogue and build trust;
  - (k) conduct research and engage in social dialogue on labour market policies and their implementation.

The Office should pursue an active resource mobilization strategy in support of the strategic objective of social dialogue and tripartism taking into account the needs of constituents.

### Enhanced research and training

6. The Office should carry out its research programme in accordance with the Organization's research strategy to:
  - (a) Develop a yearly flagship report on the strategic objective of social dialogue and tripartism. To this aim, develop knowledge and evidence-based and rigorous research on the role and impact of:
    - (i) Collective bargaining on inequality, wages and working conditions, a topic that should be covered in the report on a regular basis;
    - (ii) social dialogue in translating economic development into social progress, and social progress into economic development as well as on the economic performance and competitiveness of business;
    - (iii) social dialogue as a means for addressing changes driven by globalization, technology, demographic shifts, climate change and environmental risks as well as facilitating restructuring and resilience to economic crises;
    - (iv) various forms of workplace cooperation in promoting safe and productive workplaces.
  - (b) produce comparative information, statistics and analysis on industrial relations and help Members to gather improved information in this field;
  - (c) produce training tools on all forms of social dialogue reflecting the needs of the constituents highlighting innovative practices for the changing world of work;
  - (d) expand the knowledge base on innovative social dialogue and industrial relations practices, including in areas such as extending collective bargaining coverage to categories of self-employed workers, promoting formalization, enhancing gender equality and non-discrimination, organizing hard-to-organize groups of workers and economic units, enhancing skills and employability and extending social protection, and fostering exchange of experiences among Members;
  - (e) continue research regarding the access to freedom of association and the effective recognition of the right to collective bargaining of digital platform and gig economy workers and, on that basis and the outcome of the 108th Session of the International Labour Conference, for the November 2019 session of the Governing Body to decide whether convening a tripartite meeting would be appropriate or not;

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- (f) seek to expand access to training in all ILO regions to help maximize awareness on social dialogue and tripartism and build capacity in those regions with limited resources to attend training activities provided by the Turin Centre.

#### Standards-related action

7. Taking into account the resolution concerning the second recurrent discussion on fundamental principles and rights at work, adopted by the International Labour Conference at its 106th Session, 2017, which called for stepping up action through development cooperation and other means to campaign for the universal ratification of the eight fundamental Conventions, the Office should:
  - Assist member States to overcome challenges of ratification and effective implementation of ILO Conventions Nos 87 and 98 in all DWCPs;
  - increase efforts to promote the ratification and effective implementation of Conventions Nos 87 and 98 and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and promote implementation of other relevant instruments;
  - organize a high-level event on freedom of association and collective bargaining, in close collaboration with constituents, during the ILO centenary with active participation of representatives from the Committee on Freedom of Association, the Committee of Experts on the Application of Conventions and Recommendations, and the tripartite Committee on the Application of Standards.

#### Enhancing policy coherence

8. The ILO should, in line with the Social Justice Declaration and with respect to the 2030 Agenda:
  - (a) Ensure that the Office has a coherent and clear approach to examining and promoting social dialogue across its own departments, activities and initiatives, based on constituents' needs and circumstances and taking into account the impact of its work on the ground;
  - (b) mainstream social dialogue and tripartism across all policy outcomes, in DWCPs and in development cooperation programmes and actions;
  - (c) develop new policy coherence initiatives in pilot countries involving tripartite constituents, all relevant authorities, regional and international organizations, building on previous experience;
  - (d) expand partnerships and cooperation with the United Nations system and other international and regional institutions and subregional communities and organizations, in order to mainstream social dialogue and deliver on the targets in the framework of the SDGs;
  - (e) promote tripartism and the participation of the social partners in national strategies intended to deliver on the 2030 Agenda, especially Goal 8 on Decent Work and Economic Growth and other relevant SDGs;
  - (f) actively build on the ILO's agenda, its unique tripartite nature, experience in social dialogue and convening power, in order to make it an essential partner in the efforts to achieve effective UN reform, in support of the ILO's mandate and structure;

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- (g) engage, taking into account the views of its constituents, in the Global Compact for Migration process, in order to ensure social dialogue, tripartism and decent work are mainstreamed in its development and implementation.



**Sixth item on the agenda: A recurrent discussion on the strategic objective of social dialogue and tripartism, under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization, 2008**

**Reports of the Recurrent Discussion Committee: Social dialogue and tripartism <sup>1</sup>**

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<sup>1</sup> The resolution and conclusions submitted by the Committee for adoption by the Conference are published in *Provisional Record* No. 6A.

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## Summary of proceedings

1. The Recurrent Discussion Committee: Social dialogue and tripartism, established by the International Labour Conference at its first sitting on 28 May 2018, was originally composed of 170 members (71 Government members, 23 Employer members and 76 Worker members). To achieve equality of strength, each Government member entitled to vote was allotted 1,748 votes, each Employer member 5,396 votes and each Worker member 1,633 votes. The composition of the Committee was modified three times during the session and the number of votes attributed to each member adjusted accordingly.<sup>1</sup>

2. The Committee elected its Officers as follows:

*Chairperson:* Mr T. Bevers (Government member, Belgium) at its first sitting

*Vice-Chairpersons:* Ms D. Rudelli (Employer member, France) and Mr P. Dimitrov (Worker member, Bulgaria) at its first sitting

*Reporter:* Ms W.K. Nxumalo-Magagula (Government member, Eswatini, formerly known as Swaziland) at its fourth sitting

3. At its fifth sitting the Committee appointed a Drafting Group to prepare and submit a draft outcome document for its review. It was composed as follows:

*Government members:* Mr M.M. Loum (Senegal), Ms L. Tinyani (South Africa), Mr R. Shepard (United States), Mr W. Sobers (Barbados), Ms C. Hughes (Australia), Ms I.A. Putri (Indonesia), Mr N. Salchev (Bulgaria), Ms C. Olde Olthof (Netherlands)

*Employer members:* Ms D. Rudelli (France), Ms R. Hornung-Draus (Germany), Mr T. Mackall (United States), Mr E.O. García Méndez (Mexico), Ms T. Cohen (South Africa), Mr T. Parkhouse (Namibia), Mr N.S. Thwala (Eswatini), Mr P.A. Pambudhi (Indonesia)

*Worker members:* Mr P. Dimitrov (Bulgaria), Mr C. Serroyen (Belgium), Mr. M.M. Norddahl (Iceland), Mr G. Zucotti (Argentina), Mr. K. Ross (United States), Mr E. Nadome (Kenya), Ms A. Maksimovic (Australia), Mr S. Zalmaa (Mongolia)

<sup>1</sup> The modifications were as follows:

- (a) 29 May: 202 members (90 Government members with 2,407 votes each, 29 Employer members with 7,470 votes each and 83 Worker members with 2,610 votes each);
- (b) 30 May: 213 members (96 Government members with 319 votes each, 29 Employer members with 1,056 votes each and 88 Worker members with 348 votes each);
- (c) 5 June: 123 members (99 Government members with 16 votes each, 8 Employer members with 198 votes each and 16 Worker members with 99 votes each).

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4. The Committee had before it Report VI, entitled *Social dialogue and tripartism*, prepared by the International Labour Office (hereinafter the Office report) for consideration under the sixth item on the agenda of the 107th Session of the International Labour Conference: “A recurrent discussion on the strategic objective of social dialogue and tripartism, under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization, 2008”.
  5. The Committee held seven sittings.
  6. In his opening remarks, the Chairperson noted that social dialogue was both an objective in itself and a means to achieve the other objectives that the constituents had set for the ILO. As the ILO’s paradigm of good governance, social dialogue should be a key component not only for creating and distributing wealth but also for bearing the costs associated with economic activity in an efficient, equitable, gender-neutral and environmentally friendly way, and hence was an important complement to the 2030 Agenda for Sustainable Development (hereinafter 2030 Agenda). Historically, social dialogue had proven to be remarkably useful and resilient in helping countries navigate periods of progress and of economic uncertainty. In a period of change, social dialogue should be adjusted to current needs, global evolutions and diverse expectations and realities around the world. The objectives of the current discussion were not only to achieve consensus on a fresh mandate for the Organization but also to reach a common understanding on how the ILO’s 100 year-old mandate for social justice could be carried forward in conditions that were radically different from those in which the Organization had been founded in 1919.
  7. The Committee had before it the Office report for consideration. Three points for discussion were proposed: the challenges and the opportunities related to strengthening social dialogue; how social dialogue could become more inclusive and address current and future challenges; and how ILO action on social dialogue could be improved.
  8. The Worker Vice-Chairperson said that the best way to promote social justice and reduce inequality was through coordinated collective bargaining. Studies indicated that collective bargaining was associated with higher wages, greater security for workers and lower inequality in both industrialized and developing countries. Thus, centralized, sectoral and multi-employer collective bargaining, as well as innovative, legally binding extension mechanisms, were the most efficient and inclusive tools to promote equality and social justice. The ILO and its constituents had to put freedom of association and collective bargaining at the centre of their efforts to promote social dialogue in order to fight inequality effectively. The Centenary celebrations in 2019 required a clear and renewed political commitment to social dialogue and tripartism based on full respect for the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and undertake a follow-up of the recommendations of the supervisory mechanisms. As the custodian of indicator 8.8.2 under the Sustainable Development Goals (SDGs), the ILO needed to deliver research and statistics on freedom of association and collective bargaining and on social dialogue to set a baseline and measure progress, and to produce a flagship report on collective bargaining, inequality and the impact of policies. The reform of the UN Development System (UN reform) and the SDGs provided an opportunity to mainstream the ILO’s labour standards, supervisory mechanism and tripartism within the United Nations system. Moreover, the ILO had to prioritize the promotion of social dialogue, tripartism, freedom of association and collective bargaining, and this had to be reflected in the budgetary allocation, which was not sufficient. Conditionality of work on ratification and effective implementation of core labour standards should also be extended to trade agreements and credit schemes of international financial institutions (IFIs) and cooperation with regional organizations. The ILO should ensure that the macroeconomic policies promoted by other institutions focused on measures for inclusive growth, full employment and decent work through formal partnerships, such as the Global Deal.

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9. In terms of specific challenges, the Worker Vice-Chairperson referred to non-standard forms of employment, where collective bargaining should be promoted and labour law applied to cover such workers. Considering that the gig economy and digitization of production and services represented a particular challenge, the Workers' group proposed to hold a tripartite meeting of experts to explore gaps in labour standards and make recommendations.
  10. Globally binding regulatory frameworks for global supply chains could ensure that all businesses respected human and labour rights throughout supply chains. The Workers' group supported the negotiations for a broader Convention covering labour rights and the respect of the principles of social dialogue and collective bargaining at the UN level and called on the Office to engage in the process.
  11. Increasing reliance on digitally mediated production and services required high levels of cybersecurity to protect systems and avoid disruption. For increasing numbers of workers, the "total surveillance workplace" was a reality, with continuous and intrusive monitoring which sometimes extended beyond the workplace into private lives, leading to overwork, stress and abuses against trade union activists. The Workers' group supported the UNI Global Union's call for the establishment of a global convention on the ethical use, development and deployment of artificial intelligence, algorithms and big data, and thus called for research and guidance by the Office in this area followed by an experts' meeting to investigate the need for and scope of possible future standard setting in the ILO to feed into the global debate on a broader convention.
  12. The Employer Vice-Chairperson said that social dialogue and tripartism were part of the DNA of the ILO and were at the core of a number of international labour standards, and a central element of ILO research, capacity-building and knowledge-sharing programmes. The focus of this Committee should be on the specific needs and circumstances of constituents in each country and should be rooted in practice, tackling issues such as the future of work and the technological revolution, the 2030 Agenda, and the UN reform. The discussions should remain rooted in reality and the conclusions should not offer an over-simplified, one-size-fits-all, top-down response, but should have a proactive purpose in shaping the ILO's future activities, which should be impactful, cost-effective, and focused on constituents' real needs and situations on the ground.
  13. The realities and state of play of social dialogue and its processes at national and regional levels were described in the Office report, but information on the impact or outcomes of social dialogue practices was missing. Social dialogue was presented mainly as an end in itself rather than a process. The Employers' group did not share the view, as was suggested in the Office report, that collective bargaining was a better form of dialogue than, for example, consultation or workplace cooperation, or that collective bargaining agreements signed at national or sectoral levels were somehow superior to those signed at company level. There was no hierarchy of social dialogue forms and company-level agreements could be useful to adapt working conditions to the specific needs of workers, and there were many concrete examples of that.
  14. Rather than promoting a specific form of social dialogue, the Office should build the capacity of social partner organizations to expand their membership, to engage in dialogue and shape social dialogue in line with their specific needs and expectations.
  15. Social dialogue, including collective bargaining, was not a panacea to avoid restructuring, and economic and social downturns. Well-functioning institutions, appropriate policies to underpin economic growth and productivity improvements and improved labour market performance had to complement all types of social dialogue.

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16. Social dialogue also included employers as a fundamental group and not only workers as implied in the Office report. The effects of social dialogue on economic performance of enterprises were not mentioned. Policy discussions tended to focus on legal and moral cases for responsible business conduct; however, the “business case” was also important but was often overlooked and misunderstood.
  17. The Employers’ group suggested that there could be value in engaging other actors such as non-governmental organizations (NGOs) on a case-by-case basis. However, there was a difference between social partners with a stake in the business and NGOs not bound by the same interests.
  18. More than 60 per cent of the world’s employed population – 2 billion people, mainly in developing countries – were in the informal economy. They lacked social protection, rights at work and decent work conditions. The question raised was how to address such a deeply rooted challenge which shaped many social problems.
  19. The flexibility of social dialogue was its strength. Social dialogue demonstrated its potential as an instrument for democratic governance and participation, a driver for economic stability, and a tool for maintaining or encouraging peaceful workplace relations. Encompassing a mix of processes and activities – from information sharing and consultations, to negotiations leading to agreements, to simply dialogue – allowed governments, employers and workers to agree on a format that suited their specific circumstances, historical context and level of development, and needs and strengths of the actors involved in it.
  20. Social dialogue should be free, independent and autonomous, and also conducted in a responsible manner.
  21. Employers had struggled to understand the medium- and long-term strategy behind the ILO’s action on social dialogue, which currently resembled a mix of unconnected and short-term outputs with less focus on impact.
  22. The Government member of the Netherlands spoke on behalf of the European Union (EU) and its Member States, **and the European Free Trade Association (EFTA) country Norway, member of the European Economic Area.** The Government members of the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Bosnia and Herzegovina and Georgia aligned themselves with the statement. She noted that social dialogue and tripartism were embedded in the ILO through its values, structures and standards. Social dialogue was likewise embedded in the values, governance and laws of the EU and its Member States. That was reaffirmed through the New Start for Social Dialogue launched in 2015 and the European Pillar of Social Rights.
  23. Social dialogue was crucial for a well-functioning social market economy and was a significant component of EU employment and social policy-making. It was key to the promotion of social justice and for implementing all ILO standards and actions. Despite some ratifications of Conventions Nos 87 and 98 recorded since the previous recurrent discussion on social dialogue in 2013, more than 30 ILO member States had not yet ratified them. Universal ratification and implementation of the ILO fundamental Conventions and the related Protocol were essential, and the ILO should continue its efforts to support this.
  24. There were five key areas for discussion: first, the case for social dialogue and its role in promoting sustainable development, fighting inequalities and managing change; second, the importance of the ILO Declaration on Fundamental Principles and Rights at Work, 1998 (1998 Declaration) and the ratification and implementation of ILO Conventions Nos 87 and 98; third, how the actors and mechanisms of social dialogue could seize the opportunities

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and respond to the challenges of a changing world of work to implement the Decent Work Agenda, contribute to the ILO Future of Work Centenary Initiative and achieve the SDGs; fourth, the topics and levels of social dialogue including the workplace and cross-border levels, the links between them and collective bargaining coverage; and fifth, the orientations and means for a future plan of action on social dialogue, including capacity building of labour administrations and workers' and employers' organizations, standards-related activities, and a stronger role for social dialogue in sustainable trade and in other contexts.

- 25.** The Government member of Eswatini, speaking on behalf of the Africa group, noted that social dialogue and tripartism faced a number of challenges, such as the changing nature of work and employment relationships, the weakening of labour market institutions and the increase in informal employment. Yet, as the cornerstone of the ILO, social dialogue and tripartism needed to be strengthened, mainstreamed, made inclusive, adapted and kept at the centre of all its programmes and activities. The conclusions should provide relevant and practical solutions and strategies, allowing social dialogue to be adaptive and flexible to the ever-changing labour relations landscape. They should also address social dialogue at cross-border and national levels, how to strengthen it at different levels, and the importance of strengthening labour administration systems, among other issues.
- 26.** The Government member of India noted new developments such as the technological revolution, the emergence of new forms of employment and increasing informalization which required social dialogue and tripartism to be enhanced. But the basic character of tripartism should remain intact as a tripartite-plus arrangement would run the risk of losing its focus on core labour issues. Rather, workers' and employers' organizations should be encouraged to take on board the views of civil society organizations and other actors. Bipartite social dialogue was important for productivity-related issues such as wage setting. The ILO should focus on building the capacity of the tripartite constituents. In a changing world of work, constituents needed to adapt and to enhance their presence and outreach.
- 27.** The Government member of Australia, speaking on behalf of the Government group, said that, in the context of a changing world of work, cooperation between governments, employers and workers was more important than ever. Such tripartite cooperation should be translated into practice both during this International Labour Conference and the Governing Body deliberations. Each party should respect differences of opinion and work cooperatively together in order to reach consensus.
- 28.** The Government member of the United States said that each country had distinct capabilities and challenges that could be addressed by an appropriate form of social dialogue. There was no one-size-fits-all model given diverse national circumstances and approaches. Nonetheless, all countries could establish some form of social dialogue, as one of several tools to help protect labour rights, increase wages and improve working conditions while also promoting productive, sustainable and profitable enterprises. She hoped for the adoption of concise conclusions providing concrete guidance on how the ILO could best use the means at its disposal to advance social dialogue, in line with its programme and budget and strategic plan.
- 29.** The Government member of Nepal said that social dialogue was the point of departure for setting and promoting labour standards and fundamental principles and rights at work, as well as a vehicle for achieving the SDGs. Social dialogue was a democratic way of dealing with the complex social issues in the 2030 Agenda, and a means to promote ownership, participation, inclusiveness, legitimacy and social stability.
- 30.** The Government member of Turkey noted that challenges such as growing income inequality, the changing nature of work and increasing informality challenged social dialogue; furthermore, migration, the refugee crisis and other trends were also having

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profound impacts on the world of work. Under those circumstances, governments bore the responsibility of supporting social dialogue and tripartism for good governance. He appreciated the ILO Future of Work Centenary Initiative, and believed that the ILO's promotion of social dialogue at country level should adopt a multifaceted approach, given its multi-layered nature.

- 31.** The Government member of Australia recognized that the discussion represented a prime opportunity for the ILO constituents to demonstrate that social dialogue and tripartism were as relevant today as at the time of the ILO's establishment. Social dialogue was essential to the resolution of the challenges highlighted in the Office report, but many countries faced structural and political obstacles to inclusive and productive social dialogue. She hoped to learn about practical and innovative ways to build capacity and create the necessary conditions for genuine social dialogue, including addressing the under-representation of women in national social dialogue institutions. She commended the ILO Future of Work Centenary Initiative, including its national dialogue processes which underscored the value of social dialogue.
- 32.** The Government member of China said that in recent years the world of work had witnessed rapid transformations. It was therefore important to revisit social dialogue and tripartism in order to help shape the ILO's future direction. She outlined her country's experience in establishing a national tripartite mechanism to coordinate labour relations at five different levels. Her Government would continue to build harmonious labour relations and to engage in social dialogue.
- 33.** The Government member of Canada stated that fruitful social dialogue took time and should be continuous. There must be mechanisms to renew the dialogue, nurture it and keep it relevant. Flexibility should also be a central element as there was no single approach for all. Social dialogue helped the parties to better understand their respective points of view and interests, and build trust and respect to agree on the key issues or sometimes disagree. Everyone had an important role to play in social dialogue. It was based on strong and independent workers' and employers' organizations with technical capabilities and access to the information they needed to carry out their activities. Through legislation and policies, governments should create a climate in which workers' and employers' organizations could engage freely in their activities without fear of reprisal, and protect freedom of association and the right to bargain collectively.
- 34.** The Government member of Ethiopia stated that social dialogue and tripartism could bring better and more inclusive growth, and stable development at different levels, which would benefit everyone. Ethiopia had ratified ILO Conventions relevant to social dialogue, and the Labour Relations Advisory Board advised the Minister on policies and legislations pertaining to labour relations, working conditions, and safety and health of workers. Despite the efforts made, trade union density and the membership of both employers' and workers' organizations were relatively low in the last decade.
- 35.** The Government member of Colombia described her country's commitment to social dialogue and the fundamental principles and rights at work. The Permanent Commission for the Coordination of Salaries and Labour Policies had contributed to the resolution of labour conflicts at the national level and improved labour relations. The road to consensus was not an easy task but the rapprochement between the social partners and the Government was a fundamental condition for peace, trust and social transformation. Social dialogue and collectively agreed labour laws enabled sustainable enterprises, guaranteed workers' rights and contributed to the development of a thriving society. Initiatives such as the Global Deal strengthened social dialogue by bringing together different actors to strengthen cooperation and conflict resolution. ILO action should include training, campaigns, promotional activities and cooperation for development, as well as the establishment of alliances and the

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exchange of best practices on social dialogue to build trust and contribute to conflict prevention.

- 36.** The Government member of Belgium noted her country’s nearly 100-year tradition of social dialogue. Times of crisis and current developments in the world of work were challenging the tools of social dialogue, yet constructive social dialogue remained key to sustainable social and economic progress. Fully representative organizations of employers and workers who freely formulated their own strategies were indispensable. Belgium supported ILO efforts to promote universal ratification of the fundamental conventions, including Conventions Nos 87 and 98, as well as other social dialogue Conventions and Recommendations. Collective bargaining, in particular at the sectoral level, achieved win–win solutions and ensured a fairer distribution of wages and social security. The role of public authorities was to develop a legal framework and a climate conducive to social dialogue and to act as a facilitator. A uniform model of social dialogue did not exist because the process must be defined by the partners themselves.
- 37.** The Government member of Sweden believed it was more important than ever to improve social dialogue in all parts of the world. The multi-stakeholder partnership “The Global Deal: Together for Decent Work and Inclusive Growth” would strengthen social dialogue as well as the employers’ organizations and trade unions. The potential of social dialogue to promote gender equality, stimulate productivity, and effectively deal with the challenges of technological change and the future of work needed more attention. The Global Deal, which currently had over 90 partners and a large interest from companies, would increase the knowledge base, provide a platform to share experiences and good practice, and increase awareness of the benefits of social dialogue. Before the launch of the Global Deal, trade unions and employers’ organizations at both the international and national levels had been consulted on the initiative.
- 38.** The Government member of the Philippines stated that his country had ratified several ILO Conventions concerning social dialogue. Tripartite industrial peace councils and regional wage boards addressed social security, national health, conciliation and mediation, and arbitration processes. That notwithstanding, there were still many challenges and opportunities related to the strengthening of social dialogue.
- 39.** The Government member of Japan described the tripartite Labour Policy Council, which discussed important issues about labour policies in Japan. Responding to the mention in the Office report of great disagreements among tripartite partners in the Council, he emphasized that Draft Bills included breakthrough content as a result of tripartite consultations, and that the Bill had been successfully submitted to the Diet. However, trade union density had declined and work should continue to maintain sound labour-management relations. Member States should ratify Convention No. 87, and the Office should collect and share good examples.
- 40.** The Government member of France stated that social dialogue was a core value of France and must be placed at the heart of the response to the current changes and challenges to achieve the 2030 Agenda. Initiatives such as the Global Deal ought to be welcomed. The Office’s plan of action should be concise and contain guidelines on the role of the ILO on cross-border social dialogue, which could be a lever of action for the Organization at the dawn of its second century. In particular, the universal ratification of Conventions Nos 87 and 98 should be promoted. Social dialogue would make a positive contribution to the achievement of the SDGs and the UN reform.
- 41.** The Government member of Senegal shared with delegates the advances made at the national level, particularly with regard to the implementation of SDG 8. Progress had been made in the areas of social dialogue and tripartism (the holding of social conferences and the

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achievements of the High Council for Labour Relations), collective bargaining in the private and public sectors (the negotiation of collective agreements and the signing of agreements in the public sector), and the representativeness of trade unions (the holding of a general election and a sectoral election for representative bodies). Other social developments had taken place, including the increase of the retirement age, the improvement of pension levels and the reform of the compulsory health insurance system.

42. The representative of the International Association of Economic and Social Councils and Similar Institutions (AICESIS) stated that economic and social councils and similar institutions promoted social dialogue and analysed its current state. The AICESIS had more than 60 councils as members, with balanced territorial representativeness concerning how social dialogue institutions operated. Social dialogue had an essential role in overcoming difficulties in the labour market, which included youth unemployment, the unemployment of older people, the unemployment of people with disabilities, gender discrimination, and undeclared work. Representatives of civil society, the general economy and organized civil society existed in a large number of councils, and some now addressed environmental protection and other matters of global interest such as the digital economy. The exchange of good practices and experiences allowed for useful information on the functioning of institutions.
43. The representative of StreetNet International stated that her organization represented a highly vulnerable category of workers who faced many serious challenges. Workers in the informal economy needed to be recognized in order to enable them to negotiate collectively with counterparts such as local government authorities. Their inclusion in social dialogue was necessary to achieve inclusive and socially sustainable growth and other important aims. Innovative approaches existed in that respect. She urged the Committee members to work towards the inclusion of informal economy workers in social dialogue, and to embrace a tripartite-plus system.
44. The representative of the International Transport Workers' Federation (ITF) supported the Workers' group, emphasizing the importance of freedom of association and the right to collective bargaining. Referencing various challenges in his sector, such as the misclassification of on-demand drivers as independent contractors and the below-minimum wages of many transport network company drivers, he urged the ILO to organize a tripartite meeting to address those issues. The ITF sought to secure the representation of informal transport workers in social dialogue, with the ultimate objective of their conversion into formal economy workers. Successful examples of a transport supply chain agreement in Australia and of partnerships with the Governments of Qatar and the United Arab Emirates to protect transport workers were cited. Developments in some other countries, such as the passage of national laws and regulations restricting, among other things, transport workers' right to strike and a decrease in sectoral and national-level collective bargaining, were a source of concern to his Federation. Regarding employment status, he believed that the introduction of an intermediate category between employee and independent contractor would not ensure full labour protection, especially in the case of disguised employment relationships. Finally, he indicated that a letter of support from the ITF to the Global Deal would soon be delivered.
45. The representative of Public Services International (PSI) said that his federation regretted the unilateral pay cut applied to the staff of the organizations of the United Nations system. The ILO's workers should be able to avail themselves of fundamental trade union and workers' rights such as collective bargaining. Social dialogue concretized respect for trade union rights. ILO member States should remove all obstacles to social dialogue, and explicitly defend the right of public sector workers to bargain collectively alongside their right to organize. The low level of ratification of the Labour Relations (Public Service) Convention, 1978 (No. 151), reflected the inadequate concern by many governments for the

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ability of public sector workers to engage in social dialogue. Some positive developments were mentioned, including examples of instituting social dialogue involving informal economy workers, including in the formal sector. The rights to organize and bargain collectively were necessary for genuine social dialogue to occur within tripartite and, with respect to workers in the public services, bipartite frameworks. The changing world of work required those rights to be upheld by ILO member States, to ensure greater social justice and the achievement of inclusive, sustainable development.

46. The representative of the Confederation of Latin American and Caribbean Public Workers said that tripartism and collective bargaining were important for the Ibero-American Confederation of Labour Inspectors, an organization which he also represented. In some countries, labour inspection was privatized and labour inspectors could only monitor occupational safety and health (OSH), to the benefit of enterprises. On the other hand, strong and independent labour inspectors, as called for by relevant Conventions, monitored collective agreements and protected workers' rights, underscoring the need to regularize those rights in settings where formal employment was lacking.
47. The representative of the Trade Union of Labour Inspectors of Brazil said that the Government of Brazil had recently approved labour legislation that had resulted in an increase in informality and precarious forms of employment. He requested ILO support to ensure adequate numbers of labour inspectors and to guarantee their independence.
48. The Employer Vice-Chairperson said that the process and forms of social dialogue should be defined by the social partners themselves. All forms of social dialogue were important, and dialogue at all levels from national to company should be promoted. Her group looked forward to the elaboration of a concise action plan.
49. The Worker Vice-Chairperson expressed satisfaction that the Committee had agreed to build on the conclusions of the recurrent discussion on social dialogue at the 102nd Session of the International Labour Conference (2013), and that some governments had called for the universal ratification of Conventions Nos 87 and 98. On the question of tackling informality, tripartism within the ILO should not be called into question. The issue of tripartite-plus dialogue required very careful examination; the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), had set out clear guidance in that respect. He reiterated that social dialogue was beneficial not only for workers but also for employers and governments.
50. The Government representative of Brazil, exercising his right of reply, said that the previous year his Government had adopted a regulation, following extensive consultation with the public prosecution service, to combat all forms of work analogous to slavery. A normative instrument enacted in January 2018 further strengthened the legal framework for combating those worst forms of labour. The Ministry of Labour was seeking authorization for a new examination for the admission of labour inspectors, in order to alleviate staff shortages. Brazil's labour legislation dated back to 1943 and needed to be updated in order to address the requirements of the economy in the twenty-first century; however, the labour rights enshrined in article 7 of the Constitution were fully preserved.

## Discussion point 1

51. The Employer Vice-Chairperson began by stating that social dialogue was enabled by specific institutional and legal frameworks, which found their basis in the historical and political context in which a country had developed, as well as its economic condition. Social dialogue was hindered if trade unions and employers' organizations could not organize or represent their members, if there was a lack of an enabling environment, in situations where

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dialogue was prevented or its outcomes were ignored by the Government. At the same time, social dialogue helped to prevent bigger societal issues such as conflict and social unrest, it could improve democratic governance, and it promoted resilience in times of transition and economic shock.

- 52.** The spokesperson went on to explain that peak-level tripartite dialogue was mostly undertaken within national economic and social councils or similar institutions. Those institutions were very well placed to establish or revise such policies when changes occurred or were needed, such as the tripartite pact on social policy signed in the Netherlands in 2013 and the tripartite competitiveness pact signed in Finland in 2016. Social dialogue was enabled by frameworks which were rooted in and respected the historical and political environment. Although over 80 per cent of ILO member States had national social dialogue institutions in place, their effective functioning depended on their level of preparedness, financial support, representation rate, and capacity to present and deliver concrete outcomes that reflected each national context.
- 53.** The basis of social dialogue was not only the presence of trade unions and employers' organizations but equally importantly the fact that their members had free choice to become affiliated with those organizations, in line with Article 2 of Convention No. 87. Those principles should be applied in each country. Bipartite social dialogue had proven effective in fostering information exchange and the negotiation of collective agreements on topics such as employment, health and safety, organization of work, wage and salary agreements, working conditions, pension schemes and training. Bipartite discussions without government interference also built trust and helped to develop tailored approaches to respond to concrete challenges at sectoral or enterprise level. In France, for example, the 2017 labour market reform gave workers greater opportunities to negotiate collective agreements within small and medium-sized enterprises (SMEs).
- 54.** Cross-border social dialogue occurred at the global level through intergovernmental and multilateral processes – most notably through the ILO itself. It also took place at the regional level through regional integration initiatives, bilateral and multilateral agreements, multi-stakeholder initiatives, and bilateral framework agreements between companies and global unions. Bilateral international framework agreements (IFAs) were limited to a small number of companies, the vast majority of which were headquartered in the EU.
- 55.** Regional social dialogue in the EU gave the opportunity for groups of countries to discuss topics of common interest such as youth employment and demographic change in Europe, which had led to the signature of a framework of action on youth employment (2013) and an agreement on active ageing (2017).
- 56.** No one form of social dialogue was better than another. Despite the ILO's promotion of centralized peak-level or sectoral dialogue, the research of the Organisation for Economic Co-operation and Development (OECD) on collective bargaining for good labour market performance, published in March 2018, had found that wages were higher for workers covered by firm-level bargaining than workers not covered by collective bargaining, while wages of workers covered by sector-level bargaining were similar to those of uncovered workers, on average across OECD countries, suggesting positive benefits of decentralized bargaining. Workplace cooperation helped SMEs to experience social dialogue and could help improve workplace conditions and enable non-unionized workers to access information that was relevant to them. The capacity of the parties involved in social dialogue was important in order to deliver on social and economic objectives.
- 57.** Undue government interference and unilateral government decisions posed challenges to social dialogue processes. For example, in Romania, the Government had passed a law that fundamentally changed the system of social security coverage with no prior consultation

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with the social partners and, in Greece, the Government had not enabled true dialogue or favoured any in-depth exchange between social partners, during the economic crisis, on matters related to the labour market regulation, even if the situation was now improving. The business case for social dialogue was not always evident, such as in Cambodia where companies faced difficulties in entering into negotiations with up to 17 trade unions in a single plant, all of them with different requests. Other challenges included growing informality, reduced strength of social partners' representation around the world with a significant decline of trade union membership, and the tendency to promote "tripartism plus" as the future form of social dialogue without forethought for the undue representation of parties with vested interests. Broader underlying difficulties such as a country's weak economy or its outdated labour codes also tended to hamper the implementation and enforcement of new or revised labour laws or policies. For instance, in Belgium, the lack of regulation on dispute resolution affected trust among the social partners and trade unions' lack of legal personality meant that they could not be held accountable for the lack of respect for signed collective agreements.

58. Practical challenges to the effective functioning of social dialogue processes included: overlapping forms of social dialogue which created duplication and confusion; and the restricted time available for social dialogue processes. Furthermore, social dialogue was not always based on evidence and relevant data, nor was representation at a sufficiently senior level to be authoritative; and social dialogue decisions in the public sector sometimes bound the private sector parties even though they had not been consulted in a representative process.
59. The UN reform process did not fully appreciate the ILO tripartite structure, which could lead to important repercussions on social dialogue institutions. Similarly, the UN broadly did not understand the variety of established and legitimate business voices, including employers' organizations, with whom to engage.
60. While employers were fully committed to social dialogue, they were particularly concerned about the Global Deal, which, in their view, jeopardized the very nature of social dialogue due to the lack of consultation with employers' organizations at the national and international levels and the lack of employer engagement in its development. Employers did not understand the added value of the Global Deal, which created duplication with other existing processes, notably on reporting, such as the UN Global Compact. Employers were also concerned about its undue focus on IFAs.
61. Dispute prevention and resolution mechanisms were a speedy, unbureaucratic, inexpensive and confidential manner of resolving labour disputes which could provide an alternative to formal judicial proceedings. Crucial was the inclusion of social partners in the set-up and running of those mechanisms such as in Spain where the Servicio Interconfederal de Mediación y Arbitraje (SIMA) had proven highly effective.
62. Challenges and opportunities related to strengthening social dialogue were not the same in all countries, sectors and situations. The conclusions of the Committee ought to be relevant to all 187 member States of the Organization. Social dialogue required the respect, promotion and realization of fundamental rights for workers and employers; adequate resources and an enabling environment to conduct social dialogue and ensure outcomes were implemented; a strengthened culture of consultation on labour policies with social partners; the independence of their organizations; increased efforts by both social partners to strengthen their representativeness and cohesiveness; and increased efforts by both to engage in constructive and responsible dialogue, looking for solutions to promote sustainable enterprises, decent work and social peace.
63. The Worker Vice-Chairperson said that issues related to trust between the social partners were needed to feed the Committee discussions. Major challenges remained for workers'

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access to basic rights. Focusing on solutions, the precondition for social dialogue was the existence of an enabling environment where human and labour rights were protected, starting with freedom of association and the right to collective bargaining for all workers in all sectors and types of employment, which were fundamental principles and rights at work which had to be respected by all member States, irrespective of their level of development. Governments had an obligation to foster an enabling environment for collective bargaining and social dialogue, a responsibility clearly established in international labour standards.

64. Referring to what did not work, labour market reforms which had effectively weakened social dialogue mechanisms were mentioned, such as decentralized bargaining, allowing companies to deviate from collective agreements reached at higher levels, increasing representativeness thresholds, retrenching workers' social protection entitlements and coverage, and increasing inequality.
65. An enabling environment for social dialogue and collective bargaining required support from a coordinated national system of labour administration. Labour market institutions remained underfunded or had faced recent budgetary cuts following pressure on public spending and could not be effective due to gaps in coverage and scope. In addition, sound industrial relations in the public sector, including the right to strike, did not only improve the working conditions of workers in the country, but also promoted quality public services. When supported by governments, tripartism could effectively work in countries with low trade union density.
66. Centralized and coordinated bargaining led to higher coverage and lower wage inequality. Multi-employer collective agreements tended to apply more broadly, including to non-standard workers, temporary or agency workers, and workers in SMEs. Effective sectoral and national collective bargaining in South Africa, Malaysia, Brazil, Uruguay and Senegal were cited.
67. Collective bargaining was also an important tool in improving the incomes of women, minorities and youth. Countries with higher collective bargaining coverage had narrower gender pay gaps. The ILO's *World Employment and Social Outlook – Trends 2018* found a positive association between countries with more cohesive and coordinated industrial relations and wage-bargaining institutions, and better overall labour and social indicators. Low wage growth reduced aggregate demand and had a detrimental impact on job creation, productivity and overall economic growth. Issues of productivity, economic performance, wages and work quality should be on the bargaining agenda.
68. Industrial relations, including collective bargaining, contributed to absorbing shocks and preserving employment, improved firm performance and productivity gains, managing conflict for fair and stable workplaces and societies, facilitating adjustment to and recovery from an economic crisis, helping improve the design of training systems and the retention of skills, creating an enabling environment for sustainable enterprises and offsetting risks in supply chains.
69. National policies could extend collective bargaining coverage for fairer wages by promoting legally binding agreements and agreements at sectoral or national level, and by promoting extension mechanisms, to cover all workers. Collective bargaining was an important response to decent work deficits of many types of non-standard forms of employment. Important examples existed where collective agreements covered temporary workers, agency workers – freelancers for example – and the extension to domestic workers in Argentina and Uruguay. This was reaffirmed by the ILO supervisory bodies which welcomed the reforms undertaken by countries such as Ireland to open collective bargaining to certain categories of self-employed workers or to facilitate the capacity of unions to bargain collectively in sectors with a high degree of non-standard forms of employment.

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70. As indicated in international labour standards, workplace cooperation should be complementary to collective bargaining, with a clear distinction between the two. Successful practices of sound industrial relations were witnessed in many developing countries and emerging economies, such as South Africa and Brazil, where social dialogue played an important role in establishing minimum wage policies.
  71. Social dialogue proved to be particularly helpful in preventing or addressing crises and generating resilience, such as in Tunisia, but also in Brazil and South Africa, where trade unions played a significant role in the transition to democracy, integration in the global economy and the strengthening of labour standards.
  72. At national level, the vast majority of countries had created tripartite social dialogue bodies, while various negotiated social pacts aimed, among other things, to enhance stability and peace, facilitate the integration of refugees in the labour market and deal with issues related to the future of work, including exploring new mechanisms such as the use of information technology and virtual communities for organizing and representing the self-employed, independent contractors and gig or platform economy workers.
  73. Initiatives of cross-border social dialogue were particularly helpful, for example, within economic integration communities in bilateral trade and investment agreements or in the framework of the global operations of multinational enterprises (MNEs).
  74. The International Bargaining Forum negotiations included both central negotiations and local negotiations which allowed for development of core principles which could then be incorporated into specific local arrangements. That unique approach to pay negotiations was the only example of international collective bargaining. The Joint Maritime Commission (JMC) was a bipartite standing body that provided advice to the Governing Body on maritime questions including standard setting for the shipping industry. Among the JMC's specific attributes was the updating of the minimum basic wage figure for able seafarers. That was the only statutory international wage-fixing mechanism.
  75. The ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (revised MNE Declaration) gave effect to the need to support dialogues involving MNEs and the representatives of the workers affected, in particular trade unions, on the application of the principles of the MNE Declaration. Among numerous voluntary initiatives, IFAs negotiated between MNEs and global union federations were the most sophisticated cross-border social dialogue tools to date. IFAs should be further promoted, strengthened and expanded in scope. Innovative practices were observed in expanding the substance of agreements, for instance, to wages and working conditions.
  76. While social dialogue needed to adapt, be flexible, agile and innovative to address the challenges of the contemporary and future world of work, the fundamental and enabling rights and principles were freedom of association and collective bargaining. An independent voice for workers and employers and negotiated agreements made social dialogue effective and binding, driving change to make globalization work for all.
  77. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, as well as Georgia, Montenegro and Serbia, **and the EFTA country Norway, member of the European Economic Area**, stressed the importance of creating an enabling legal and institutional framework for social dialogue, supporting strong and representative social partners and promoting social dialogue at different levels, including at the workplace and cross-border levels. Collective agreements at appropriate levels and degrees of coverage were central tools to set wages, working conditions and other labour-related aspects of benefit to workers and employers. Institutionalized dialogue between social partners and governments at national level, in line with the Tripartite Consultation (International Labour

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Standards) Convention, 1976 (No. 144), was key in policy-making. Capacity building for the social partners was essential and positive results of ILO social dialogue interventions were noticeable.

- 78.** Tripartite and bipartite dialogue also took place at the European level, including in European Works Councils. Transnational company agreements, including IFAs, were useful tools to promote decent work and manage change in multinational companies and global supply chains. Social partners may also play a role in resolving disputes collectively or individually. However, individual dispute resolution could not replace a right to call on the judiciary nor contravene legislation.
- 79.** The Government member of Eswatini, speaking on behalf of the Africa group, recalled that people should have a voice in decision-making processes affecting them. The complexity of global supply chains required new spaces for cross-border social dialogue. Challenges regarding social dialogue included: the focus on dispute resolution rather than dispute prevention; ineffective communication between workers and employers; low unionization rates; a lack of data on the impact of social dialogue structures; the absence of policies to facilitate collective bargaining and social dialogue in the informal economy; increasing non-standard forms of employment; employer actions against unions; proliferation of trade unions and negative competition within the labour movement; no clear criteria for determining and recognizing the most representative organization of workers and employers; and lack of representativeness or inclusiveness of minority interest groups. The priority and funding of ministries responsible for labour issues were low and many member States needed to build the capacity of all social dialogue participants.
- 80.** The Government member of Denmark stressed that social dialogue was a decisive factor for a sound and peaceful labour market and sustainable development. Denmark had strong and responsible workers' and employers' organizations that regulated wage and core working conditions. Tripartite agreements had been concluded on issues such as the labour market integration of refugees.
- 81.** The Government member of Switzerland provided examples of social dialogue at national and cantonal levels. Conciliation services were provided free of charge; collective agreements defined pay in certain sectors and provided protection from unfair competition; and the social partners monitored foreign companies to ensure compliance with working conditions and minimum wages.
- 82.** The Government member of Indonesia noted that bipartite cooperation could identify challenges in companies at an early stage. The Government supported enhancing the capacities of workers' and employers' organizations. Social dialogue could include other key actors, such as academics and professionals, and could involve the use of technology.
- 83.** The Government member of Norway noted that 30 ILO member States had not yet ratified Conventions Nos 87 and 98 and that many others had challenges in implementation. Collective bargaining had secured decent working conditions and minimized wage differences while maintaining a competitive industry. Social dialogue was also used to address other issues, such as labour market integration of refugees. Social dialogue and tripartism were a permanent process that was based on trust. States could learn from each other in order to create their own successful models.
- 84.** The Government member of Canada noted the changing nature of the world of work, including lower unionization rates and new technologies. Social dialogue had an important preventive role. At the federal level, the Government provided joint training sessions on grievances and mediation, customized workshops on team dynamics and communication, and public workshops on interest-based negotiation and labour relations.

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- 85.** The Government member of the Philippines stated that the Tripartism Act (2013) institutionalized tripartite mechanisms at the national, regional and local levels and defined criteria for determining the most representative organizations. Concerning non-standard forms of employment and the regularization of workers, the tripartite partners jointly agreed on a list of activities, set out in an Executive Order, which could be contracted out and jointly carrying out inspections of establishments, with an expected 300,000 workers to be regularized in 2018.
- 86.** The Government member of Malaysia said that social dialogue had a key role to play in reviewing minimum wage orders in his country, including through extensive consultations led by the National Wages Consultative Technical Committee. The most recent 2016 review of the minimum wage had also been based on nationwide public consultations with industry representatives, local trade unions and NGOs.
- 87.** The Government member of Australia stated that the challenges the country faced could not be solved by the Government alone. Hence, the social partners were formally and informally consulted on a range of issues relating to the world of work. For example, the social partners could provide submissions to matters before an independent workplace relations tribunal which in turn also consulted them about possible ways to improve its own procedures. Cross-border social dialogue had positive effects, particularly in times of crisis or responding to new challenges. Following Australia's national dialogue on the future of work, which had taken place as part of the ILO Future of Work Centenary Initiative, improvements were made, including holding an additional session of the tripartite International Labour Affairs Committee each year. The SDGs provided an excellent opportunity for tripartite action on issues of global importance, particularly Goal 8 and targeted initiatives such as the Equal Pay International Coalition and Alliance 8.7.
- 88.** The Government member of Mexico highlighted his country's efforts to strengthen bipartite and tripartite social dialogue, including collective bargaining. Effective social dialogue as a means for social peace could be witnessed in its bipartite form at the enterprise level, through mixed committees of employers and workers established at the workplace level. Many tripartite commissions and institutions also existed, which he listed. Workplace cooperation and collective bargaining were fundamental to increase competitiveness, formalization and productivity. Social dialogue was also fundamental to successfully navigating economic, technological and labour market changes and developing strategies in response.
- 89.** The Government member of India affirmed her country's commitment to meaningful social dialogue in line with Convention No. 144. India had a well-established mechanism for tripartite consultation at various levels – establishment, industry, sectoral and national. The biggest challenges lay in the large informal economy and in proliferating non-standard forms of employment in India, which were not included in existing social dialogue mechanisms. Those mechanisms needed to be expanded and strengthened to include informal, gig and platform economy workers and employers. The increasing importance of cross-border social dialogue was also recognized.
- 90.** The Government member of Niger noted that his country had ratified ILO Conventions Nos 87 and 98 and that social dialogue bodies had been put in place. He discussed the significant challenges to social dialogue in the context of globalization and the internationalization of production, leading to increased inequality and social exclusion. The large informal economy and the lack of resources for labour inspectorates were other key challenges. Technical capacity building of the social dialogue actors and better access to relevant information were noted as possible solutions to produce a more effective social dialogue.

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91. The Government member of Japan noted two key challenges in his country: the declining rate of trade union affiliation and the lack of clarity on the role of worker representatives in non-unionized companies. He would welcome the sharing of other countries' experience on those matters.
  92. The Government member of Egypt noted that social dialogue was essential for taking the best possible decisions for the protection of worker and employer interests. A lack of understanding between the various parties, an absence of strong social partners, the lack of a national legal framework and political will were cited as key challenges. In 2014 and under Decree 1027, a national tripartite social dialogue council had been created. An awareness campaign on social dialogue had been launched by the Ministry of Labour in 2017 and, with the support of the social partners, was being rolled out in all provinces.
  93. The Worker Vice-Chairperson appreciated Governments' support for capacity building and representative social partners as enabling measures for efficient and effective social dialogue and collective bargaining. Briefly addressing the issue of representativeness, democracies had been under attack from different sources over recent decades. The deregulation agenda and austerity measures had weakened the bargaining power of trade unions, and their density and collective bargaining coverage were diminishing. Since the fall of the Berlin Wall, social dialogue had come to be viewed as a general notion rather than a specific tool for the fair distribution of wealth. Regarding how to respond to the proliferation of trade unions in Myanmar, the only solution would be to organize at the sectoral level and use sectoral collective bargaining. Many examples of that were available, coming not only from Europe, but also from Latin America, Africa and Asia.
  94. The Employer Vice-Chairperson underlined the differences between countries and sectors in the challenges and opportunities for social dialogue. Tackling the implementation gap between law and practice required addressing the underlying economic and social factors in a given country and focusing efforts to support growth, employment, and dynamic markets backed by strong social dialogue, which was not limited to collective bargaining.
  95. In order to respect the global diversity of social dialogue, it was important not to allow the debate to become Eurocentric. She summarized six main factors essential to strengthening social dialogue: respect of the fundamental principles and rights at work; adequate resources and an enabling environment for social dialogue and implementation of its outcomes; a strengthened culture of consultation with the social partners; independent workers' and employers' organizations with no interference by public authorities; increased efforts to strengthen representativeness of the social partners; and increased social partner capacity to engage in effective social dialogue.
  96. The Chairperson concluded the discussion by summarizing the necessary elements to strengthen social dialogue. The foundation of social dialogue was free social partners with the capacity to carry out their functions, as well as the existence of various institutions for social dialogue. Key preconditions were freedom of association, an appropriate legal framework and respect for the outcomes of social dialogue. He stated that there should be strong, well-organized, cohesive, responsible social partners, and that social dialogue should be inclusive to all types of workers and employers, which included those engaged in new sectors such as gig and platform economies. Trust among social partners and by governments was also very important, although that was an intangible issue. He also said that social dialogue was universal, but noted that different forms, both tripartite and bipartite, existed in different countries for different historical and political reasons. The precise form should be defined with social partners. Important elements in that process would be the quality of outcomes of social dialogue, the resilience, adaptability and manageability of different social dialogue systems. Regarding the levels of social dialogue, he stated that there was no agreement on the best level, but the complementarity of the different levels was recognized.

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In relation to cross-border and transnational social dialogue, challenges highlighted included the difficulties of bringing social partners with different cultures of social dialogue together, and issues in the enforcement of dialogue outcomes. The ILO should strengthen the outcomes of cross-border social dialogue. In relation to dispute resolution, both individual and collective systems should be complementary to the justice system, and there should be no interference from public authorities.

## Discussion point 2

97. The Worker Vice-Chairperson stated that the changes driven by technology, demography, globalization and climate change could not be used to justify the precariousness of the workforce, but rather should be addressed so as to reverse inequalities. Freedom of association and collective bargaining should be placed at the core of the ILO's future work in order to make progress through social dialogue. Pressures in global supply chains led to lower wages and unsafe conditions in supplier companies. The UN Guiding Principles on Business and Human Rights, the OECD Guidelines for Multinational Enterprises and the MNE Declaration could mitigate the negative impacts on decent work and pave the way to better regulation. Cross-border social dialogue and collective bargaining were essential to give effect to the respect and remedy framework.
98. Regarding workers in non-standard forms of employment and informal economy workers, Recommendation No. 204 provided useful guidance on developing representation mechanisms for informal workers, and the Collective Agreements Recommendation, 1951 (No. 91), on extending collective agreements to all workers. The Tripartite Meeting of Experts on Non-Standard Forms of Employment (2015) had called on the ILO to make efforts to enhance the ability of workers in non-standard forms of employment to negotiate with employers. Good examples existed of collective agreement extension mechanisms to protect unorganized and vulnerable workers and also to level the playing field for employers.
99. Collective bargaining should be centre stage in efforts to address technological transformations in the world of work that increasingly demanded negotiated outcomes and policy solutions, including for vulnerable workers in the gig and platform economies. Such workers were often excluded from the legal protections afforded to workers in employment relationships. He cited the examples of organizing gig and platform workers in the United Kingdom and other positive experiences in Australia, United States, Switzerland, Argentina, Brazil, Colombia, Indonesia and South Africa. Trade unions in Europe had addressed the organization of on-demand and platform workers, and were developing strategies to establish sectoral bargaining mechanisms. The California Supreme Court had introduced a presumption of an employment relationship, placing the burden of proof for the contrary on the company. There was a need for more research on how collective bargaining could ensure decent work for unorganized vulnerable workers and to map good and bad practices. He called for a meeting of experts on decent work for platform and gig economy workers.
100. Drastic changes were needed to produce real solutions to climate change. Workers were committed to participate actively in a new deal based on the just transition framework to manage the transition to a low-carbon economy.
101. Turning to demographic change, social dumping, forced labour and poor working conditions were rampant among migrant workers. Social partners must be consulted on migration policies and the ILO should engage with the Global Compacts on Migration and on Refugees to ensure full respect for the principles of social dialogue and tripartism. Population ageing was another important trend, and the policies of the IFIs and the Troika had negative impacts on workers, for instance through unilateral reforms of pension systems. The ILO should

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promote tripartite consultations on labour and pension reforms and ensure that the IFIs' policies were in line with decent work.

- 102.** He noted several violations of trade union rights, observing that the representativeness of trade unions could only be discussed in the context of the “enabling” environment for union rights. The increase in non-standard forms of employment undermined the capacity of unions to organize. The ILO needed to provide assistance to member States to strengthen tripartite social dialogue institutions as effective mechanisms for discussions on social and economic issues in the world of work.
- 103.** The Employer Vice-Chairperson said that the changes that were occurring simultaneously and at an increasing pace in the world of work provided many potential opportunities but at the same time posed considerable challenges to society, with implications not only for social dialogue and the social partners, but also for the wider governance of the labour market. The pace of change directly affected the business community. As the average lifespan of a company was shrinking rapidly, businesses had to be more agile, innovative and responsive. Customers' expectations were growing and changing rapidly, and restructuring was becoming more common. Workplace flexibility, both in terms of working time and location, was the most salient characteristic of the so-called “new world of work”. The definition of the workplace had been expanded to encompass anywhere that individuals performed their duties. Skills and education were increasingly important in the context of, and should be adapted to, rapid digitization and technological change. The new world of work required modernized social protection systems. Increasingly frequently, people were changing jobs, moving from being an employee to being self-employed (or vice versa), and/or combining employment with a side business or other pursuits, such as studying or family responsibilities. All that required modernized, viable and sustainable social protection schemes with portable rights and global recognition. Appropriate safety nets were also needed to ensure a smooth job-to-job transition.
- 104.** One example of positive dialogue at national level on the changes in the world of work was afforded by South Africa, where the National Economic Development and Labour Advisory Council (NEDLAC) had hosted a national dialogue on the future of work, supported by research conducted by ILO-funded experts. Research and data were key in that area.
- 105.** Established industrial relations systems and social dialogue models were facing a number of challenges in the changing world of work. There was a major question regarding the representativeness and legitimacy of social partners. Trade union membership had decreased dramatically over the past 30 years. Employers' organizations showed more stability, but both social partners needed to reach out more effectively to potential members. They should also increase their capacity to proactively adapt their offer and priorities to the changing realities and needs of their members. The question at stake was the relevance, effectiveness, legitimacy and inclusiveness of social dialogue. The type of workers and companies that the social partners represented was also an important consideration, as was the large and, in some cases, growing situation of informality.
- 106.** Employers had serious concerns about tripartism plus. The inclusion of other actors, such as NGOs, should not be to the detriment of social dialogue. They were also concerned about moves to encourage the ILO to promote IFAs, for a number of reasons. IFAs were grounded in the European context; what worked in the EU might not work well in other regions. There were many other tools that performed the same functions as IFAs, including corporate social responsibility (CSR) policies, supplier codes of conduct, and dispute prevention and resolution systems. IFAs represented a predominantly top-down approach, with global unions seeking to conclude IFAs with global companies; they mostly operated outside of national social dialogue systems and thus did not involve national employers' and workers' organizations.

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107. The changing nature of work had led to a discussion in some countries about whether people who were self-employed should be treated as employees and/or allowed to negotiate collectively. Employers did not consider the genuinely self-employed to be similar to employees in an employment relationship; as such, they were explicitly not included in the scope of application of Convention No. 98. Moreover, in many countries, the inclusion of the self-employed could lead to contradictions with competition law, in that self-employed service providers could be deemed to be creating a cartel to set prices in the market.
  108. Employers' organizations were taking a number of steps to attract new members and retain existing ones, such as: stronger advocacy activities; increased visibility in the media; increased efforts to attract SMEs and/or MNEs as members; creating different types of membership with different services on offer; and providing new or better training.
  109. The Government representative of the Netherlands, speaking on behalf of the EU and its Member States, **and the EFTA country Norway, member of the European Economic Area**, said that globalization and technological change provided opportunities and posed challenges to the level and structure of employment, had an impact on employment relations, and raised questions in areas such as social insurance and labour taxation, job quality and required skills. By promoting better working conditions, social dialogue had the potential to reduce staff turnover, foster the retention of skills, and strengthen the incentives of workers and enterprises to invest in human capital. In many countries, the social partners were involved in the identification of skills needs, the design of education and training curricula, and the design and administration of training measures.
  110. Social dialogue needed to respond to new forms of work and include the growing population of persons working in non-standard forms of employment. That could include, where appropriate and consistent with individual States' customs and practices, extending the coverage of collective agreements to those groups which often fell outside the bargaining system. That was notably addressed in the European Pillar of Social Rights, proclaimed in 2017. Social dialogue could also be an effective instrument to promote gender equality. Examples included national, sectoral and company-level agreements in EU countries, as well as European social dialogue outcomes on the gender pay gap and the work–life balance.
  111. There were many further examples in the EU where bipartite social dialogue had effectively addressed the challenges of economic, social and technological change and seized the related opportunities. Joint declarations on the impact of digitization had been adopted in a number of sectors; collective agreements helped to anticipate structural change and manage transitions; and a tripartite European partnership for integration had been signed in December 2017. Social dialogue was also essential in the area of social protection, in particular to address the challenge of demographic change.
  112. Responding to the challenge of growing international integration, MNEs with more than 1,000 workers in the EU had the right to establish European Works Councils, while in enterprises adopting the statute of a European company or resulting from a cross-border merger, mechanisms were also established for workers' information and consultation at European level, as well as for board-level participation of employees. A growing number of transnational company agreements had also been reached, including IFAs. EU countries recognized their responsibility to promote a transformative agenda for sustainable development, including through support to social dialogue and tripartism.
  113. The Government member of Eswatini, speaking on behalf of the Africa group, summarized how social dialogue could help to address the challenges of technology, demography, climate change, environmental risks and the continued globalization of production, by: ensuring that social partners realized that the new way of seeing the world of work had arrived; addressing the issue of workers' privacy; addressing the urgent need for research

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and knowledge; introducing innovative entrepreneurship programmes to re-skill workers and employers in the context of emerging technologies; and reviewing labour legislations in line with the evolving world of work. Referring to global supply chains, MNEs disproportionately affected the fluid movement of labour across international borders, and they must be identified as a crucial stakeholder in order to ensure their involvement and cooperation in new forms of work. Programmes to support high-level accountability and quality service delivery, usage of IT and e-platforms, and innovative funding models would have to be promoted to increase the membership of workers' and employers' organizations. Workers in the informal sector and non-traditional social partners had to be included in social dialogue arrangements and legal frameworks enabling inclusiveness and representativeness had to be considered. Decentralization of social dialogue had to be prioritized and legislated for.

- 114.** The Government member of Iraq questioned a number of commonly used terms in the Committee, such as “inclusive” and “most representative trade unions”. It would be important to recognize that NGOs and other non-traditional social actors were gaining importance, as the prevalence of trade unions was decreasing. He asked whether the Committee would in fact not be well advised to broaden the dialogue to “include” other actors and whether the exclusion of less representative organizations ignored the rights of workers represented by such organizations. In response to the Employers' group's concern that unilateral decisions were at times taken by governments, he mentioned the case of setting the minimum wage, in which his Government played a mediating role.
- 115.** The Government member of India mentioned that her country had a large informal sector particularly in the agricultural and general rural sectors and the national set-up included an institutionalized mechanism for capacity building of unorganized workers and smaller trade unions associated with those workers. In light of the increasing role of technology in the world of work, it would be imperative to position skills and employability at the centre of social dialogue. That would be particularly important at the firm level as workers whose skills were not adjusted faced the risk of redundancy. She cautioned the ILO against any deviation from the traditional tripartite set-up. Rather than implementing tripartite plus social dialogue, workers' and employers' organizations ought to be encouraged to absorb the views of other relevant actors.
- 116.** The Government member of Niger focused on the issue of inclusion and emphasized that inclusive social dialogue was crucial for good governance. He advocated for tripartism plus, adding that the changes in societal needs affected the very mechanism of social dialogue, in particular social actors who found themselves on the fringes, such as home workers, NGOs and microbusinesses. The promotion of social dialogue with those groups of social actors would be important as their activities would be likely to grow.
- 117.** The Government member of the Philippines cited a few initiatives taken by his Government that highlighted the importance of social dialogue. The Workers' Organization Development Programme (WODP) aimed to strengthen workers' organizations, including women workers' organizations, by consolidating their capacities as independent and active partners in national development. With the aim of increasing enterprise-level inspection, trade unions and their members were empowered to conduct inspections. As of 2017, 149 social partners had been trained on labour laws and social legislation, of which 128 had been issued with the authority to inspect. In order to increase the membership of employers' and workers' organizations, a legislative measure had been filed in Congress that lowered the minimum membership requirements for registration of trade unions, granted cooperative member workers the right to self-organization and to form or join labour organizations of their choice.
- 118.** The Government member of Mexico believed that social dialogue was essential for establishing the framework for cooperation between governments, employers and workers,

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as well as educational institutions, with a view to developing innovative and integrated policies responding to new paradigms and changing needs. The Secretaría del Trabajo y Previsión Social (STPS) programme had been developed to improve and update older workers' skills and implemented the strategy promoting the establishment of specialized centres to identify the skills for persons with disabilities. The programme allowed over 173,000 persons (127,000 older persons and over 47,000 persons with disabilities) to find a job between January 2016 and February 2017. It also supported the transition of workers towards the formal economy, leading to reduced informality from 60 per cent to 56.8 per cent between 2013 and 2017, the lowest figure since 2005.

- 119.** Transversal cooperation between ministries should be fostered to promote new economic activities, support workers during the transition towards new types of jobs, and ensure the quality of employment in a digital economy. Closing skills gaps was essential, such as in the area of information and communication technologies, science, engineering and mathematics, so that the online platform Programa de capacitación a distancia para trabajadores (PROCADIST) contributed to updating workers' skills, training over 100,000 workers between January 2013 and March 2017. Legal frameworks had been developed to include flexible working-hours schemes while protecting labour rights including minimum wage and OSH. The labour law reform adopted in 2012 aimed at recognizing and regulating outsourcing, temporary employment, teleworking and other flexible working arrangements to protect the workers' rights.
- 120.** The Government member of Switzerland saw the need to establish framework conditions promoting decent work and enabling the transition to a green economy. The ILO should contribute to that effort. Global warming and the consequences of consumption showed the need for coordination and solidarity between States. Various crises required the social partners to be ready to respond with specific expertise. The ILO needed to respond quickly to changes in the labour market, especially those related to new technologies, and should ensure coherence between the Green and Future of Work Initiatives.
- 121.** The Government member of Papua New Guinea highlighted the many challenges his country faced as a small Pacific island economy. Climate change and tectonic activity had severe impacts on the lives of families and workers, and there had been several recent unprecedented natural disasters. He appreciated the ILO's assistance but there was also a need for coordinated, quick responses by employers, workers and governments. Responsibility for addressing the consequences of natural disasters did not lie with one party alone, but was shared, requiring a harmonized, tripartite approach to the rescue, repatriation and rehabilitation of both expatriate and national workers. He noted the absence of strong unions to deal with MNEs in countries such as his and requested the ILO's support to strengthen national policy with respect to ensuring ethical business practice in cases of natural disaster.
- 122.** The Government member of Denmark said that societies, industries and workers had to be increasingly agile to ensure economic and social sustainability and inclusiveness in the face of technological change. The Danish Disruption Council, comprising trade unions, employers' organizations, entrepreneurs, youth, government and others, examined major themes and challenges related to the future of work, bringing different perspectives, ideas and visions together to build common solutions. She referred also to a collective agreement signed between a cleaning services digital platform (Hilfr) and the United Federation of Danish Workers, guaranteeing its workers the same rights as other workers in the Danish labour market.
- 123.** The Government member of the United States noted that the single greatest challenge was to equip tomorrow's workers with the skills needed in a world where a mastery of technology would be crucial. Developing effective skills programmes required interaction between the

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tripartite partners. In the United States, dialogue between the tripartite partners at regional and local levels allowed the matching of jobs and skills, supported by rights education programmes. Social dialogue would play a crucial role in helping individuals, enterprises and countries stay competitive in the future. He emphasized that employers' and workers' organizations were free and independent institutions and that governments should not have a role in constructing or obstructing the formation of those freely associated bodies.

- 124.** The Government member of Egypt said that bipartite or multipartite social dialogue could contribute to enhanced policy frameworks to tackle technological, demographic and climate change. The Government should be an active participant in dialogue as well as provide administrative and technical support for it. Investment in tripartite social dialogue, with the full participation of employers' and workers' organizations, was everyone's concern as it led to beneficial results. The Government needed to provide support in relation to the gig economy, allowing all three constituents to review the relevant policies and strategies. A new law adopted in 2017 had allowed an increase in the participation of workers' organizations, enabling all the partners to participate equally in social dialogue.
- 125.** The Government member of the Russian Federation indicated that the role and format of tripartism at national level were especially important in finding solutions, given current changes in forms of employment, new models for business and the effects of labour migration. However, that should not undermine bipartite negotiation at sectoral and enterprise levels, which allowed for flexibility, particularly in determining wages and working conditions in accordance with sectoral specificities. Legislation was needed to resolve some challenges and the earlier the government was made aware of a problem, the better. He cited the example of temporary agency work in his country where national level tripartite consultations had led to the decision that such workers should receive a wage no less than that of other workers in the enterprise, regardless of the sector. The effectiveness of social dialogue increased with higher membership of workers' and employers' organizations. He outlined a national mechanism, established in the Ministry of Labour, to allow for appeals for the extension of negotiated sectoral collective agreements.
- 126.** The Government member of Kenya said that social dialogue was a reliable tool to tackle challenges such as widening income inequality, changes in employment relationships and reduced public expenditure. A strong labour administration system was needed, underpinning social dialogue at enterprise, sectoral and national levels. In order to implement labour legislation and respect ratified international Conventions, the Government employed 50 labour and OSH inspectors. A law to regulate the employment of Kenyan workers abroad had been adopted, focusing in particular on the operations of private recruitment agencies. Bilateral labour agreements with destination countries included provisions to protect vulnerable workers and on minimum wages. His country had registered 20 new trade unions in the past two years, covering new and emerging sectors. However, the multiplication of unions should not be encouraged, as that might be an obstacle to effective social dialogue.
- 127.** The Government member of Mali said that there was a need to take into account platform workers, and that governments had to formulate laws to address the impacts of technological change. Social policies needed to integrate new forms of employment into collective bargaining. Social partners' skills needed to be strengthened in order to increase their membership. His country had undertaken a thorough review of collective bargaining agreements since 2005 for all sectors. Negotiations at the enterprise level had led to the conclusion of collective agreements, including on wages.
- 128.** The Government member of Senegal said that recent changes in the world of work, in particular in relation to MNE operations, needed to be better regulated. To that end, his country had already carried out awareness-raising activities for over 200 national

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stakeholders on the revised MNE Declaration and had appointed four national focal points. Elections on union representation had enhanced the efficiency of social dialogue frameworks and had reduced union fragmentation. Furthermore, in order to support and assist unions, subsidies were granted to the most representative union confederations; dedicated union staff were provided for public sector unions for education and training; and trade union dues were increased twofold. Making social dialogue more inclusive required the creation of forums for discussion between the most representative organizations and others in order for all concerns to be handled appropriately in social dialogue frameworks. While the Government was committed to traditional tripartism, in certain cases other civil society actors, such as associations of retired persons or of parents of school children, might be involved.

- 129.** The Employer Vice-Chairperson stressed that if the social partners did not succeed in shaping the future of work, that could mean the end of industrial relations. Reducing the digital divide, increasing access to high speed internet and IT literacy should be considered top priorities. Modern and viable social protection schemes with portable rights and global recognition and safety nets were needed to ensure a smooth job-to-job transition. Skills development and education reforms had to be adapted to labour market realities. Data collection, transparency and traceability posed serious challenges, but were also useful for safety and health monitoring purposes, simplified regulation and reduction of the informal sector.
- 130.** The Worker Vice-Chairperson shared the view presented by the EU that collective bargaining needed to include freelancers, gig workers and the self-employed, indicating that he would like to see that point covered in the outcome of the Committee. With regard to the suggestion by some governments on including new partners in social dialogue processes, traditional partners were preferred as the ILO's Constitution required it, not because there was any kind of fear. NGO voices would continue to be heard through different channels and fora, but in the ILO through the most representative employers' and workers' organizations. The Workers' group thus endorsed tripartism, but not tripartism plus.
- 131.** He noted the deep concerns in some countries regarding the lack of respect for the autonomy of social partners and collective agreements. Therefore, it was important to create an enabling environment and put in place legal frameworks to guarantee workers' and employers' right to bargain freely. Governments could nonetheless invest in capacity building of the social partners. There were cases of unacceptable interference by the IFIs in social dialogue at the national level on labour law reforms, which had encouraged the decentralization of collective bargaining in European countries. In response to the Employer Vice-Chairperson's citation from an OECD study on wages and collective bargaining, the same study had also noted that countries with coordinated bargaining outperformed those without it. Self-employed workers should not be denied their right to collective bargaining. In several countries, workers were pushed to accept self-employment or their employment status was disguised in industries such as textiles, domestic service, transport, marketing and the public sector. Bogus self-employment had led to many labour conflicts in Argentina, Chile, Mexico and the United States. A few good examples existed of countries which had guaranteed the right to collective bargaining to the self-employed. IFAs were grounded in the context of mature industrial relations. They were concluded between global unions and MNEs, and complemented by collective agreements. IFAs promoted cross-border social dialogue and decent work, through the application of core labour standards. On the contrary, codes of conduct and CSR were often shaped by outside consultants, developed unilaterally and designed primarily to mitigate companies' reputational risk.
- 132.** In summarizing point 2 of the discussion, the Chairperson noted that the world was changing at a rapid pace, and economies had to adapt to important evolutions. The future of work was creating both challenges and opportunities for the labour markets such as globalization, technological change that could lead to a digital divide, and demographic and climate

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changes, and social dialogue should be used as an instrument to manage those changes. The place of work had become more complicated, which presented challenges and opportunities; he therefore cautioned against some new forms of work organization and new forms of employment, while others should be encouraged. Together with the rapid restructuring of jobs, that called for more inclusiveness and diversity.

- 133.** Social dialogue had to address a broader range of issues compared to the past, such as informality, crowd working and work migration. Social dialogue outreach had to expand to new groups of workers and employers, to be then absorbed and channelled into existing workers' and employers' organizations, and IT tools were instrumental in the process. Cross-border social dialogue was needed, albeit there was no agreement on which form of it was best suited. Social protection, social safety nets, taxation and anti-trust laws might need to be adapted, and policies on skills anticipation and management needed to be reinforced. Social partners had to play a key role in shaping those policies.
- 134.** He also referred to the issue of data collection on new forms of employment. He noted a need for complementarity in handling social dialogue at all levels and warned against changing the level of collective bargaining without adequate consultation with the social partners.

### Discussion point 3

- 135.** The Worker Vice-Chairperson elaborated the workers' five top priorities. Foremost, the ILO should make a clear and renewed political commitment to social dialogue and tripartism based on full respect for Conventions Nos 87 and 98. Actions should include: an unprecedented campaign for universal ratification; a major boost in assistance to member States to overcome obstacles to ratification and effective implementation; capacity building for ILO constituents to promote the right to organize and bargain collectively; research and statistics on freedom of association and collective bargaining; the launch of indicator 8.8.2 under the SDGs; production of a flagship report on freedom of association, collective bargaining and inequality on the occasion of the ILO Centenary; and making technical cooperation in the ILO, in the UN and in partnerships with the IFIs conditional on the ratification and implementation of Conventions Nos 87 and 98. Particular attention should be paid to workers in non-standard forms of employment and in the informal economy. Decent Work Country Programmes (DWCPs) should include ratification targets on core, governance and technical Conventions and should follow-up more systematically on the recommendations of the supervisory bodies; and workers' organizations should be more involved in the design, implementation and evaluation of DWCPs and United Nations Development Assistance Frameworks (UNDAFs).
- 136.** The ILO should promote policy coherence on freedom of association, collective bargaining and social dialogue in its partnerships with other international organizations and in the UN reform process; it should also increase its efforts, including resource mobilization, around SDG target 8.8. Within the 2030 Agenda and the UN reform process, the ILO should guarantee the adequate involvement of the social partners at national level in the identification of priorities, implementation and evaluation. Clear resource commitments to support these efforts should be made within the ILO and governments should also provide resources and political support.
- 137.** The Workers' group stressed the importance of cross-border collective bargaining to give effect to the due diligence required from MNEs in the framework of the United Nations Guiding Principles on Business and Human Rights (UNGPs) and the revised MNE Declaration. In light of the upcoming expert meeting on cross-border social dialogue, it was important that the topics highlighted by the constituents shape the agenda, including

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innovative practices of transnational collective bargaining, with particular attention to IFAs. Binding due diligence mechanisms at the national level should be promoted.

- 138.** The group called for two tripartite expert meetings: first, on how workers in the gig economy and platform work could access decent work through collective bargaining, and to identify possible gaps in standards; and second, on the prevention and resolution of individual and collective labour disputes and access to labour justice, focusing on practical modalities for company-level grievance mechanisms. The Office should undertake research to generate guidance on privacy and data security in the workplace, possibly to be followed by a tripartite meeting of experts.
- 139.** The Employer Vice-Chairperson mentioned a number of useful ILO activities such as: a continued focus on developing constituents' capacity for social dialogue, based on their respective needs and adapted to their realities. Within that framework, DWCPs needed to be developed in consultation with the social partners. The ILO, with the active participation of the Bureau for Employers' Activities of the ILO (ACT/EMP) and the Bureau for Workers' Activities (ACTRAV), should continue to: improve the capacities of constituents to undertake research in the field in order to find good solutions to local problems; promote a functional relationship between employers and workers at the enterprise level; and ensure early and continued involvement of the social partners in policy development thus ensuring a bottom-up approach, building a sense of ownership among local actors and encouraging mutual trust. The ILO should continue to support member States in strengthening national-level social dialogue institutions and processes for the development of social policies and labour laws. ACT/EMP and ACTRAV should be provided with the necessary resources to support constituents effectively.
- 140.** Employers welcomed the sectoral meetings organized within the ILO Sectoral Activities Programme and called for stronger engagement, including through better coordination with ACT/EMP and ACTRAV.
- 141.** The Employers' group noted the need to mainstream social dialogue across the ILO's fragmented approach to promoting social dialogue so as to coordinate efforts and use resources responsibly. ACT/EMP and ACTRAV should be involved in all social dialogue activities of the Office. Those activities should continue to receive sufficient funding from all sources including the regular budget, supplementary account and development cooperation. The Office should continue proactive advocacy among other international organizations, national cooperation agencies and multi-stakeholder initiatives so that they would engage more consistently with the social partners. It should strengthen its research, technical assistance and training on workplace cooperation, which received insufficient attention relative to other forms of social dialogue. The Office tended to favour certain processes over others, for example, distinguishing collective bargaining from social dialogue as if they were separate, and equating "decentralization" with "erosion" of collective bargaining. All forms of social dialogue were relevant, with no hierarchy among them; no preference should be given to one form over another; and there was no one-size-fits-all model. Additional research was needed on the business case for social dialogue, based on solid evidence and data, written in clear and understandable language directed to enterprises of all kinds. A cost-benefit analysis of the technical assistance offered by the Office was also needed to allow the constituents – and the wider general public – to assess its impact.
- 142.** Finally, she elaborated on several concerns. First, the Office must make a stronger case for social dialogue and tripartism with Governments in other parts of the UN system so as to ensure that the UN reform process did not result in the social partners being overlooked in future UN activities. Second, the Office's engagement and communication on the Global Deal had never been discussed properly within the ILO Governing Body and had received no formal endorsement by its constituents, raising questions about the Office's protracted

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engagement in that initiative despite the employers' expressed concerns. The ILO support for the Global Deal was thus a breach of social dialogue and tripartism and the Office had no mandate to continue. Third, the increasing number of players in the multilateral arena affected policy coherence within countries and between multilateral processes. The SDGs offered an opportunity to articulate the value and impact of social dialogue. The ILO should promote the meaningful involvement of the social partners in the G20 discussions, which typically touched upon workplace-related topics. Equally, the Office should encourage G20 Governments to involve the social partners in the implementation of priorities at the national level.

**143.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania, Bosnia and Herzegovina, Norway and Georgia, called for strengthening knowledge of the impact of social dialogue on issues such as sustainable development, equality, competitiveness and the business case; and to improve dissemination. The ILO should also address dimensions of social dialogue which had so far been insufficiently documented, including: workplace cooperation, cross-border social dialogue, multi-stakeholder partnerships, SMEs, emerging sectors, occupations and new forms of work and the informal economy. Building effective labour dispute resolution systems was a work in progress for many ILO member States and called for social dialogue to set up effective mechanisms in order to ensure credibility and neutrality. Capacity building – for labour administrations, workers' and employers' organizations, international organizations, multinational companies, NGOs and trade and development cooperation actors, among others – was key to promoting understanding and respect for social dialogue. The International Training Centre of the ILO in Turin should continue to play an important role in that regard. The ILO should continue to promote universal ratification of Conventions Nos 87 and 98; and should integrate other relevant instruments such as Convention No. 144, and the Workers' Representatives Convention, 1971 (No. 135), in ILO activities. Social dialogue must also be part of DWCPs, development cooperation activities and other ILO activities. Efforts needed to be made to liaise with other UN agencies and international organizations to promote the role of social partners and social dialogue, particularly in view of the growing importance of UNDAFs in the UN reform and the need for coherence towards the achievement of the SDGs. Partnerships of different kinds should be fostered to widen the impact of ILO activities, including the Global Deal.

**144.** The Government member of Eswatini, speaking on behalf of the Africa group, appreciated that the ILO had prioritized ratification and implementation of Convention No. 144. That renewed commitment presented an opportunity for Africa and the entire ILO membership to strengthen social dialogue and tripartism in their respective member States and possibly provide a platform to entrench that important aspect of labour governance across the globe. Member States within the Africa group were at different levels of ratification and domestication of Conventions Nos 87 and 98, but it was encouraging that most were making visible strides towards strengthening social dialogue structures. The Africa group would continue to encourage member States to speed up ratification and domestication of those Conventions, as well as share experiences at both bilateral and multilateral levels through established regional blocs. The role of the ILO should include: continue to promote awareness and build capacity on social dialogue, with more events hosted in Africa through the existing regional blocs; establish labour research units in all member States in order to improve the existing database on labour market issues; assess the state of national social dialogue frameworks in each of the member States and provide appropriate technical support; build capacity of the governments and social partners on social dialogue, international labour standards and national labour law; and continue to promote ratification of Convention No. 144 and the Collective Bargaining Convention, 1981 (No. 154). The ILO should also: consider developing a specific standard that would address issues relevant to social dialogue and tripartism; develop a monitoring and evaluation system to regularly track the impact and effectiveness of social dialogue and tripartism practices in member States;

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and establish a forum for regular discussion with international development agencies such as the World Trade Organization, the International Monetary Fund, the World Bank and other organizations.

- 145.** The Government member of the United States called for continued data collection and dissemination, evidence-based research and cutting-edge policy advice on social dialogue and tripartism; continued examination of social dialogue models to address skills development, the organization of work in the gig economy and the impact of technology; and continued training of labour inspectorates. The ILO should identify ways to address implementation gaps, given that effective implementation was necessary for the protection of the fundamental principles and rights at work, and the ILO supervisory bodies should play a key role in that regard. It should develop strategic partnerships and leverage those strengths in other international organizations and countries, where possible, to promote its objectives and continue active involvement in bilateral and multilateral spaces.
- 146.** The Government member of Sweden cited numerous times where her Government had consulted with employers and workers concerning the Global Deal. It was a partnership which complemented the ILO's work and required no additional reporting as partners merely committed to share good practices.
- 147.** The Government member of the Philippines thanked the ILO for the support provided to strengthening the collaboration between his Government and the social partners. While the country had faced challenges around social dialogue and tripartism, those also contributed to the strengthening of labour-management cooperation; and continued technical assistance was needed, particularly on the future of work and how to prepare for the changes to come. The ILO should reiterate its call for the universal ratification of the fundamental Conventions and provide technical assistance to ensure compliance in both law and practice; and offer programmes and projects to its tripartite partners that would provide a complete understanding of the value and importance of social dialogue and tripartism.
- 148.** The Government member of India called for continued technical assistance to ratify and implement the relevant international labour standards. The ILO should strengthen traditional tripartism, incorporating the views of other actors such as civil society. The speaker cautioned the ILO in its promotion of the UN agenda and asked to follow the Organization's mandate, using its own social dialogue and tripartism mechanisms. Cross-border social dialogue was an important mechanism in dealing with MNEs but must not undermine the sovereignty of member States. The ILO should also strengthen the capacity of trade unions to harness new technological tools and platforms to reach out to informal workers and those in non-standard forms of employment; and intensify its research on the gig and platform economies.
- 149.** The Government member of Canada called on the ILO to continue to target its resources on strengthening the capacities of developing countries in the area of social dialogue. Through the DWCPs, the ILO should continue to promote the full participation of the social partners in social dialogue and support governments in establishing appropriate legal and institutional frameworks. Steps to improve women's participation in social dialogue should continue to be an integral part of the ILO's efforts. The Organization should continue to offer training and technical expertise, especially with regard to best practices in collective bargaining and dispute resolution. It should promote coherent policies through the exchange of information, and provide governments and international institutions with guidance on how to incorporate social dialogue in their activities. The ILO should fill knowledge gaps by collecting relevant data and widely disseminating evidence-based research findings. Specific sectors and areas to be targeted included workers in precarious employment and cross-border social dialogue, the latter with a view to promoting decent work in global supply chains.

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- 150.** The Government member of Australia encouraged the Office to continue directing its resources in support of social dialogue to those member States with capacity and resourcing constraints and to improve the exchange of labour market information. Her Government looked forward to seeing how research on the impact of labour law in alleviating poverty, as well as on the legal regulation of employment relationships in selected jurisdictions, would be translated into practical, operational resources. The Office should leverage the lessons from ILO initiatives, including its flagship programmes, where the programme design had resulted in successful social dialogue outcomes. The ILO and social partners should ensure that its next action plan prioritized practical and effective measures for ensuring visibility and fair representation of women in social dialogue, at both national and international levels. The ILO should do more to promote the benefits of gender balance in tripartite bodies and increase understanding of why that issue was so critical for the ILO's Decent Work Agenda. Women must be able to participate equally from the grassroots level right through to the ILO, the highest level of social dialogue.
- 151.** The Government member of Turkey said that the social dialogue framework should be customized by taking national circumstances and local industrial relations traditions into consideration. Consultation, cooperation and support were the most important elements in the formulation, implementation and monitoring of effective, inclusive and broad-based social dialogue.
- 152.** The Government member of China said that her Government had recently amended legislation to take account of technological developments. Tripartism had underpinned the reform of labour legislation. New economic sectors were being created, with new characteristics and needs to regularize employment, on which advanced research needed to be carried out. Capacities in collective bargaining should be strengthened. With regard to cross-border social dialogue, both companies and workers needed to increase their capacity, as they shared mutual interests. In April 2017, the Ministry of Human Resources and Social Security had signed a Memorandum of Understanding with the ILO Country Office in Beijing to promote tripartism, and national officials had made study visits to learn from other countries' experience in that regard. She expressed appreciation for the support received from the ILO.
- 153.** The Government member of Mexico called for better funding of public education and training systems. Investment should be channelled into capacity-building and technical and vocational training programmes. Workers needed basic, advanced or specialized digital skills appropriate to their jobs. Social dialogue was essential to derive benefit from technological advances and to secure workers' well-being. In the digital age, agreements on working time and on protection against adverse repercussions in terms of workers' health, safety and decent wages must be part of employment contracts. Trade unions and employers were an integral part of the process of contributing to inclusive economies in the future. Institutional structures and labour policies accordingly needed to be modernized.
- 154.** The Employer Vice-Chairperson said that the Office should continue to focus on impactful capacity-building efforts for social partners, with the full involvement of ACT/EMP and ACTRAV. It should provide technical assistance and policy advice to assist in the establishment of an enabling environment for social dialogue and promote universal ratification of Conventions Nos 87, 98 and 144. The constituents should be provided with the outcomes of the 2013 action plan, and in particular the findings of research on individual labour dispute resolution systems in non-OECD countries, the guiding principles on effective handling of individual labour complaints, and the results of research on the socio-economic outcomes of different collective bargaining systems.
- 155.** With regard to standard setting, no single ILO instrument established consistent and comprehensive principles for labour dispute resolution systems. More research needed to be

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done on that aspect, and it was premature to consider any developments for an ILO instrument in that area. She looked forward to the results of the review of the relevant Recommendations, which was included in the programme of work of the Standards Review Mechanism. The impact of knowledge-sharing platforms on this topic should be assessed, as should the potential for their transferability to other regions. The ITC–ILO programme on conciliation and mediation and on building effective labour dispute prevention and resolution systems should be scaled up.

- 156.** Points that the Employers’ group would like to see included in the Committee’s conclusions included: recognition that there was no one-size-fits-all model of social dialogue; provision of support for evidence-based social dialogue; recognition of the need for more research on the business case for social dialogue; and recognition of the ILO’s role in promoting social dialogue and the role of the social partners among other relevant UN institutions. Clear note should be taken of employers’ concerns about the Global Deal, and resources should not be allocated to its promotion until the social partners and ILO constituents had been fully involved and a decision taken in the ILO Governing Body. Lastly, in response to the Worker Vice-Chairperson’s statement, the Employers’ group was resolutely against any moves towards an ILO Convention on supply chains.
- 157.** The Worker Vice-Chairperson said that he was pleased to hear Government members calling for more ratification of the ILO’s core Conventions, for more resources to be channelled into capacity-building activities, and for more research to be conducted on decent work in the gig economy and on cross-border social dialogue. His group endorsed the need to provide both ACT/EMP and ACTRAV with the necessary resources, to organize more sectoral meetings and activities, and to secure more funding from all sources for the ILO’s work on social dialogue. The new commitment to social dialogue would be expressed through the campaign for universal ratification of Conventions Nos 87 and 98.
- 158.** The Chairperson concluded with a brief summary of the discussion. In the domain of, broadly speaking, knowledge generation, there were clear calls for: initiatives to promote social dialogue, make the business case for it and assess its impact; an in-depth analysis of freedom of association and collective bargaining; more expertise on the gig and platform economies, also on privacy and data security in the workplace; workplace cooperation; labour disputes; cross-border social dialogue, obviously also linked to the expert meeting that would take place the following year; and more research in the field and by ACT/EMP and ACTRAV. In the domain of promotion and support, clearly for many a priority was to promote the ratification and implementation by as many member States as possible of Conventions Nos 87 and 98, and Nos 144 and 154 were also mentioned; promotion of social dialogue at enterprise level and to better explain to enterprises what was the added value of social dialogue; and promotion of social dialogue at national level. Clear calls were made for initiatives to: enhance capacity of all the actors in the tripartite system, including governments; enhance representativeness and inclusiveness; and promote dispute resolution and access to labour justice. Bipartite support for more sectoral meetings, calls for more exchange of best practices, and the call for more attention to gender equality in social dialogue were also well noted.
- 159.** Efficiency and evaluation of actions were required so that the ILO would make a difference. Mainstreaming of social dialogue throughout all ILO actions, in particular the DWCPs, should involve the social partners. ACT/EMP and ACTRAV should be supported. Sufficient funding was needed.
- 160.** The place of social dialogue/tripartism in the UN reform in general, and in the UNDAFs in particular, was clearly a concern shared by many; and the link with the SDGs was something many people thought merited clear attention. In addition, the case for social dialogue and tripartism should be made even more strongly in the interaction between the ILO and other

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international organizations. And there was also the call to support regional initiatives such as the ones in Africa – for instance the Southern African Development Community (SADC) and those in the Francophone part of the continent.

161. The Committee members shared many of the aims but differed on the means. Probably the best example of that was the Global Deal, where all seemed to share most of the aims behind that initiative but differed strongly on the governance, and it was regrettable that, despite efforts, no sufficiently strong constituency for it had been built.

## **Closing statements**

162. The Worker Vice-Chairperson observed in his closing statement the overall agreement among Committee members on the role of social dialogue and tripartism in the process of the UN reform, in which tripartism, standards and the ILO supervisory mechanisms ought to prevail. The proposals put forward by the Workers' group were ambitious, but consistent with earlier recurrent discussions and agreed conclusions. The evaluation of the Declaration on Social Justice for a Fair Globalization, 2008, had shown that fundamental major challenges remained in the ratification and implementation of relevant Conventions. He invited all Committee members to analyse any unfulfilled promises on delivery, as member States' failure to reduce inequality would demonstrate a clear lack of political will to push the Organization to fulfil its constitutional mandate. One of the cornerstones of the Philadelphia Declaration was that labour ought not to be regarded as a commodity; however, the commodification of labour could be seen in almost any labour market. He denounced emerging business models which combined twenty-first century technology with nineteenth century labour practices. Recognizing the trend of growing inequality, his group proposed working toward a just transition framework, in which workers had a say in policies which affected them. In preparation for the ILO's Centenary, his group called for renewed political commitment and hoped that the Committee's debates based on common and solid ground would be reflected in the conclusions.

163. The Employer Vice-Chairperson stated that the Committee's discussions had provided the opportunity for all, including the Office, to better understand members' diverse realities and needs, which would allow the ILO to adapt its priorities and actions accordingly. She reiterated the position regarding the diversity of social dialogue forms and processes and rejected the notions of a hierarchy and of a one-size-fits-all model of social dialogue. She encouraged both workers' and employers' organizations alike to recognize the importance of maintaining strong, autonomous and representative social partner organizations, to reflect what was on offer to their respective constituents and to adapt accordingly. To that effect, a bottom-up approach was needed to reflect the realities of how social dialogue could be strengthened on the ground.

## **Discussion of the draft resolution and conclusions**

164. The Chairperson introduced the paper containing the draft conclusions of the Committee, which reflected the intense deliberations of the drafting group, whose work had clearly demonstrated the commitment of all its members to tripartite social dialogue.
165. The Government member of Ireland exercised her right to reply on issues raised by the Employer and Worker Vice-Chairpersons related to the introduction of an exemption for certain categories of self-employed workers from competition legislation with regard to collective bargaining. The Competition (Amendment) Act 2017 was a targeted measure, with the concepts "false self-employed workers" and "fully dependent self-employed

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workers” applying only to competition law. Only three categories of self-employed persons (freelance journalists, voice-over artists and musicians) were granted an automatic exemption, and they had been the subject of a tripartite agreement. The legislation provided that trade unions could apply for an exemption for other classes of self-employed workers, but to date no applications had been made.

166. The Chairperson informed the Committee that 35 amendments to the draft conclusions had been received.

## **Guiding principles and context**

167. The Government member of Eswatini, speaking on behalf of the Africa group, introduced an amendment to insert the words “as a means to achieve social and economic progress,” in the second sentence of the first paragraph, after the words “Social dialogue,” and to delete the third sentence “It is a means to achieve social and economic progress”.
168. The amendment was not supported by either the Worker Vice-Chairperson or the Employer Vice-Chairperson and was rejected.
169. The Employer Vice-Chairperson introduced an amendment in the second paragraph, line 2, to insert the words “by the governments” before the words “for the autonomy”. The Worker Vice-Chairperson and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment. The Africa group did not support the amendment, considering that governments, as equal social partners, were to be granted the same level of trust as employers and workers.
170. The amendment was adopted as proposed.
171. The Employer Vice-Chairperson withdrew an amendment to delete the word “however,” in paragraph 3, line 4.
172. The Government member of Eswatini, speaking on behalf of the Africa group, explained that the amendment proposed by his group had not been well captured. The amendment to paragraph 8, second sentence, was intended to acknowledge the challenges to social dialogue posed by the exclusion of minorities. The original amendment was therefore subamended to insert the words “and the need to accommodate minority interests and vulnerable groups” after the words “gender inequalities”. The Government member of Senegal pointed out a discrepancy in translation of another term in the same paragraph.
173. The Worker Vice-Chairperson proposed a subamendment to read “the need to accommodate the interests of vulnerable groups”. The Africa group, the Employers’ group and the EU and its Member States supported the amendment as subamended. The Employer Vice-Chairperson suggested deletion of “and” before “economic”.
174. The amendment was adopted as subamended.
175. The Employer Vice-Chairperson introduced an amendment to move footnote 2 in paragraph 8, from line 11 to line 6, after the words “in forced labour”. The Workers’ group and the Africa group supported the amendment.
176. The amendment was adopted as proposed.

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## Framework for action

### **Point 1**

177. The Government member of Eswatini, speaking on behalf of the Africa group, introduced an amendment to replace “full” with “effective” before the word “implementation”. With the support of the Employers’ and the Workers’ groups, the amendment was adopted as proposed.

### **Point 3**

178. The Government member of Canada proposed, in clause (a), to insert the words “strive to” before “ensure”, as this would reflect the reality of governments which were not always fully able to realize their aspirations due to resource limitations.
179. The Worker Vice-Chairperson recalled that the first and most important goal of the Workers’ group had been to establish a clear and renewed political commitment to social dialogue, supported by adequate resource allocations by governments and the Office. He did not support the amendment.
180. The Employer Vice-Chairperson similarly considered that the amendment weakened the conclusions and did not support it.
181. The Government member of the United States and the Africa group supported the amendment as proposed by Canada, as it reflected the difficult reality of resource constraints.
182. The amendment was rejected.
183. The Government member of Senegal, speaking on behalf of the Africa group, proposed an amendment to replace “agreed” with “achieved” before “outcomes of social dialogue” in clause (i). With no support from the Workers’ and the Employers’ groups, the amendment was withdrawn.
184. The Government member of the Netherlands, speaking on behalf of the EU and the industrialized market economy countries (IMEC), introduced an amendment to add the words “as appropriate;” at the end of clause (i), in order to reflect the fact that collective agreements should be concluded and respected, but did not involve governments.
185. The Employer Vice-Chairperson suggested a subamendment to replace “as appropriate” with “where applicable”.
186. The Worker Vice-Chairperson proposed a subamendment to retain “as appropriate”, but to insert it instead after “implemented”, as had been suggested by the Employers’ group.
187. The Government member of the Netherlands, speaking on behalf of the EU and IMEC, agreed to the subamendment, with the addition of commas “; as appropriate;”, a proposal that was also supported by the Government member of the United States and the Africa group.
188. The amendment was adopted as subamended.
189. The Employers’ group withdrew its first proposed amendment to clause (j).

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190. The Employer Vice-Chairperson proposed a subamendment to the Employers' group's second amendment to clause (j). She proposed to delete the words "mutually acceptable and voluntary" before the words "dispute prevention and resolution mechanisms".
  191. The Worker Vice-Chairperson supported the amendment as subamended by the Employers' group. The Government member of Eswatini, speaking on behalf of the Africa group, supported the subamendment.
  192. The amendment was adopted as subamended.
  193. The Employer Vice-Chairperson withdrew the third proposed amendment to clause (j).
  194. The Government member of the United States, speaking also on behalf of Australia, Canada, Japan and Switzerland, introduced an amendment to clause (k), to replace "ensure" with "support". He explained that innovative approaches could not ensure the exercise of freedom of association but could support it.
  195. The Employer Vice-Chairperson understood the concern expressed by the governments but preferred to retain the original text, which was the fruit of a long discussion. She did not support the amendment.
  196. The Worker Vice-Chairperson agreed that the text had been the result of a difficult compromise reached during the drafting group's work, and was in line with the 2013 conclusions. He did not support the amendment.
  197. The Government member of Eswatini, speaking on behalf of the Africa group, supported the amendment.
  198. The amendment was rejected as there was no majority in favour of it.
  199. The Worker Vice-Chairperson introduced an amendment to clause (k) to insert the word "those", so that the last part of the clause would read "and that those workers are able to enjoy the protection afforded to them ...". He believed that would make the meaning of the clause clearer.
  200. The Employer Vice-Chairperson, the Africa group and the EU all supported the amendment.
  201. The amendment was adopted as proposed.
  202. The Government member of the United States, speaking on behalf of IMEC, introduced an amendment to clause (k). He stated that use of the word "laws", without further qualification of the term, was ambiguous and unclear. He proposed to insert the word "applicable" before "laws" to make the meaning more specific.
  203. The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment, as did the Government member of the Netherlands, speaking on behalf of the EU.
  204. The Government member of Ghana proposed a subamendment to replace "applicable laws and national circumstances" with "applicable national laws and circumstances". The subamendment was not seconded and fell.
  205. The amendment was adopted as proposed.

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- 206.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, as well as a number of other member States, introduced an amendment to add the words “and non-discrimination” after “gender equality” in clause (p), in order to incorporate action against all forms of discrimination, not only that related to gender.
- 207.** The Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government member of Eswatini, speaking on behalf of the Africa group, supported the amendment.
- 208.** The amendment was adopted as proposed.
- 209.** The Worker Vice-Chairperson introduced a subamendment to the amendment proposed by his group, whereby the end of clause (p) would read “... participation and engagement of women and youth in social dialogue;”.
- 210.** The Employer Vice-Chairperson and the Government members of Switzerland, of the Netherlands, speaking on behalf of the EU and its Member States, of Turkey and of the United States, all supported the subamendment.
- 211.** The amendment was adopted as subamended.
- 212.** At the proposal of the Employer Vice-Chairperson, the phrase was modified to read “... increased participation and engagement ...”.

### **Point 5**

- 213.** The Worker Vice-Chairperson introduced an amendment in the second line of clause (a) to replace “the workers” with “according to national practice, representatives of membership-based representative organizations of workers”. That formulation was in line with Recommendation No. 204. He accordingly also proposed that the words “in line with Recommendation No. 204” be inserted at the end of the clause.
- 214.** The Employer Vice-Chairperson supported both of the amendments.
- 215.** The Government member of France suggested that the French translation be corrected.
- 216.** The amendments were adopted as proposed.
- 217.** The Worker Vice-Chairperson introduced an amendment to replace “less represented” with “less included” in clause (b).
- 218.** The Employer Vice-Chairperson supported the amendment.
- 219.** The Government member of Argentina proposed a subamendment to read “... never included and less included ...”. The subamendment was not seconded and fell.
- 220.** The Government member of Senegal suggested that the French translation of the amendment should be corrected to read “associés”.
- 221.** The amendment was adopted as proposed.
- 222.** The Government member of Turkey introduced an amendment to add a new clause after clause (h), to read “actively cooperate with national and international institutions whose agendas are relevant to social dialogue;”.

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223. The Employer Vice-Chairperson noted that those aspects were covered in other parts of the conclusions. The Worker Vice-Chairperson pointed out that cooperation with relevant partners was mentioned in both the chapeau to point 5 and in point 8.
224. The amendment was rejected as there was no majority in favour of it.
225. The Government member of Eswatini, speaking on behalf of the Africa group, introduced an amendment to clause (i) to insert “, migrant workers, minority interests”, after the word “women” and before “and other underrepresented groups”.
226. The Worker Vice-Chairperson opposed the amendment, in order to preserve the focus on women, but he appreciated the sentiment and suggested placing the proposal elsewhere if appropriate.
227. The Employer Vice-Chairperson said that the clause “other under-represented groups” was inserted specifically to avoid including a long list of individual groups and so she preferred to retain that more general formulation.
228. The Government member of Eswatini withdrew the amendment.
229. The Employer Vice-Chairperson introduced two related amendments, the first being to insert “The Office should” at the start of clause (l), before the word “pursue”. The existing clause (l) would be moved to become the final sentence of point 5.
230. The second amendment proposed by the Employers’ group was to move the current clause (m) under point 5 to become a new clause (f) under point 6. Those amendments were intended to cluster together related points and to distinguish between the roles of the constituents and the Office.
231. The Worker Vice-Chairperson supported both amendments.
232. Both amendments were adopted as proposed.

## **Point 6**

233. The Government member of Switzerland, speaking also on behalf of Australia, Canada, Japan, Norway and the United States, introduced an amendment to replace “yearly” with “periodic” in clause (a). The publication of a flagship report on social dialogue and tripartism on a yearly basis would be too frequent, lessening its value; it would not allow enough time to ensure high-quality data collection; and it would impose a high financial cost and administrative burden on the Office and constituents.
234. Neither the Employer Vice-Chairperson nor the Worker Vice-Chairperson supported the amendment.
235. The Government member of Canada stressed that the merit of the report itself was not being called into question, merely its frequency with the attendant resource implications. The Government member of Australia shared the same concerns regarding resource and administrative obligations. The Government member of the United States and the Government member of Turkey also supported the amendment.
236. The Worker Vice-Chairperson maintained his group’s position but sympathized with the concerns about resource implications and the need for high-quality research. He mentioned that the Governing Body should decide on budget allocations. He suggested that the first

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report might be published in 2020 or even 2021, in order to be accommodated in the ILO Programme and Budget for 2020–21.

- 237.** The Employer Vice-Chairperson also maintained her opposition to the amendment.
- 238.** The amendment was rejected.
- 239.** The Employer Vice-Chairperson introduced an amendment to clause (a), suggesting to insert “the role and impact of:” after “research on”; that would allow deletion of “the role (and impact) of” in subsequent sub-clauses (i) through (iv).
- 240.** The amendment was adopted.
- 241.** The Employer Vice-Chairperson introduced an amendment to sub-clause (a)(ii) to insert “as well as the economic performance and competitiveness of business” after “economic development”. The first bullet of sub-clause (a)(iii) would thus be covered by (a)(ii) and could therefore be deleted.
- 242.** The Worker Vice-Chairperson noted that the business case had been put forward by the Employers’ group as a priority issue for them, and that he supported the Employers’ proposal. He proposed to make sub-clause (iii) into a single sentence.
- 243.** The Government member of Switzerland suggested, in sub-clause (ii), to change the wording to “the link between social dialogue and economic performance and competitiveness”.
- 244.** The Chairperson drew attention to the need for a secondment from another government as the proposal was to be considered as a subamendment.
- 245.** The Employer Vice-Chairperson proposed to insert the word “on” (before “economic performance and competitiveness of business”).
- 246.** The amendment was adopted as subamended.
- 247.** The Worker Vice-Chairperson introduced an amendment to clause (e), to delete the word “technical” before “meeting”.
- 248.** The amendment was supported by the Employers’ group.
- 249.** The Government member of the United States and the Africa group requested the Office to clarify the difference between a tripartite expert meeting and tripartite technical meeting. The representative of the Secretary-General explained that the issue would be under consideration by the Governing Body at its October–November 2018 session. However, the term “tripartite meeting” was not specific and encompassed both expert and technical meetings.
- 250.** The amendment was adopted as proposed.
- 251.** The Worker Vice-Chairperson proposed a second, linked amendment to clause (e), to insert “put on the agenda of the October–November 2019 session of the Governing Body” after “International Labour Conference”. The Employers’ group endorsed the amendment.
- 252.** The Office raised an issue of technical concern, explaining that it might not be necessary or appropriate to request the inclusion of an item on the agenda of the Governing Body, given that the Governing Body would consider an action plan, based on the conclusions of the

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Committee, at its October–November 2018 session and there were defined procedures for setting the agenda of the Governing Body.

- 253.** The Chairperson, following advice from the Office, further proposed that the text should be amended to read “for the October–November 2019 session of the Governing Body to decide”, with no reference to its agenda.
- 254.** The amendment was adopted as subamended.
- 255.** The Workers’ group withdrew its third amendment to clause (e).

### **Point 7**

- 256.** The Government member of Senegal, speaking on behalf of the Africa group, introduced an amendment to the second bullet of point 7, to replace “and 98” with “, 98 and 144”, so as to include Convention No. 144, which was the specific governance convention on social dialogue.
- 257.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment. The Government members of Canada and of the Netherlands, speaking on behalf of the EU and its Member States, also supported it.
- 258.** The amendment was adopted as proposed.
- 259.** The Employer Vice-Chairperson introduced an amendment to the third bullet under point 7, to insert the words “in close collaboration with constituents”, after “collective bargaining” and before “during the ILO Centenary”.
- 260.** The Workers’ group supported the amendment.
- 261.** The Government member of Switzerland, speaking on behalf of Australia, Japan, United States and Turkey, introduced a subamendment, to insert “in cooperation with the Committee on Freedom of Association (CFA), the Committee of Experts on the Application of Conventions and Recommendations (CEACR), and the tripartite Committee on the Application of Standards (CAS)” at the end of the third bullet under point 7, after the words “ILO Centenary”. All expertise needed to be gathered together in support of such a high-level event. While supporting the idea behind the amendment proposed by the Employers’ group, she thought there was a need to specify more clearly what form the “collaboration” should take.
- 262.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment as subamended by the Government member of Switzerland.
- 263.** The representative of the Secretary-General requested further clarification. As the CFA, the CEACR and the CAS did not meet at the same time, the Office would face practical difficulties with securing their involvement in preparation of the event.
- 264.** The Government member of the United States suggested that representatives of the supervisory bodies, at the very core of the ILO’s work on freedom of association and collective bargaining, needed to be involved in such a high-level event; arrangements might be made to invite past or current members to participate in it.
- 265.** As a way to include more precise wording, the Employer Vice-Chairperson suggested to insert “with representatives from”, followed by the names of the supervisory bodies. The Government member of Switzerland endorsed the proposal.

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266. The Worker Vice-Chairperson proposed a further subamendment to insert “with active participation of representatives from”.
267. The Government member of Eswatini, speaking on behalf of the Africa group, did not support the subamendment proposed by the Workers’ group. The Government member of the United States supported the wording proposed by the Employers’ group and that proposed by the Workers’ group.
268. The amendment was adopted as subamended. Consequently, the Government members’ amendment to point 7, bullet 3, fell.

### **Point 8**

269. The Government member of Australia, speaking also on behalf of Canada, Switzerland, Turkey and the United States, introduced an amendment to clause (e), to replace “Goal 10 on Reduced Inequalities and Goal 16 on Peace, Justice and Strong Institutions;” with “and other relevant SDGs;”. Placing specific emphasis on certain SDGs risked minimizing the importance of social dialogue in achieving the other Goals.
270. The amendment was endorsed by the Employers’ and Workers’ groups. It was adopted as proposed.
271. The Employer Vice-Chairperson submitted an amendment to clause (g), to insert the words “together with its constituents” after the word “engage”.
272. The amendment was supported by the Workers’ group. The Government member of the United States proposed a subamendment to replace “together with its constituents” with “taking into account the views of its constituents”, as the ILO had to speak with one coherent voice, that of its Director-General.
273. The Government member of Eswatini, speaking on behalf of the Africa group, supported the amendment of the Employers’ group. The Government member of Australia seconded the subamendment introduced by the Government member of the United States.
274. With a view to reaching consensus, the Workers’ and the Employers’ groups both endorsed the subamendment of the Government member of the United States.
275. The amendment was adopted as subamended.
276. The conclusions, as amended, and the text of draft resolution were adopted by the Committee.

### **Closing remarks**

277. The Employer Vice-Chairperson thanked all those who had participated in the recurrent discussion for reaching a sound and satisfying decision on such an important topic. She noted the ups and downs of the previous few days but observed that, through constructive dialogue and commitment, consensus had been reached. Her group had listened to the diverse realities and needs of the constituents with regard to social dialogue and tripartism, as well as the many challenges and opportunities; and had reflected upon future ILO actions to better suit those needs. The conclusions presented a framework for action that made concrete proposals for member States and the Office, with the support of the constituents. The compromises reached through the discussion adequately reflected the changed world of today and

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contributed to the shared goal of strengthening social dialogue both within and outside the ILO. Good conclusions were especially important since the role and impact of social dialogue faced increasing challenges, for reasons elaborated during the discussion. Looking ahead to the next discussion in four years' time, she sincerely hoped that by then the Committee's conclusions would have been implemented and would have delivered their intended impact.

- 278.** The Worker Vice-Chairperson said that his group had been consistent throughout the discussion in focusing on their five key priorities, as declared at the outset. He had expressed his disappointment at the draft conclusions prepared by the Office, which he believed did not fully reflect the Committee's general discussion or the Office report. While the work of the drafting group had started out in a somewhat conflictual manner, that had been deemed necessary in order to redress a perceived imbalance between the employers' and workers' perspectives in the conclusions. Consensus had been reached on the importance of addressing new challenges, such as those created by technological, demographic and climate changes, as well as by migration. That had helped the group to move forwards on difficult issues such as cross-border social dialogue, new or non-standard forms of employment and workplace cooperation; the conclusions thus reflected the priorities and aspirations of all parties. He appreciated the space that governments had provided for the social partners to practice bipartite social dialogue. He expressed his sincere thanks to everyone involved in the Committee's work, and especially for the skilful work of the Chairperson; he hoped that all national governments, employers' and workers' organizations would benefit from implementation of the Committee's conclusions.
- 279.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, as well as the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania, Bosnia and Herzegovina, Norway and Georgia, thanked the Chairperson and Vice-Chairpersons, as well as the Office for its assistance. A consensual, action-oriented outcome document had been agreed upon. The conclusions built upon the conclusions of the 2013 Recurrent Discussion on Social Dialogue, which still remained valid. Social dialogue was crucial for a well-functioning social market economy, the promotion of sustainable development, the fight against inequalities and discrimination and the promotion of social justice. The conclusions provided for measures to strengthen capacity, research and partnerships, and drew particular attention to social dialogue's role in promoting gender equality and non-discrimination, skills development and the anticipation and management of change. She welcomed the references to how social dialogue could address changes in the world of work, which would contribute to the ILO Centenary deliberations on the future of work. A flagship report on social dialogue would enhance the visibility and profile of the ILO; the Governing Body would, however, need to carefully consider the modalities to make that possible.
- 280.** The Government member of the United States warmly thanked everyone involved in the Committee. He noted the spirit of social dialogue that had prevailed throughout and welcomed the distinction drawn between tripartite and bipartite social dialogue, which was at times blurred in ILO documents. He stressed the importance of the autonomy of employers' and workers' organizations. The business and labour cases for social dialogue had been made clear, but still needed to be proven to a wider public. ILO conclusions in general tended to be aspirational, which was the case with those of the Committee. Effective implementation was extremely challenging and the Committee should have focused more on implementation than on reaffirming the importance of social dialogue. The United States was very concerned about the budgetary implications of the Committee's conclusions, which included a long "wish list". Given limited budgets, choices would have to be made by the Governing Body.

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**281.** The Government member of Eswatini, speaking on behalf of the Africa group, appreciated the constructive, although not always easy, work of the Committee, which had been a learning experience for her group. She noted the respect shown by Committee members to each other, always taking into consideration the views of the social partners. She thanked everyone for having given Africa a voice in the discussions, and the social partners for their active participation. While some of the issues raised in the conclusions were manageable, others would take time to address.

**282.** In closing, the Chairperson thanked the Committee for its hard work and perseverance. It had been an honour for him and his country, Belgium, to have acted as Chairperson. The work accomplished by the Committee had exceeded expectations and its conclusions signalled a strong commitment by the tripartite constituents to promote and realize social dialogue and tripartism in the fast-changing world of work. He thanked the Vice-Chairpersons and the Employers' and Workers' groups, the regional groups and individual governments for their commitment to building consensus, that paved the way to a positive outcome. He thanked the Secretariat of the Committee for all its support. The fact that the Committee had "practised what it preached" by having a successful tripartite social dialogue was, in itself, a noteworthy achievement.

Geneva, 7 June 2018

*(Signed)* T. Bevers  
Chairperson

D. Rudelli  
Employer Vice-Chairperson

P. Dimitrov  
Worker Vice-Chairperson

W.K. Nxumalo-Magagula  
Reporter

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## Appendix

### Fate of amendments to draft resolution and conclusions

1. The following amendments were adopted:  
D37, D38, D6, D19, D12, D16, D25, D39, D21, D34, D30, D29, D22, D3, D13
2. The following amendments were adopted, as subamended:  
D8, D15, D31, D20, D28, D17, D27, D26
3. The following amendments were rejected:  
D10, D14, D11, D5, D23
4. The following amendment fell:  
D24
5. The following amendments were withdrawn:  
D36, D4, D33, D32, D9, D18



## Plenary sitting

### Reports of the Recurrent Discussion Committee: Social dialogue and tripartism

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Thursday, 7 June 2018, 4.45 p.m.  
*President: Mr Elmiger, Government  
Vice-President of the Conference*

## **Summary of proceedings**

### **Submission, discussion and approval of the report of the Recurrent Discussion Committee: Social dialogue and tripartism**

#### **The President** *(Original French)*

I declare open the 12th plenary sitting of the 107th Session of the International Labour Conference.

The first item on our agenda is the submission, discussion and approval of the report of the Recurrent Discussion Committee on social dialogue and tripartism, contained in *Provisional Record* No. 6B, and which presents a summary of the Committee's work.

I would like to welcome the Officers of the Committee, who are here on the podium: Mr Bevers, Chairperson; Ms Rudelli, Employer Vice-Chairperson; Mr Dimitrov, Worker Vice-Chairperson; and Ms Nxumalo-Magagula, Reporter.

I now give the floor to the Reporter, the Honourable Ms Nxumalo-Magagula, Minister of Labour and Social Security of Eswatini (formerly known as Swaziland), who will present the Committee's report.

#### **Ms Nxumalo-Magagula**

Reporter of the Recurrent Discussion Committee:  
Social dialogue and tripartism

It is an honour and a privilege for me to have been appointed Reporter of the Recurrent Discussion Committee on social dialogue and tripartism.

The Committee discussed the progress achieved since the first recurrent discussion and conclusions reached in 2013, focusing on good practices and implementation gaps that still exist. The discussions were timely as next year the Organization will be celebrating its centenary. The Committee started its work on 28 May and concluded on 5 June 2018. Throughout the seven sittings, attendance and active engagement in the Committee did not falter, with around 200 delegates participating in each sitting.

The Committee began its deliberations by sharing the experience of, and lessons learned by, constituents and by identifying priorities for its discussion based on the Office's concise yet comprehensive report. The three points selected for discussion comprised what works, how to make social dialogue inclusive and how to adjust ILO action accordingly. The Committee discussed the trends and challenges associated with social dialogue actors and institutions in a changing world; the regulatory frameworks that shape social dialogue; and good practices and areas where progress needs to be made in terms of tripartite and bipartite social dialogue and cross-border social dialogue.

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The Committee also reviewed and assessed the support provided by the Office to member States in the process of implementing the conclusions of the 102nd Session of the International Labour Conference in 2013 and the Office's plan of action for 2013–17.

The Committee assessed the Office's response to constituents' diverse realities and needs regarding support for actors, institutions and legal frameworks; the social dialogue dimension of the Sustainable Development Goals and action taken to promote policy coherence more generally; and the links between social dialogue and tripartism and the three other ILO strategic objectives.

These discussions were held in the context of significant changes in the world of work that were triggered by the mega-drivers of change – technology, demography, climate change and globalization – and also in the context of the global consensus on the need for more participatory governance and social dialogue to effectively implement the 2030 Agenda for Sustainable Development and the United Nations reform, two important platforms that promote policy coherence at all levels.

Based on a rich and varied experience with respect to measures taken by constituents in implementing the conclusions of the 2013 session of the Conference and the actions of the Office taken in the last five years, I am delighted to report that following productive discussions in our drafting group, a common vision for the years to come was reached, based on a broad tripartite consensus on the principles needed to lead the way forward.

A framework for action was defined that sets out measures to be taken by both the ILO and its Members to further advance the strategic objective of social dialogue and tripartism and ultimately to move forward the Decent Work Agenda.

It is therefore with great humility that I present for adoption the report of the Recurrent Discussion Committee on social dialogue and tripartism, which includes a draft resolution and conclusions and provides compelling strategic guidance for the Organization, based on tripartite consensus, until the next recurrent discussion on social dialogue and tripartism.

Allow me to share with you some highlights of our conclusions. In developing a common vision, the Committee agreed that the guiding principles adopted by the Conference in 2013 to promote and implement the strategic objective of social dialogue remain relevant. The Committee therefore unambiguously reaffirmed these principles and built new consensus points around them.

Importantly, the Committee agreed that in the context of deep, rapid changes affecting the world of work, the tripartite constituents should renew and reaffirm their commitment to promote and apply the principles of social dialogue and tripartism in order to attain decent work and social justice. The Committee also agreed that the implementation of the ILO's actions should be guided by the diverse needs and realities of its national constituents. Collective bargaining is at the heart of social dialogue, yet there is no one-size-fits-all model of social dialogue.

The Committee also agreed that inclusive social dialogue actors and institutions are fundamental to ensuring effective laws, institutions and policies. Thus, giving a voice to those who are excluded from the scope of laws and policies or are under-represented in social dialogue, including workers in new and emerging forms of employment, is fundamental.

In brief, the Committee agreed, among other things, on the need for governments, with the support of the Organization, to take measures to ensure that social dialogue and tripartism are granted appropriate resources and attention and effectiveness in policy-making; to promote, respect and implement freedom of association and the effective recognition of the right to collective bargaining; to foster enabling legal and institutional environments; to

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strengthen relevant mechanisms and institutions in the light of technological change, the green economy, demographic shifts and globalization; to strengthen national labour administration systems and dispute prevention and resolution mechanisms; to extend freedom of association and collective bargaining to workers in new and emerging forms of employment and extend their representation; to expand cooperation in order to exchange experience and innovative practices in the areas of social dialogue and tripartism; and to promote cross-border social dialogue.

An important objective of the recurrent discussions is guidance for Office action. The conclusions request the Organization to mobilize and coordinate all its modalities of action in order to support constituents in fulfilling their obligations in relation to social dialogue and tripartism in the context of their specific circumstances.

Building on results achieved since 2013, the Committee's conclusions provide clear and specific guidance on how the ILO should continue, expand and strengthen its work in the areas of capacity building and strengthening development cooperation, and enhancing research and training, standards-related activities and policy coherence.

In conclusion, I would like to underscore that the work of both the Committee and the drafting group provided a unique opportunity to demonstrate the strong support of constituents for tripartite social dialogue.

The spirit of consensus-driven deliberations, in particular during the deliberations of the drafting group, was remarkable despite the array of opinions and visions expressed. The Committee has therefore successfully arrived at rich and valuable conclusions that will undoubtedly make a positive contribution to the promotion of workplace democracy.

I would like to express a heartfelt gratitude to our Chairperson, Mr Bevers (Belgium), for his skilful and passionate direction of the work of the Committee. He ensured that the Committee's discussions were balanced and always kept us on course and focused, so much so that the Committee completed its work one day ahead of schedule.

I wish to thank as well the Employer and Worker Vice-Chairpersons, Ms Rudelli (France) and Mr Dimitrov (Bulgaria), respectively, whose ambition, passion and spirit of compromise helped us reach this shared outcome and vision.

I am grateful to all the members of the drafting group – governments, employers and workers – who worked tirelessly to build inclusive and balanced conclusions.

I would also like to express, on behalf of the Committee, my deepest appreciation for the efficient support of the secretariat under the guidance of the representative of the Secretary-General of the Conference, Mr Vines and the deputy representative, Mr Fannizadeh; for the team of senior advisers and experts, who prepared an excellent background report that led to the comprehensive discussions of the Committee and to its report; for the efficient and effective work done by the Committee's coordination team; and for the interpreters.

The dedication and support of each and every member of the secretariat over the past two weeks was exemplary. The secretariat did its work in a very professional and calm manner. It remained at the disposal of the delegates, by day, by night and over the weekend, and it remained unbiased and was not influenced by pressures one way or the other. Its commitment and hard work helped the Committee to produce a report and conclusions that do justice to the objective and purpose of the recurrent discussion.

I recommend this report for approval and the resolution and conclusions it contains for adoption by the Conference, in the firm belief that they provide valuable guidance for the

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accomplishment of the strategic objective of social dialogue and tripartism which lies at the heart of the Organization's work.

**Ms Rudelli**

Employer Vice-Chairperson of the  
Recurrent Discussion Committee:  
Social dialogue and tripartism

On behalf of the Employers' group, I will start by commending the report of the Recurrent Discussion Committee on social dialogue and tripartism and recommending its approval in this plenary.

The work of this Committee took place in a constructive and open atmosphere and the Employers' group expresses its satisfaction with the outcome. Indeed, this Committee has been able to produce meaningful, short and actionable conclusions.

ILO constituents convene here for this recurrent discussion with the specific objective, and I quote from the ILO Declaration on Social Justice for a Fair Globalization, to:

(i) understand better the diverse realities and needs of its Members with respect to each of the strategic objectives, respond more effectively to them, using all the means of action at its disposal, including standards-related action, technical cooperation, and the technical and research capacity of the Office, and adjust its priorities and programmes of action accordingly; and (ii) assess the results of the ILO's activities with a view to informing programme, budget and other governance decisions".

We believe that our common objective was achieved. We have heard the diverse realities and means of the constituents with regard to social dialogue and tripartism and we have raised many challenges and opportunities for this important process. At the same time, we have carefully reflected upon future ILO actions to better suit constituents' needs and circumstances and deliver concrete impact for constituents on the ground.

Everyone is aware that social dialogue and tripartism are part of the DNA of this house and they are fundamental to fulfilling the ILO's mandate. They are also at the core of a number of international labour standards and are an essential element of Office research, capacity-building and knowledge-sharing programmes. This discussion has demonstrated the diversity of social dialogue forms and processes. There is no one-size-fits-all model of social dialogue, no hierarchy. All forms of social dialogue are commendable and serve different needs. It may well take place at the company level in order to better respond to the specific needs of the company and its work; at the sectoral level, where, for instance, specific working conditions can be negotiated by means of collective agreements; or at the national level, in the form of tripartite agreements on social and employment policy matters. This discussion has led to the recognition of the importance of strong, autonomous and representative social partner organizations.

How to achieve this is one of the biggest challenges we face collectively. Each one of us needs to reflect individually on what we offer our respective constituents and adapt accordingly in order to better meet their needs and priorities. Thanks to the frank and open exchange in this Committee, it was made clear that social dialogue is not just for the Workers, but that another group is indispensable for this dialogue to take place – the Employers.

Social dialogue processes continue to have tremendous value in many realities, and the International Labour Office should focus its efforts on rigorously developing the business case using quantitative data and other relevant arguments. This is absolutely key, given the rapid changes taking place in the world of work.

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Finally, we all ensured that the Committee did not ignore the huge challenge of informality. The fact that more than 60 per cent of the world's working population are in the informal economy means that more than 60 per cent of workers are, de facto, unable to participate in social dialogue. In the Committee's view, this issue is a matter of great urgency, and the Office should play a more prominent role in supporting the constituents in increasing their efforts to formalize those workers.

This recurrent discussion has demonstrated that social dialogue is alive and well. It brings together different perspectives and views and, once supported within a good framework, can deliver satisfactory outcomes as well as help to address bigger challenges such as social progress, conflict prevention, democratic governance and growth.

The Employers' group attaches great importance to the conclusions adopted by this session of the Conference, especially given the many changes taking place in the world of work today.

The proposed framework for action contained in the conclusions will help guide ILO member States and the Office, with the support of its constituents, in strengthening social dialogue and tripartism at all relevant levels.

ILO Members should, among others things: promote effective social dialogue, as well as strengthen mechanisms and institutions for social dialogue; promote voluntary collective bargaining at all appropriate levels; encourage effective workplace cooperation; and ensure that agreed outcomes of social dialogue are respected and implemented by governments and the social partners.

The Office, for its part, has been requested to make a far greater effort in responding to the needs and diverse realities of the Members, taking a bottom-up approach to strengthen social dialogue and tripartism on the ground and to overcome problems when they arise. As the first step in this direction, the International Labour Office will provide support in building the capacity of the constituents and social dialogue institutions to engage in effective and meaningful social dialogue and development, or to enhance research and training on the role and impact of social dialogue on different issues, ranging from working conditions to economic performance and changes in the world of work.

The Office should also increase its efforts to promote the ratification and effective implementation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

Finally, the Office has been requested to focus on achieving better internal policy coherence when it examines and promotes social dialogue, as well as external policy clearance, especially within the context of the 2030 Agenda for Sustainable Development and the ongoing United Nations reform process.

The Employers look forward to playing their part in the implementation of the actions that form part of these conclusions and to appreciating the concrete impact of the Office actions on this matter.

In conclusion, the Employers' group would like to express its sincere thanks to everyone who participated in this recurrent discussion for reaching a satisfying decision on such an important topic.

In particular, I would like to express my sincere thanks and appreciation to the Chairperson of the Committee, Mr Bevers, for the smooth running of the Committee's

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meetings, and his calm and considered approach, especially during the difficult negotiations. Please also allow me to thank Mr Dimitrov and his team for their constructive collaboration. We locked horns on a few points but we end this Committee's work with a text that includes priorities for both sides. Let me also extend my thanks to the Office for its work, support and professionalism throughout the process, often late at night and early in the morning. I would especially like to thank my colleagues in the Employers' group for their personal and intellectual support, as well as for their dedication and commitment during all our sittings. I would like to express my gratitude to the members of the drafting group and to their team, which provided additional support. Last, and certainly by no means least, very special thanks go to my team from the International Organisation of Employers and the Bureau for Employers' Activities for their invaluable support and preparation.

**Mr Dimitrov**

Worker Vice-Chairperson of the  
Recurrent Discussion Committee:  
Social dialogue and tripartism

Our recurrent discussion on social dialogue and tripartism under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization, 2008 took place in a global context of historically high inequality, in which wages continue to fall behind productivity growth and job insecurity continues to rise. Around 40 per cent of workers in the formal economy have vulnerable forms of employment, 25 million work in conditions of forced labour and 152 million are child labourers. On average, women are paid 23 per cent less than men and are vastly under-represented (20 per cent) in social dialogue structures. Half of the world's workers still live in countries that have not ratified one or both critical Conventions protecting the enabling rights to freedom of association and collective bargaining. On the eve of the centenary of an Organization established to promote social justice and to combat inequality, these figures shame us all.

Indeed, the evaluation of the Social Justice Declaration in 2016 showed that major challenges remain to ensure that globalization benefits all in the face of major changes in technology, climate and demographics. Ten years after its adoption, we must all recognize that we have failed to deliver. We cannot ignore the fact that our collective failure to reduce inequality demonstrates a clear lack of political will to push the Organization to fulfil its constitutional mandate.

It is therefore important that our conclusions renew our political commitment to social dialogue and tripartism, based on respect for freedom of association and the right to collective bargaining, as the ILO's governance paradigm to promote social justice. We reiterate that the ILO's unique tripartite structure, standards and supervisory mechanism should prevail, not only at this 107th Session of the Conference and in the ILO, but also next year during the centenary and in the context of United Nations reform.

We are particularly pleased to see concrete actions. We welcome the call for an intensified campaign for universal ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144); for work by the Office with constituents to overcome obstacles to ratification and effective implementation in all Decent Work Country Programmes; for the allocation of the necessary resources at all levels; and for a high-level event to be held during the centenary to highlight the centrality of freedom of association, collective bargaining, standards and supervision in the ILO's work. We also welcome the call for increased efforts to promote the implementation of other relevant instruments, in line with the conclusions of 2013, understood to include Convention No. 144, the Labour Relations (Public Service) Convention, 1978 (No. 151) the Collective Bargaining Convention, 1981 (No. 154), the Collective Agreements Recommendation, 1951 (No. 91),

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the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113), and, notably, the Employment Relationship Recommendation, 2006 (No. 198).

We take the opportunity to congratulate Cameroon, Georgia, Iraq and Niger for important ratifications concluded during 2018.

We look forward to improved data on industrial relations. We especially welcome the annual flagship reports on social dialogue, which focus on the important role that collective bargaining can play in reducing inequality. Social dialogue and collective bargaining are a constitutional obligation of this house, as noted by the Employer Vice-Chairperson just one hour ago on this podium, and the wealth of good practice experience demonstrated in the flagship reports shows that economies and societies benefit from well-developed systems of social dialogue with collective bargaining at their core. We also welcome an ambitious specific action plan to implement target 8.8 of the Sustainable Development Goals on labour rights.

Social dialogue with free, independent and representative employers' and workers' organizations is key to addressing the challenges and opportunities of the future of work. We need to ensure a just transition to a future of work in which workers and employers have a say in the development and implementation of the policies that affect them.

As to fair globalization, we are pleased to note the acknowledgement of the importance of cross-border social dialogue to address existing decent work deficits in the global economy, including for vulnerable groups in global supply chains, and the call for the ILO to play a bigger role in this regard.

We hope that the proposed policy coherence initiatives in pilot countries involving social partners and all relevant ministries will draw lessons from previous responses to the financial crisis and strengthen policy coherence in order to prevent austerity measures and blind deregulation.

We reiterate that all workers have the right to freedom of association and to collective bargaining, regardless of their employment relationships. In addition to necessary work on workers in non-standard forms of employment, as reflected in the conclusions of the recurrent discussion on labour protection in 2015, we are looking forward to research on access to freedom of association and collective bargaining for new and emerging forms of employment, such as gig and platform workers, and to a potential tripartite meeting on the issue to identify possible areas for further action.

To tackle the demographical challenges, we welcome the call for social dialogue and tripartism on labour migration policy, as well as closer engagement with the process of the global compact for safe, orderly and regular migration. We particularly welcome the focus on gender equality and the strengthening of women's participation in social dialogue.

We regret, however, the lack of a shared ambition to tackle the issues of climate change, data protection and privacy, as reflected in our conclusions.

During the drafting process, I referred to my personal background as a seafarer, making an analogy to the ILO as a tripartite ship on a voyage towards social justice. A ship brings together the interests of seafarers, a shipowner and a maritime authority. All need each other to thrive. At the ILO, the interests of workers, employers and governments from every corner in the world come together. We all need each other to thrive. The previous ten days have not been easy. We workers have known moments of frustration and are prepared to be more ambitious in the future; based on the consensus proposed, however, we believe we can start turning the tide on rising inequality towards more social justice with renewed energy and commitment, allowing us to jointly make the future work for all.

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I would like to thank my colleagues in the Workers' group, the drafting group and the Office for their invaluable input and the trust they have placed in me. In spite of the unbalanced first draft produced, leading to long and difficult negotiations and late-night sittings, I am grateful to the Office for its hard work.

Finally, I wish to thank the Chairperson and the Employer Vice-Chairperson and her team for their excellent work and collaboration, my team from the International Trade Union Confederation and from the Bureau for Workers' Activities for their tireless work during the day and late into the evenings, and the Secretary of the Workers' group for this Committee, Mr Beirnaert.

I have the honour to present our conclusions for adoption.

**Mr Bevers**

Chairperson, Recurrent Discussion Committee:  
Social dialogue and tripartism

I have the honour, in my capacity as Chairperson of the Recurrent Discussion Committee on social dialogue and tripartism, to present to you some observations on the proceedings and outcome of the Committee's work.

Let me highlight a few points to complement the excellent account of our work that you just heard from the Committee's Reporter and Vice-Chairpersons. Our session marked the second recurrent discussion on the strategic objective of social dialogue and tripartism.

As the ILO heads towards its centenary next year, the Committee's discussions have reconfirmed that social dialogue and tripartism are at the heart of this Organization and should remain a cornerstone of the Decent Work Agenda. At the same time, our discussions clearly highlighted that social dialogue is inextricably bound up with the changing global environment and the evolving world of work.

In addition to the persisting inequalities and vulnerabilities and the changing nature of work and the employment relationship, new realities have emerged to challenge the ILO's social dialogue model and social partners. Technological and demographic changes, climate change and environmental policies, as well as globalization, are accelerating in pace and depth, generating both benefits that need to be fully exploited and equitably shared and burdens that need to be fairly distributed.

The discussions in the Committee showed that constituents need continuous support to strengthen social dialogue, including top-level national and sectoral social dialogue, collective bargaining, workplace cooperation and cross-border social dialogue, in order to anticipate and manage the impacts of these changes and contribute to the realization of the Sustainable Development Goals.

Moreover, partners need a stronger voice in designing and implementing the overall policies to cope with these changes. While adapting economies and preparing societies in the context of the evolving global environment is a joint responsibility of all actors in social dialogue, the Organization and the Office need to appreciate the priorities of each constituent and the different perspectives, national contexts and models for social dialogue, as members have often stated. While we can learn a lot from each other, there is no one-size-fits-all model of social dialogue.

In this light, members have indicated their continuing commitment to working hand in hand with the Office in order to respond to emerging challenges in new areas, such as the digital economy, and to enable employers' and workers' organizations to provide their members with adequate services that take advantage of the new realities shaping labour–

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management relations and that strengthen workers' collective voice, including workers engaging in new and emerging forms of employment and those who, more frequently than others, lack protection in law or in practice.

Members have confirmed that collective bargaining remains at the heart of social dialogue and is a key tool for ensuring that the fruits of progress are justly shared, for obtaining decent working conditions, for shaping skills policies and for enhancing enterprise sustainability. Moreover, and this relates to a discussion that has been ongoing in this plenary session, collective bargaining should contribute to greater gender equality and to tackling the gender pay gap.

In addition to promoting the ratification, particularly in view of the centenary, and the effective implementation of Conventions Nos 87, 98 and 144 and other related instruments, members have emphasized the need to continue developing knowledge and rigorous research on the status and impacts of various forms of bipartite and tripartite social dialogue, as it is this Organization's vocation to be the key global knowledge centre on social dialogue and tripartism.

Members have reaffirmed the fundamental importance of freedom of association and recognition of the right to collective bargaining; of strong, independent and representative organizations interacting in conditions of mutual trust and respect; and of empowered national labour administrations. All these are indispensable preconditions for inclusive, productive and sound social dialogue, indeed for credible social dialogue.

Importantly, they have pointed to the need for expanded social dialogue to reach the uncountable workers who are currently excluded or under-represented, and for institutional innovations to fill this gap. The discussion held in our Committee must not be the end-point. We have identified, debated and tackled the challenges confronting social dialogue, but it is fair to say that none of us has yet fully come to terms with all of them.

The conclusions that this Conference is asked to adopt should therefore also be seen as an input to further debate, to further social dialogue, in this Organization and beyond, including in the context of the ongoing United Nations reform.

Indeed, we cannot wait until the next recurrent discussion to refine our analysis and to take further steps to prepare social dialogue for the future. In the meantime, however, members have given the ILO a fresh, timely and strong mandate on which the Organization and the Office can base their actions for years to come, as the ILO stands at the threshold of its second century of existence.

I take the liberty to say that the Committee has done an excellent job in fulfilling that task. This was made possible through effective social dialogue and consensus building around the issues, including difficult questions on which opinions and perspectives differed.

I would also like to extend my sincerest appreciation to the members of the drafting group, which started its work with a "zero draft" prepared by the secretariat at my request. All three sides, Governments, Employers and Workers, were represented in the drafting group.

I would like to thank the Vice-Chairpersons, Ms Rudelli for the Employers and Mr Dimitrov for the Workers, and their teams, for their vision, ambition and commitment. I would also like to thank the Government members for their valuable contributions and thoughtful reflections.

I would also like to thank all delegates for their full and positive engagement in our plenary meetings and in the preparatory meetings of all constituents. Allow me to thank in

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particular my fellow Government delegates who attended and participated actively in the Committee's deliberations.

Special thanks go to the Office team of senior advisers and experts for their excellent preparation of this recurrent discussion, including their concise yet comprehensive background report, which provided an excellent basis for discussion, and for their competent support during the deliberations.

Last but not least I thank the coordinators, Ms Muller, Ms Recort Ruiz and Ms Wong, who provided continuous and efficient support throughout the entire two weeks, and who worked long hours to secure the final outcome of the Committee.

The work of our Committee has ended but the real task begins now. As we leave this prestigious venue to return to our respective countries, wiser, and with a stronger political mandate in the area of social dialogue, allow me to end by quoting a line from Plato's *Republic*: "Mankind will never see an end of trouble until lovers of wisdom come to hold political power, or the holders of power become lovers of wisdom".

I believe the outcome of this Committee augurs well for the realization of Plato's prerequisites for a less troubled world.

**The President**  
(Original French)

I would like to thank all the Officers of the Committee for the report that has been submitted and for the work they have done.

The discussion of the report of the Recurrent Discussion Committee on social dialogue and tripartism is now open.

**Mr Salchev**  
Government (Bulgaria)

I am speaking on behalf of the European Union and its Member States. The candidate countries the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania; the Stabilization and Association Process country and potential candidate Bosnia and Herzegovina; the European Free Trade Association (EFTA) country Norway, member of the European Economic Area; and also Georgia, align themselves with this statement.

As we all know, for almost 100 years the ILO and all its activities have been founded on social dialogue. The ILO is for this reason a unique body within the United Nations system. On the basis of this practice of social dialogue, we have agreed to a consensual, action-oriented outcome document. This is an important result which we all have been able to achieve.

We welcome this outcome in many ways. It builds upon the conclusions of the 2013 recurrent discussion on social dialogue, which remain valid. But we also looked at new challenges and opportunities in the changing world of work.

We remain convinced that social dialogue is a crucial factor for a well-functioning social market economy, the promotion of sustainable development, the fight against inequalities and discrimination, and the promotion of social justice.

We are particularly happy with the renewed commitment to the universal ratification and effective implementation of the Freedom of Association and Protection of the Right to

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Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

The outcome provides for measures for strengthening capacity building, research and partnership to foster an inclusive social dialogue and enhance its positive impact.

It draws particular attention to the role of social dialogue in promoting gender equality and non-discrimination, skills development anticipation and management of change, as well as the transition from the informal to the formal economy and decent work in global supply chains.

We consider it useful that different forms and levels of social dialogue are addressed, including collective bargaining and cross-border social dialogue.

We welcome the orientations on how social dialogue can address changes in the world of work, including as regards the gig economy and other technological changes, demographic shifts, climate change and globalization. They will contribute to the ILO's Future of Work Initiative.

Social dialogue being one of the strategic objectives of the ILO, we support the idea of a flagship report in this area, which will enhance the visibility of the ILO as a centre of expertise and reference on social dialogue.

However, the Governing Body will need to carefully consider the modalities to make such a flagship report feasible, taking into account the financial and organizational implications of this objective, especially in the view of the decided publishing rhythm.

We are confident that the conclusions will contribute to fostering decent work and the achievement of the Sustainable Development Goals.

As we all head home, I hope that we may continue to put into practice a meaningful social dialogue in all its forms, which is essential to the well-being of our changing society both nationally and in the ILO itself.

**Mr Nadome**  
Worker (Kenya)

On behalf of the Africa group and as a member of the drafting group, allow me to thank our Committee Chairperson, the Worker Vice-Chairperson, the Employer Vice-Chairperson, the Office, the secretariat and all Committee members for a job well done. In fact, to be precise, this job was well executed in record time.

I would like to highlight an important aspect of the report that touches on research and enhancing training: the Office is to continue research regarding access to freedom of association and effective recognition of the right to collective bargaining by digital platform and gig economy workers.

How important or relevant is it to ask such a question in this house and, all the more so, among developing countries? The digital platform is no longer unique to the North; it is right on our doorstep. It is being fully embraced and is spreading like bushfire in our countries. For that very reason, we applaud the Office's timely intention to delve further or deeper into these new forms of work with a view to addressing their attendant shortcomings. We are optimistic that next year's session will give them due attention.

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**Mr Janson**  
Government (Sweden)

Sweden aligns itself with the statement made by Bulgaria on behalf of the EU and its Member States.

Sweden would like to thank all the participants in the Committee, the secretariat and the interpreters for their good and efficient work.

The outcome of this Committee will, we hope, have a concrete and profound impact for persons on the ground. Social dialogue enables us to achieve many of the most fundamental rights and principles at work. However, in too many places around the world, workers are denied basic human rights and some are even persecuted and killed. Children are still forced to work in the most inhumane conditions, and migrants are exploited in horrific ways. Every year, there are more than 2.7 million work-related deaths, 310 million non-lethal accidents at work and 160 million work-related cases of illness.

Conditions also need to be improved for the more than 780 million women and men who are working but not earning enough to make a decent living, and the transition from the informal to the formal economy must be facilitated. We know that growing inequalities can fuel social unrest and impede sustainable economic growth.

The future of work, with its emphasis on globalization and digitalization, evokes both hopes and fears. A recent Eurobarometer EU public opinion survey showed that, while most respondents were positive about the impact of digital technologies on society, the economy and their quality of life, many were also concerned that the use of robots and artificial intelligence would lead to job losses and that these technologies need careful management.

Social dialogue is key to managing change and attaining mutually accepted outcomes. Well-functioning social dialogue that adapts effectively to changes in the world of work, technological developments and fluctuations in demand is an important tool for generating decent work and improved job quality. I would also emphasize that well-developed social dialogue also suits the interests of business, which stands to benefit from increased productivity, more stable and secure supply chains, better conditions for long-term planning and risk management, reduced risk of disruption to business operations and, not least, healthier and more loyal workers.

These are some of the reasons why the Swedish Government, in its national and international policies, seeks to enhance the role of social dialogue. The Global Deal: Together for decent work and inclusive growth is an important part of the Government's belief that social dialogue can benefit from additional focus and that it can foster decent work, quality jobs and increased productivity, and by extension greater equality and inclusive growth.

I want to make a plea. During the work of the Committee, Sweden made factual corrections to some of the statements, the same corrections that were made again and again in other ILO meetings. Despite tough discussions and diverging views, we still try to reach compromises, even though we might not succeed. What is essential for the work of this Organization and for social dialogue in general is that discussions are based on good faith and that we take into account each other's arguments. I therefore urge all participants to conduct their discussions on the basis of facts and mutual respect.

With these words, Sweden supports the conclusions of the Committee.

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**Ms Pineau**  
Worker (Canada)  
(Original French)

The members of the Workers' group of this Committee who took part in the discussion on social dialogue are pleased to be here at this 107th Session of the Conference. Gender equality is a matter that concerns all aspects of the strategic objective of social dialogue.

Women's participation in social dialogue is crucial at all levels. Nevertheless, the ILO report on social dialogue and tripartism paints a worrying picture of women's place in this dialogue, stressing that data collected at the global scale confirm the poor representation of women in national social dialogue institutions – usually less than 20 per cent, which is an obstacle to promoting gender equality.

In his Report entitled *The Women at Work Initiative: The push for equality*, the Director-General states that “we are still a long way from the goal of equality, and progress towards it is slow, uneven and uncertain”.

Significant progress on gender equality will only be achieved if women are fully involved in tripartism and social dialogue. It is no longer enough to talk about equality, and social dialogue institutions must be feminized so that they reflect women's viewpoint.

The conclusions of this recurrent discussion in 2013 stressed the need to broaden and strengthen women's participation in social dialogue. The conclusions of 2018, while reaffirming that need, will enable us to go further. They call on the Office to “enhance the capacity of constituents and the social dialogue institutions to ... encourage participation of women ... in social partnership organizations and seek to achieve equal representation of men and women in social dialogue institutions at the national and international levels”.

Women should have a say on all aspects of work. Furthermore, women workers should be able to organize to negotiate their working conditions.

Collective bargaining, the core element in social dialogue, has a very important role to play in achieving equality. It reduces wage gaps, ensures working conditions in line with women's aspirations, and gives women decision-making power over a major aspect of their lives, namely work.

The key to the future of work is gender equality, increased participation by women in social dialogue institutions, with parity as the final objective, and the removal of obstacles to unionization and to the right of all workers to negotiate – be they male or female.

**Mr Serroyen**  
Worker (Belgium)

The Committee agreed once again that collective bargaining is at the heart of social dialogue, using even stronger wording than that adopted in 2013. The inequality and declining labour share mentioned in the conclusions need to be remedied by wage increases, which, as even the economists noted last week, means that “workers need more bargaining power”. But we have to realize that this approach has consequences.

First, we need effective recognition of the right to collective bargaining, including the right to strike. Without effective collective bargaining, we have only collective begging. The report of the Committee of Experts on the Application of Conventions and Recommendations to the Committee on the Application of Standards this year provided another world tour of countries with severe restrictions on those rights.

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Second, we need governments who respect the autonomy of the social partners and therefore do not interfere with the agreed outcomes of collective bargaining. Social partners are democratic organizations working with a mandate. How can a mandate for balanced compromise ever be achieved if governments disturb the balance after agreement has been reached?

Third, while there is no single model for social dialogue, it is evident that the centralized model of collective bargaining, or at least centrally coordinated collective bargaining, performs better, as clearly demonstrated by recent research by the Organisation for Economic Co-operation and Development. As a Dutch economist once noted, arrangements at the company level too often serve as a shelter from broader social responsibilities. Last but not least, we need to effectively support the right to collective bargaining for all workers, as prescribed under the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), including for workers in the informal economy, domestic workers, workers in all non-standard forms of employment and workers in any new form of employment which emerges from digitalization. In particular, we need to effectively support the right to collective bargaining for the self-employed, as repeatedly stated by the Committee on the Application of Standards, which resulted in a legal breakthrough in Ireland in 2017 following the Committee's invitation in 2016, a breakthrough that could inspire other member States.

In most cases, the workers of digital platforms are employees. If it looks like a duck, swims like a duck and quacks like a duck, then it probably is a duck, but whatever the case it is a worker with fundamental rights at work.

**Mr De Meester**  
Employer (Belgium)

I would like to thank all my colleagues for the commendable set of conclusions.

This Committee in particular had a responsibility, if not a duty, to demonstrate that social dialogue and tripartism are essential to addressing the challenges and realizing the opportunities related to the workplace.

The world is changing at breakneck speed if you observe it from the outside. And the importance of employers and workers together with governments sitting down to discuss their concerns and seeking to find joint solutions remains as vital as ever.

There are myriad challenges and opportunities. However, I would like to focus on two that are a priority for the Employers. First, to continue to remain relevant, the social partners need to self-reflect and adapt to the changing circumstances they face. We have repeatedly heard the word “representativeness” during this past fortnight, and for good reason. A major challenge is improving social partners’ representation around the world. The legitimacy of the social dialogue process and its outcomes depends on this. Second, another challenge and opportunity for the social partners concerns the issue of skills and education, which is increasingly important in the context of rapid digitalization and technological change.

We need to redouble our efforts and adapt education and training curricula, and also the way we deliver education and training, to the changing circumstances. Professional training and reskilling programmes should be in place to more effectively respond to the changing reality of the world of work, support employability and ensure that transitions between jobs are as smooth and as easy as possible. Given their in-depth knowledge of labour market realities, social partners can make a significant contribution in the area of skills and education, in particular through genuine social dialogue processes. Change happens by listening and then starting a dialogue with people who are doing something you do not believe is right.

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**Mr Parkhouse**  
Employer (Namibia)

I had the honour of participating in the drafting group of this Committee under the very capable leadership of the Employer Vice-Chairperson, Ms Rudelli. It was a fascinating experience and I echo the points made today that we have, through hard work, dedication and compromise, achieved a good result on this very important topic. I would like to briefly reflect on how the Committee's conclusions can be applied in my country, Namibia.

One priority of our group was to ensure that the discussions and results of this Committee did not take on a purely European perspective and did not focus on a one-size-fits-all approach. It is essential that, in this house, documents are applicable to developed and to developing economies with equal ease.

Social dialogue in Namibia is alive and well, but it could do with a bit of polishing and more development. Its Labour Act is under review, which has been undertaken with tripartite consultations, and I am satisfied that, once that work is completed, the Government will respect the tripartite recommendations.

Namibia has a massive problem with informality. It has an organization called the Namibian Informal Sector Organisation. At its formal launch some three years ago, I invited its members to approach me and offered, at no charge, to assist them in becoming formal. Until today, some three years later, not one has come forward, and when I enquired from their president why, he said, and I quote, "You scared them; they do not want to become formal".

This is one of the biggest challenges that we all face: the informal sector does not want to be subjected to rules and regulations. It does not want to come under the taxation umbrella. The result: lost revenue potential for the State, but, more importantly, lack of protection and rights at work for the workers. We must show these informal traders the benefits of becoming formal. There are examples of informal traders who have become formal. We must identify them and encourage them to show the others the benefits of becoming formal.

Namibia has a very good working tripartite system, but, unfortunately, this is only limited to advisory and labour issues. However, where bipartite agreements are reached, the Government respects these agreements and where necessary sees that the required gazetting takes place to ensure that the agreement becomes legally binding. I am proud and happy to be part of that system.

With this, I thank the Chairperson and my fellow participants in this Committee for achieving such a promising outcome, and I recommend that this august house the conclusions.

**The President**  
(Original French)

I propose that we move on to the approval of the report of the Recurrent Discussion Committee on social dialogue and tripartism, namely the summary of the Committee's proceedings, which appears in paragraphs 1-282 of *Provisional Record* No. 6B, and its appendix.

If there are no objections, may I take it that the Conference approves the Committee's report, bearing in mind that Committee members have until 6 p.m on Friday 15 June to request any corrections to their statements?

*(The report – paragraphs 1-282 – and its appendix are approved.)*

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## Resolution and conclusions

### Adoption of the conclusions concerning the second recurrent discussion on social dialogue and tripartism

**The President**  
(Original French)

We will now move on to the adoption of the conclusions concerning the second recurrent discussion on social dialogue and tripartism, which are published in *Provisional Record* No. 6A.

If there are no objections, may I take it that the Conference adopts the conclusions part by part, namely the introductory paragraphs and points 1–8?

*(The conclusions – the introductory paragraphs and points 1–8 – are adopted part by part.)*

If there are no objections, may I take it that the Conference adopts the conclusions as a whole?

*(The conclusions are adopted as a whole.)*

### Adoption of the resolution concerning the second recurrent discussion on social dialogue and tripartism

**The President**  
(Original French)

We will now move on to the adoption of the resolution concerning the second recurrent discussion on social dialogue and tripartism, which also appears in *Provisional Record* No. 6A.

If there are no objections, may I take it that the Conference adopts the resolution?

*(The resolution is adopted.)*

I would like to thank the members of the Committee and the secretariat for their contributions to the drafting of the report, the conclusions and the resolution. I believe that the atmosphere in the Committee was extremely positive, even though there seem to have been some lively exchanges, and that the delegates in the three groups spared no effort to reach a tripartite consensus.

I thank all the participants and once again congratulate the members and Officers of the Committee.

*(The Conference adjourned at 6.10 p.m.)*

# ***Record of Proceedings***

107th Session, Geneva, May–June 2018

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# **1B**



Date: Monday, 21 May 2018

## ***Confirmation of the Rules for Regional Meetings***

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## Introduction

1. At its 332nd Session (March 2018), the Governing Body based on the recommendations of the Working Party on the Functioning of the Governing Body and the International Labour Conference approved a number of amendments to the *Rules for Regional Meetings*<sup>1</sup> and decided to submit the revised *Rules for Regional Meetings* to the Conference for confirmation at its 107th Session (May–June 2018) in accordance with article 38, paragraph 2, of the Constitution.<sup>2</sup> In this connection, the Governing Body proposed that the revised Rules be referred in the first instance to the Selection Committee of the Conference for examination.<sup>3</sup> In addition, the Governing Body requested the Office to prepare for its 334th Session (October–November 2018) a revised version of the Introductory note taking into account the discussions in the Working Party.<sup>4</sup>
2. As regards the composition of Regional Meetings, the amendments clarify that the composition of Regional Meetings is based on a list of member States by region drawn up by the Governing Body using the coverage of the ILO's Regional Offices as the basic criterion. They also reflect the order in which Regional Meetings are normally held on a rotation basis and confirm the flexibility as regards the frequency of Regional Meetings maintained under the overall authority of the Governing Body. The amendments to paragraphs 2 and 3 of article 1 give effect to the principle adopted by the Governing Body at its 331st Session (October–November 2017) that each Member shall be invited as a full member to the Regional Meetings of only one region with the Governing Body having the discretion of inviting, as an observer, on a case-by-case basis, any member State from another region. Moreover, the amendments to paragraph 1 of article 5, paragraph 1 of article 9, paragraph 1 of article 11 and paragraph 1 of article 12 clarify that only Members attending a Regional Meeting as full members can stand for office, move motions and amendments, and vote.
3. With regard to gender equality, a new paragraph 6 was added to article 1 based on the ILO's commitment to promote gender equality as set forth in the Conference resolutions concerning the participation of women in ILO meetings and the United Nations Economic and Social Council Resolution 1990/15 of 24 May 1990.
4. Concerning participation rights, the amendment to paragraph 8(a) of article 1 clarifies the right of advisers to speak in plenary. In addition, the amendment to paragraph 3 of article 10 clarifies the speaking rights of a Member invited by the Governing Body to attend a Regional Meeting as an observer. Moreover, a new paragraph 8 was introduced in article 10 to allow the flexibility needed to permit interventions of invited external participants, such as experts or panel moderators who are not members of national delegations or entities invited as observers.

<sup>1</sup> [GB.332/WP/GBC/4](#), [GB.332/INS/12](#).

<sup>2</sup> Article 38 of the [ILO Constitution](#) provides that: “1. The International Labour Organisation may convene such regional conferences ... as may be desirable to promote the aims and purposes of the Organisation. 2. The powers, functions and procedure of regional conferences shall be governed by rules drawn up by the Governing Body and submitted to the General Conference for confirmation.”

<sup>3</sup> [GB.332/WP/GBC/2](#), para. 20 and [GB.332/INS/12](#), para.16.

<sup>4</sup> [GB.332/INS/12](#), para. 36.

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5. With regard to credentials, the amendment to paragraph 7 of article 1 advances the deadline for the deposit of credentials from 15 to 21 days before the opening of the meeting aligning it with that of the Conference. As for the amendment to paragraph 3(c) of article 9, it replicates a similar provision of the Standing Orders of the Conference to prevent a person who has accepted to serve as adviser to a delegate from contesting the validity of that delegate's appointment.
  6. With reference to hosting a Regional Meeting, paragraph 2 of article 2 was amended to provide that any State wishing to host a Regional Meeting must conclude with the Office a standard agreement offering the appropriate level of protection prior to the Governing Body deciding on the venue. While affording some flexibility to the host State, the revised Rules require a number of standard clauses to be included in every agreement for hosting a Regional Meeting. These standard clauses appear in a new annex to the Rules.
  7. Finally, with relation to the outcome of Regional Meetings, the amendment to article 3 of the Rules clarifies the form decisions of Regional Meetings may take and how they are submitted to the Governing Body. In addition, the amendment to article 4 of the Rules further clarifies that the report to be prepared by the Office should be on the single agenda item decided upon by the Governing Body.
  8. The Conference is called upon to consider, with a view to their confirmation, the revised *Rules for Regional Meetings*.

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## Revised Rules for Regional Meetings (2018)

### *Rules for Regional Meetings*<sup>23</sup>

#### ARTICLE 1

##### *Composition of Regional Meetings*

1. Regional Meetings shall be convened from time to time in each of the regions: Asia and the Pacific, the Americas, Africa and Europe. For the purposes of these Rules, the Governing Body shall establish the list of Members of each region.

~~1-2.~~ Each member State shall be invited by the Governing Body as a full member to the Regional Meetings of only one region. Each Regional Meeting shall be composed of two Government delegates, one Employers' delegate, and one Workers' delegate for each State or territory full member of the Regional Meeting.

3. The Governing Body may invite any Member from another region to attend the Regional Meeting as an observer.

4. Acceptance by a State or territory Member of an invitation to be represented at a Regional Meeting implies that it assumes responsibility for the travel and subsistence expenses of its tripartite delegation.

~~2-5.~~ Employers' and Workers' delegates and advisers shall be chosen in agreement with the industrial organizations, if such organizations exist, which are most representative of the employers or workers<sup>24</sup> as the case may be in the Member State or territory concerned.

6. Members shall make every effort to promote the equal representation of women and men in their delegations.

~~3-7.~~ The credentials of delegates and their advisers at Regional Meetings shall be deposited with the International Labour Office at least ~~fifteen (15)~~ twenty one (21) days before the date fixed for the opening of the Meeting.

~~4-(1)8.~~ Delegates may be accompanied by advisers who can participate in the Meeting in the following conditions: and by such additional advisers as may be appointed by a State as representatives of non metropolitan territories for whose international relations the State is responsible.

(a) Advisers may speak only on a request made by the delegate whom they accompany and may not vote.

~~(2)~~(b) Any delegate may by notice in writing addressed to the Chairperson appoint one of his or her advisers to act as his or her substitute.

~~(3)~~(c) An adviser who is acting as substitute for his/her delegate may speak and vote under the same conditions as the delegate who is being replaced.

~~5-9.~~ Eminent public figures, including ministers from Members attending the Regional Meeting as full members States or territories represented at the Meeting or from constituent States or provinces thereof whose departments deal with the questions discussed by the Meeting and who are not delegates or advisers may also attend the Meeting.

<sup>23</sup> The ILO is committed to promoting gender equality. Amendments to this effect were adopted at the 97th Session of the International Labour Conference (Geneva, 2008).

<sup>24</sup> As used in these Rules, the term "workers" is interpreted consistently with the meaning of "workpeople" in article 3 of the Constitution of the International Labour Organization.

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~~6.10.~~ Any Member of the International Labour Organization from a different region and any State which is not a Member of the International Labour Organization which has been invited by the Governing Body of the International Labour Office may be represented at the Meeting by an observer delegation.

~~7.11.~~ Liberation movements recognized by the African Union or the League of Arab States which have been invited by the Governing Body may be represented at the Meeting by an observer delegation.

~~8.12.~~ Representatives of official universal or regional international organizations and of non-governmental universal or regional international organizations which have been invited by the Governing Body, either individually or as a result of a standing arrangement, to be represented at the Meeting may attend it as observers.

~~9.13.~~ Officers of the Governing Body who are not delegates accredited to the Regional Meeting may attend the Meeting.

## ARTICLE 2

### *Agenda and venue of Regional Meetings*

1. The Governing Body shall establish the agenda for a Regional Meeting.
2. The Governing Body shall decide upon the date and the venue of a Regional Meeting. A member State which offers to host a Regional Meeting shall guarantee – prior to the Governing Body deciding on the venue – at least the level of protection afforded under the Convention on the Privileges and Immunities of the Specialized Agencies, 1947, including its Annex I concerning the International Labour Organization. It shall conclude an agreement with the International Labour Office incorporating the standard clauses set out in the annex to these Rules.

## ARTICLE 3

### *Form of decisions of Regional Meetings*

Subject to any specific indication by the Governing Body to the contrary, the decisions of Regional Meetings shall take the form of ~~resolutions~~conclusions on matters relating to the item(s) on the agenda, ~~conclusions or resolutions or reports~~ addressed to the Governing Body. These decisions are recorded in a report of the meeting submitted to the Governing Body.

## ARTICLE 4

### *Reports for Regional Meetings*

1. The International Labour Office shall prepare a report on the item(s) on the agenda ~~designed to facilitate an exchange of views on the issues referred to the Meeting.~~
2. The report shall be dispatched by the Office so as to reach governments at least two months before the opening of the Meeting. The Officers of the Governing Body may approve shorter intervals if exceptional circumstances so require.

## ARTICLE 5

### *Officers of the Meeting*

1. Each Regional Meeting shall elect as Officers a Chairperson and three Vice-Chairpersons from among Members attending the Regional Meeting as full members. ~~For the election of the Chairperson, account should be taken of the need to afford all Members and groups the opportunity to hold office.~~

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2. The three Vice-Chairpersons shall be elected by the Meeting on the nomination of the Government, Employers' and Workers' delegates respectively.

## ARTICLE 6

### *Duties of the Officers*

1. It shall be the duty of the Chairperson to declare the opening and closing of the sittings, to bring before the Meeting any communication which may concern it, direct the debates, maintain order, ensure the observance of the present Rules, put questions for decision and announce the results of any voting.

2. The Chairperson shall not take part in the debates and shall not vote, but may appoint a substitute in accordance with article 1, paragraph ~~8(b)4(2)~~, of these Rules.

3. If the Chairperson is absent during any sitting or part of a sitting he or she shall be replaced by one of the Vice-Chairpersons, who shall act in rotation.

4. A Vice-Chairperson acting as Chairperson shall have the same rights and duties as the Chairperson.

5. The Officers of the Meeting shall arrange its programme of work, organize the discussions, determine, where appropriate, a time limit for speeches and fix the date and time of the sittings of the Meeting and of its subsidiary bodies, if any; they shall report to the Meeting on any controversial matter requiring a decision for the proper conduct of its business.

## ARTICLE 7

### *Secretariat*

The Director-General of the International Labour Office, being charged with the organization of the Meeting, is responsible for the secretariat-general of the Meeting and the secretariat services under its control, either directly or through a deputy appointed by the Director-General.

## ARTICLE 8

### *Committees*

Each Regional Meeting shall appoint a Credentials Committee and any other subsidiary body as the Meeting may consider appropriate. Any such subsidiary body shall operate mutatis mutandis under these Rules ~~applicable to the Meeting~~, unless the Meeting decides otherwise.

## ARTICLE 9

### *Credentials*

1. The Credentials Committee shall consist of one Government delegate, one Employers' delegate and one Workers' delegate, all from Members attending the Regional Meeting as full members.

2. The Credentials Committee shall examine the credentials of delegates and their advisers and any objection alleging that an Employers' or Workers' delegate or adviser has not been nominated in accordance with the provisions of ~~paragraph 2 of article 1, paragraph 5,~~ of these Rules. The Committee may also, time permitting, consider any complaint alleging that a Member has failed to carry out its responsibility in accordance with article 1, paragraph ~~4~~ 1, to pay travel and subsistence expenses of the tripartite delegation. The Committee may also receive and examine communications.

3. An objection or a complaint shall be receivable in the following cases:

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- (a) it has been lodged with the secretariat of the Meeting within two hours after the scheduled time for the opening of the Meeting, unless the Committee considers that there were valid reasons why the time limit could not be respected;
  - (b) the authors of the objection or the complaint do not remain anonymous;
  - (c) the author of the objection is not serving as adviser to the delegate to whose nomination objection is taken;
  - ~~(e)~~(d) the objection or the complaint is not based upon facts or allegations identical to those which the International Labour Conference or an earlier Regional Meeting has already discussed and recognized to be irrelevant or devoid of substance.

4. The Credentials Committee shall promptly submit its report to the Meeting, which shall request the Office to bring the report to the attention of the Governing Body.

## ARTICLE 10

### *Right to address the Meeting*

1. No person may address the Meeting without having asked and obtained the permission of the Chairperson, who shall normally call upon speakers in the order in which they have signified their desire to speak, while bearing in mind that priority should be given to delegates.

2. The Director-General of the International Labour Office or his or her representative may, with the permission of the Chairperson, address the Meeting.

3. Persons entitled to take part in the Meeting in accordance with article 1, paragraphs 3, 9, 10, 11 or 13~~5, 6, 7 or 9 of article 1~~, and representatives of official universal or regional international organizations may, with the permission of the Chairperson, address the Meeting during any discussion in plenary.

4. Representatives of non-governmental universal or regional international organizations entitled to take part in the Meeting in virtue of paragraph 12~~8~~ of article 1 may, with the permission of the Chairperson and Vice-Chairpersons, speak and make or circulate statements for information of the Meeting on matters included in its agenda. If agreement cannot be reached, the Chairperson shall refer the matter to the Meeting for decision without discussion.

5. With the permission of the Chairperson, an Officer of the Governing Body may address the Meeting.

6. The Chairperson may withdraw the right to speak from any speaker whose remarks are not relevant to the subject under discussion.

7. Except with the unanimous consent of the Officers of the Meeting, no speech shall exceed five minutes.

8. When the meeting conducts discussions in the form of interactive debates, invited persons not belonging to one of the categories of persons listed in paragraphs 3 and 4 shall be allowed to participate in the discussion and the Chairperson may delegate to such persons the authority to direct the debates. Article 10, paragraph 7, does not apply to such debates.

## ARTICLE 11

### *Motions, resolutions and amendments*

1. Subject to the following rules, any delegate from a Member attending the Regional Meeting as a full member may move any motion, resolution or amendment.

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2. No motion, resolution or amendment shall be discussed unless and until it has been seconded.

3. (1) Motions as to procedure may be moved without previous notice and without the handing of a copy to the secretariat of the Meeting. They may be moved at any time except after the Chairperson has called upon a speaker and before the speaker has finished speaking.

(2) Motions as to procedure include the following:

- (a) a motion to refer the matter back;
- (b) a motion to postpone consideration of the question;
- (c) a motion to adjourn the sitting;
- (d) a motion to adjourn the debate on a particular question;
- (e) a motion for the closure of the discussion.

4. (1) No resolution shall be moved at any sitting of the Meeting unless a copy has been handed in to the secretariat of the Meeting on the previous day.

(2) Any resolution thus handed in shall be translated and circulated by the secretariat not later than during the sitting preceding that at which it is to be discussed.

(3) Amendments to a resolution may be moved without previous notice if a copy of the text of the amendment is handed in to the secretariat of the Meeting before the amendment is moved.

5. (1) Amendments shall be voted on before the resolution to which they refer.

(2) If there are several amendments to a motion or resolution, the Chairperson shall determine the order in which they shall be discussed and put to the vote, subject to the following provisions:

- (a) every motion, resolution or amendment shall be put to the vote;
- (b) amendments may be voted on either individually or against other amendments as the Chairperson may decide, but if amendments are voted on against other amendments, the motion or resolution shall be deemed to be amended only after the amendment receiving the largest number of affirmative votes has been voted on individually and adopted;
- (c) if a motion or resolution is amended as the result of a vote, that motion or resolution as amended shall be put to the Meeting for a final vote.

6. Any amendment may be withdrawn by the person who moved it unless an amendment to it is under discussion or has been adopted. Any amendment so withdrawn may be moved without previous notice by any other delegate.

7. Any delegate may at any time draw attention to the fact that the rules are not being observed, and the Chairperson shall give an immediate ruling on any question so raised.

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## ARTICLE 12

### *Voting and quorum*

1. Subject to the provisions of article 13, paragraph 4, of the Constitution of the International Labour Organization, <sup>251</sup> every delegate from a Member attending the Regional Meeting as a full member shall be entitled to vote individually on all matters which are under consideration by the Meeting.
2. If one of the Members represented fails to nominate one of the non-government delegates whom it is entitled to nominate, the other non-government delegate shall be allowed to sit and speak at the Meeting, but not to vote.
3. Decisions shall, whenever practicable, be taken by consensus. In the absence of consensus duly ascertained and announced by the Chairperson, decisions shall be taken by a simple majority of the votes cast by the delegates who are present at the sitting and entitled to vote.
4. Voting shall normally be by show of hands.
5. A vote is not valid if the total number of votes cast for and against is less than half the total number of delegates at the Meeting entitled to vote.
6. The vote shall be recorded by the secretariat and announced by the Chairperson.
7. No resolution, conclusion, report, amendment or motion shall be adopted if the number of votes cast for and the number of votes cast against it are equal.

## ARTICLE 13

### *Languages*

The Governing Body shall determine the working languages of the Meeting and may request the secretariat to make arrangements for interpretation and for translation of documents into and from other languages, taking into account the financial resources available.

## ARTICLE 14

### *Autonomy of groups*

Subject to these Rules each group shall control its own procedure.

<sup>251</sup> Article 13, paragraph 4, reads as follows: “A Member of the Organization which is in arrears in the payment of its financial contribution to the Organization shall have no vote in the Conference, in the Governing Body, in any committee, or in the elections of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years: Provided that the Conference may by a two-thirds majority of the votes cast by the delegates present permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.”

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## **Annex**

### **Standard clauses of agreement for hosting a Regional Meeting**

#### **Organization**

1. Except as specifically provided herein, the ILO shall have the full responsibility for organizing and conducting the Meeting in accordance with the ILO Rules for Regional Meetings and other applicable ILO regulations, rules and practices.
2. Without limitation to the preceding paragraph, the ILO shall in particular be solely responsible for:
  - (i) granting accreditation to participants in the Meeting under the applicable rules and practices of the ILO;
  - (ii) governing the preparation for, and conduct of, the Meeting in accordance with the ILO's Rules for Regional Meetings; and
  - (iii) preparing the Meeting programme.
3. The Government shall provide support to the ILO in protocol and security matters, including as regards the reception and due treatment of Heads of State, Heads of Government and Government Ministers attending the Meeting.

#### **Privileges, immunities and facilities**

4. The venue of the Meeting will be considered as premises of the ILO for the purpose of Article III, section 5, of the Convention on the Privileges and Immunities of the Specialized Agencies.
5. The Government shall apply to the ILO, its property, funds and assets, to its officials and experts, and to all representatives of member States, observers and eminent public figures invited to the Meeting, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies and Annex I relating to the ILO.
6. The Government shall ensure expeditious procedures to facilitate the travel to and from, and stay in [name of host country], for all persons enumerated in the preceding paragraph, as well as members of their families, throughout the duration of their functions, mission(s) or stay(s) in connection with, or incidental to, the Meeting.
7. All persons enumerated in paragraph [x] shall have the right to entry into and exit from [name of host country] and no impediment shall be imposed on their transit to and from the Meeting venue.
8. Government consular representatives abroad shall be given instruction to grant visas to ILO officials and representatives of member States invited to the Meeting without delay or waiting period, without requiring the personal attendance of the applicant or the payment of charges. The ILO shall make

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the names of the ILO officials and eminent public figures available to the Government, as well as the official list of delegations published by the ILO which can serve as the basis for verification of delegations of member States. All other persons enumerated in paragraph [x] shall be issued visas in an expeditious procedure.

9. The Government shall take every necessary and appropriate measure towards providing adequate security throughout the Meeting in close cooperation with the ILO and, in particular, in full respect of the privileges and immunities of the ILO.

10. The Government shall make appropriate administrative arrangements for the remission or return of the amount of consumption tax or other tax or duty which may be chargeable on the purchase by the ILO of goods or services for official use in connection with the Meeting.

### **Logo and name**

11. The Parties agree that the sole logo of the Meeting shall be the logo created by the ILO. The ILO owns all intellectual property rights contained in the logo.

12. The ILO grants to the Government, and the Government accepts, an exclusive worldwide non-transferable licence to use the Meeting logo only for purposes relating to the hosting and successful accomplishment of the Meeting.

13. Except as expressly provided in this Agreement, neither the Government, nor any other entity acting on its behalf, shall use the name or the emblem of the ILO, in any form or for any purpose, without the prior written authorization of the ILO.

14. Except as expressly provided herein, neither the Government, nor any other entity acting on its behalf, shall use the title of the Meeting, namely "...” or any acronym thereof, without the prior written approval of the ILO.

### **Liability**

15. The Government shall indemnify and hold harmless the ILO in respect of any action, claim or demand for any injury or damage that might occur to the persons or facilities provided by the Government except where such injury or damage is caused by the gross negligence or wilful misconduct of the ILO or its officials.

### **Amendment**

16. The Parties may modify any of the terms of this Agreement, except the provisions concerning the privileges and immunities of the ILO and its intellectual property, by mutual written agreement signed by their authorized representatives.

### **Settlement of disputes**

17. The Parties shall use their best efforts to settle amicably all disputes, controversies or claims arising out of, or in connection with, this Agreement

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or the interpretation thereof. Any disputes, controversy or claim arising out of or relating to this Agreement shall be resolved through direct negotiations between the Parties.

### **Cancellation, postponement or termination**

18. The ILO, as an intergovernmental organization, may be called upon by its Governing Body to postpone, cancel or move the Meeting. In such an event, the ILO will accordingly inform the Government of such a decision. The Agreement shall immediately terminate and each Party shall be responsible for its own costs.
19. If the Meeting is cancelled or postponed by mutual decision of the Government and the ILO, including in the event of force majeure, this Agreement shall immediately terminate and each Party shall be responsible for its own costs.
20. In the event of cancellation, interruption, postponement or change of venue of the Meeting by either Party, the other Party shall have the right to terminate this Agreement. The Parties shall consult each other at least thirty (30) days prior to such termination. In case of any such termination, each Party shall be responsible for its own costs.

# ***Record of Proceedings***

107th Session, Geneva, May–June 2018

# **1C**



**Date:** Thursday, 24 May 2018

## **Eighth item on the agenda: Maritime matters**

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## Approval of amendments to the Code of the Maritime Labour Convention, 2006, as amended (MLC, 2006), as adopted by the Special Tripartite Committee established under Article XIII of the Convention

1. The Special Tripartite Committee established under Article XIII of the MLC, 2006,<sup>1</sup> met in Geneva from 23 to 27 April 2018 and adopted, in accordance with Article XV, paragraph 4, of the MLC, 2006, amendments to the Code implementing Regulations 2.1, 2.2 and 2.5 of the MLC, 2006. The amendments were adopted by an overwhelming majority.<sup>2</sup> The text of the amendments is reproduced in the appendix.
2. Pursuant to Article XV, paragraph 5, of the MLC, 2006, and article 17 of the Standing Orders of the Special Tripartite Committee, amendments to the Code together with a commentary on the amendments, are to be communicated by the Chairperson of the Committee to the Governing Body for transmittal to the next session of the International Labour Conference. As the third meeting of the Committee took place after the 332nd Session (March 2018) of the Governing Body, the amendments were brought to the attention of the Officers of the Governing Body who decided to transmit them to the 107th Session of the International Labour Conference.
3. The amendments, submitted by the group of Seafarer representatives to the Special Tripartite Committee, relate to the protection of seafarers' wages and entitlements while they are held captives on or off the ship as a result of acts of piracy or armed robbery against ships.<sup>3</sup>
4. The first amendment relates to the Code implementing Regulation 2.1 – Seafarers' employment agreement – and is intended to ensure that a seafarer's employment agreement continues to have effect while a seafarer is held captive as a result of acts of piracy or armed robbery against ships.
5. The second amendment relates to the Code implementing Regulation 2.2 – Wages – and provides that wages and other entitlements under the seafarers' employment agreement, relevant collective bargaining agreement or applicable national laws, including the remittance of any allotments, shall continue to be paid during the entire period of captivity and until the seafarer is released and duly repatriated or, where the seafarer dies while in captivity, until the date of death as determined in accordance with applicable national laws or regulations.

<sup>1</sup> The MLC, 2006, entered into force on 20 August 2013 and, as of 10 May 2018, had been ratified by 86 member States. More information can be found at: [www.ilo.org/mlc](http://www.ilo.org/mlc).

<sup>2</sup> There were no votes against the amendments and only three governments abstained.

<sup>3</sup> For the purpose of the amendments, *piracy* has the same meaning as in the United Nations Convention on the Law of the Sea, 1982, and *armed robbery against ships* means any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a State's internal waters, archipelagic waters and territorial sea, or any act of inciting or of intentionally facilitating an act described above.

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6. The third amendment relates to the Code implementing Regulation 2.5 – Repatriation – and is intended to ensure that the entitlement to repatriation may not lapse where a seafarer is held captive as a result of acts of piracy or armed robbery against ships.
  7. In accordance with Article XV, paragraph 5, of the Convention, approval by the Conference requires a majority of two-thirds of the votes cast by the delegates present. If these amendments are approved by the Conference, they will be notified to Members whose ratification of the MLC, 2006, was registered prior to the date of the Conference’s approval. These Members will have a period of two years from that notification (unless the Conference decides upon a different period) to express a formal disagreement to the amendments. The amendments will enter into force six months after the end of that period unless more than 40 per cent of ratifying Members, representing not less than 40 per cent of world gross tonnage, have formally expressed their disagreement with the amendments. If such majority is not obtained, the amendments are referred back to the Special Tripartite Committee for reconsideration.
  8. It is recalled that, at its 103rd Session (June 2014), the International Labour Conference approved for the first time amendments adopted by the Special Tripartite Committee.<sup>4</sup> Those amendments related to the issues of abandonment of seafarers and claims for compensation in the event of a seafarer’s death or long-term disability due to an occupational injury, illness or hazard. They entered into force on 17 January 2017. As its 105th Session (June 2016), the International Labour Conference approved two further amendments also adopted by the Special Tripartite Committee,<sup>5</sup> one aimed at eliminating shipboard harassment and bullying and another providing, under specific circumstances, for the possibility of an extension of not more than five months of the validity of the maritime labour certificate. These amendments are expected to enter into force on 8 January 2019.
  9. The Conference is called upon to consider, with a view to their approval, the amendments to the Code of the MLC, 2006, adopted by the Special Tripartite Committee at its third meeting.

<sup>4</sup> International Labour Conference, 103rd Session, Record of Proceedings, *Provisional Record Nos 2 and 16*.

<sup>5</sup> International Labour Conference, 105th Session, Record of Proceedings, *Provisional Record No. 3-1*.

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## Appendix

### Amendments to the Code of the MLC, 2006, relating to Regulation 2.1

#### **Standard A2.1 – Seafarers’ employment agreements**

Insert new paragraph 7:

7. Each Member shall require that a seafarer’s employment agreement shall continue to have effect while a seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery against ships, regardless of whether the date fixed for its expiry has passed or either party has given notice to suspend or terminate it. For the purpose of this paragraph, the term:

- (a) *piracy* shall have the same meaning as in the United Nations Convention on the Law of the Sea, 1982;
- (b) *armed robbery against ships* means any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a State’s internal waters, archipelagic waters and territorial sea, or any act of inciting or of intentionally facilitating an act described above.

### Amendments to the Code of the MLC, 2006, relating to Regulation 2.2

#### **Standard A2.2 – Wages**

Insert a new paragraph 7:

7. Where a seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery against ships, wages and other entitlements under the seafarers’ employment agreement, relevant collective bargaining agreement or applicable national laws, including the remittance of any allotments as provided in paragraph 4 of this Standard, shall continue to be paid during the entire period of captivity and until the seafarer is released and duly repatriated in accordance with Standard A2.5.1 or, where the seafarer dies while in captivity, until the date of death as determined in accordance with applicable national laws or regulations. The terms *piracy* and *armed robbery against ships* shall have the same meaning as in Standard A2.1, paragraph 7.

### Amendments to the Code of the MLC, 2006, relating to Regulation 2.5 – Repatriation

#### **Guideline B2.5.1 – Entitlement**

Replace paragraph 8 by the following:

8. The entitlement to repatriation may lapse if the seafarers concerned do not claim it within a reasonable period of time to be defined by national laws or regulations or collective agreements, except where they are held captive on or off the ship as a result of acts of piracy or armed robbery against ships. The terms *piracy* and *armed robbery against ships* shall have the same meaning as in Standard A2.1, paragraph 7.



## Report of the Selection Committee

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## 1. Election of the Officers of the Committee

In accordance with article 57 of the Standing Orders of the Conference, the Selection Committee elected its Officers as follows:

*Chairperson:* Mr J.E. Aguirre (Government member, Paraguay)

*Employer Vice-Chairperson:* Mr H. Matsui (Employer member, Japan)

*Worker Vice-Chairperson:* Ms C. Passchier (Worker member, Netherlands)

## 2. Reminder of the Selection Committee's authority and delegation of authority to the Officers under the Standing Orders

The Selection Committee noted that, under article 4(2) of the Standing Orders of the Conference, it was responsible, in addition to its traditional authority, for fixing the time and agenda of the plenary sittings and for acting on behalf of the Conference with respect to decisions on non-controversial questions of a routine nature. The Selection Committee may delegate this authority to its Officers. The Selection Committee also noted that, this year, some of the formalities that it traditionally discharged were already approved by the Conference at its opening sitting, based on the proposals made by the Governing Body at its 332nd Session (March 2018) contained in *Provisional Record* No. 1A. For the remainder of the session, as per the usual practice, the formalities relating to the proper conduct of the work of the Conference would continue to be carried out by the Selection Committee through its Officers.

*The Selection Committee delegated to its Officers the authority to arrange the programme of the Conference and fix the time and agenda of plenary sittings as well as to decide on any non-controversial issues of a routine nature necessary for the running of the Conference. The Selection Committee also delegated to its Officers the authority to approve its report with a view to its submission to the Conference.*

## 3. Abrogation of Conventions Nos 21, 50, 64, 65, 86 and 104, and withdrawal of Recommendations Nos 7, 61 and 62

The Governing Body of the International Labour Office decided at its 328th Session (November 2016) to place on the agenda of the 107th Session (2018) of the International Labour Conference the question of abrogation of six Conventions as well as the withdrawal of three Recommendations, as follows: the Inspection of Emigrants Convention, 1926 (No. 21); the Recruiting of Indigenous Workers Convention, 1936 (No. 50); the Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64); the Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65); the Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86); the Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104); the Hours of Work (Fishing) Recommendation, 1920

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(No. 7); the Migration for Employment Recommendation, 1939 (No. 61); and the Migration for Employment (Co-operation between States) Recommendation, 1939 (No. 62).<sup>1</sup>

Under article 19, paragraph 9, of the Constitution, the Conference is empowered by a two-thirds majority and upon recommendation by the Governing Body, to abrogate a Convention in force if it appears that it has lost its purpose or that it no longer makes a useful contribution to attaining the objectives of the Organization. According to article 45bis(1) of the Standing Orders of the Conference, the Conference may withdraw Conventions which are not in force as well as Recommendations.

In accordance with article 45bis(2) of the Standing Orders of the Conference, the Office prepared two reports for the Conference, before the Conference under item VII on its agenda. The first report, namely Report VII(1),<sup>2</sup> was published in November 2017 in order to reach governments no later than 18 months before the opening of the 107th Session (2018) of the Conference. It contained a questionnaire requesting all ILO member States to indicate within a period of 12 months their position on the subject of these abrogations and withdrawals. The governments were also requested to consult the most representative organizations of employers and workers before finalizing their replies. On the basis of the replies received, the Office prepared a second report, namely Report VII(2),<sup>3</sup> made available to member States in early 2018. It summarized the replies received to the questionnaire and contains a set of proposed conclusions, prepared on the basis of these replies.

Under 45bis(3) of the Standing Orders of the Conference, and based on the proposal made by the Governing Body at its 332nd Session (March 2018), the Conference decided to send the second report prepared by the Office and the proposals therein to the Selection Committee for its examination. On the basis of the report of the Selection Committee, the Conference should decide normally by consensus to submit the proposals for abrogation and withdrawal to a final vote. If the report of the Selection Committee is adopted on Monday, 4 June, the record vote should take place on Tuesday, 5 June in accordance with the decision taken by the Conference at its opening sitting.

The Employer and Worker Vice-Chairpersons supported the proposed abrogations and withdrawals, noting that the Governing Body had decided to place the item on the agenda of the 107th Session (2018) of the Conference based on the recommendations made by the Standards Review Mechanism Tripartite Working Group at its second meeting in 2016.

In addition, the Worker Vice-Chairperson, while expressing satisfaction about the fact the Conference was now empowered to abrogate obsolete Conventions, recalled that it was necessary to invite member States parties to each of the six Conventions to contemplate ratifying the most up-to-date Conventions, namely the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Indigenous and Tribal Peoples Convention, 1989 (No. 169), and the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), while at the same time denouncing the earlier Conventions. The Office should take follow-up action accordingly. With respect to the withdrawal of Recommendation No. 7, she noted that the Work in Fishing Recommendation, 2007 (No. 199), together with the Work in Fishing

<sup>1</sup> [GB.328/INS/3\(Add.\)](#), para. 10(b); [GB.328/PV](#), para. 25.

<sup>2</sup> Report VII(1): Abrogation of six international labour Conventions and withdrawal of three international labour Recommendations, [ILC.107/VII/1](#).

<sup>3</sup> Report VII(2): Abrogation of six international labour Conventions and withdrawal of three international labour Recommendations, [ILC.107/VII/2](#).

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Convention, 2007 (No. 188), were the most up-to-date and comprehensive instruments on work in fishing.

*The Selection Committee recommended to the Conference that it take the preliminary decision, referred to in paragraph 3 of article 45bis of the Standing Orders of the Conference, to submit the formal proposal for the abrogation or withdrawal of each of the six Conventions and three Recommendations, as set out in Appendix I to the present report, to a final record vote scheduled on 5 June 2018.*

#### **4. Approval of amendments to the Code of the Maritime Labour Convention, 2006, as amended (MLC, 2006), as adopted by the Special Tripartite Committee established under Article XIII of the Convention**

At its third meeting held in Geneva from 23 to 27 April 2018, the Special Tripartite Committee adopted, in accordance with Article XV, paragraph 4, of the MLC, 2006, amendments to the Code implementing Regulations 2.1 (seafarers' employment agreements), 2.2 (wages) and 2.5 (repatriation) of the MLC, 2006. Under Article XV, paragraph 5, of the MLC, 2006, amendments adopted by the Special Tripartite Committee are submitted to the next session of the Conference for approval. Such approval shall require a majority of two-thirds of the votes cast by the delegates present. Accordingly, the amendments adopted by the Special Tripartite Committee at its third meeting were communicated by the Chairperson of the Special Tripartite Committee to the Officers of the Governing Body who, in turn, transmitted them to the Conference meeting at its current session for approval. Based on the decision taken by the Conference at its opening sitting, the Selection Committee was called on to take note of these amendments together with the commentary set forth in *Provisional Record* No. 1C. As the amendments to the Code had been adopted together by the Special Tripartite Committee, their approval by the Conference would be the subject of a single vote. The record vote should take place on Tuesday, 5 June at the same time as the vote on the abrogation and withdrawal of six Conventions and three Recommendations in accordance with the decision taken by the Conference at its opening sitting.

The Employer and the Worker Vice-Chairpersons supported the amendments adopted by the Special Tripartite Committee. The Worker Vice-Chairperson recalled that, according to figures of the International Maritime Bureau of the International Chamber of Commerce, numerous serious incidents of piracy and armed robbery against ships were still occurring, which involved death and injuries of seafarers. These incidents also represented a considerable cost to the industry. For the seafarers and their families it was of critical importance that wages and other entitlements of seafarers continued to be paid during the entire period of captivity resulting from piracy or armed robbery against ships, thus mitigating the effects of such events.

In supporting the amendments to the Code of the MLC, 2006, the Government member of France commended the work of the Office in support of the Special Tripartite Committee, and noted that the outcome was an interesting example of what the ILO was able to produce when all sides agreed, notwithstanding initial disagreement on the nature of the instrument to be adopted.

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*The Selection Committee recommended that the Conference consider, with a view to their approval, the amendments to the Code of the MLC, 2006, adopted by the Special Tripartite Committee at its third meeting, and set out in Appendix II to this report, through a single record vote scheduled on 5 June 2018.*

## **5. Confirmation of the *Rules for Regional Meetings* (2018)**

At its 332nd Session (March 2018), the Governing Body approved amendments to the *Rules for Regional Meetings* and decided to submit the revised Rules to the Conference for confirmation at its 107th Session (May–June 2018) in accordance with article 38, paragraph 2, of the Constitution. The Selection Committee was called upon to examine the revised *Rules for Regional Meetings* referred to it by the Conference at its opening sitting. The examination of the Selection Committee was carried out on the basis of *Provisional Record* No. 1B which contained the revised Rules together with a brief explanation on the amendments.

The Employer and the Worker Vice-Chairpersons supported the proposed decision, which reflected the debates that had taken place at two consecutive sessions of the Governing Body.

The Government member of France noted that, while his Government would have preferred a different outcome, it accepted that it would henceforth have to request an invitation as an observer to Regional Meetings other than then one at which it would be a full member. He indicated that his Government had already requested to be invited at the upcoming 19th American Regional Meeting as an observer and the matter would be decided at the 333rd Session (June 2018) of the Governing Body.

The Government member of the United Kingdom supported the statement of France and announced that it had also requested an invitation to be represented as an observer at the 19th American Regional Meeting.

The Employer Vice-Chairperson welcomed the agreement that had emerged on this matter and said that the Employers' group would support the invitations.

A representative of the Secretary-General (the Legal Adviser) recalled that under article 1, paragraph 3, of the revised *Rules for Regional Meetings* it would be for the Governing Body to invite Members from other regions to participate as observers in Regional Meetings.

*The Selection Committee recommended that the Conference confirm the Rules for Regional Meetings, amended by the Governing Body at its 332nd Session (March 2018) as set out in Appendix III to the present report.*

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## Appendix I

### **Proposal for the abrogation of six international labour Conventions and withdrawal of three Recommendations**

#### ***Abrogation of the Inspection of Emigrants Convention, 1926 (No. 21)***

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 107th Session on 5 June 2018, and

Following consideration of the proposal for the abrogation of six international labour Conventions and withdrawal of three international labour Recommendations under the seventh item on the agenda of the session,

Decides this fifth day of June of the year two thousand and eighteen to abrogate the Inspection of Emigrants Convention, 1926 (No. 21).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the Convention.

The English and French versions of the text of this decision are equally authoritative.

#### ***Abrogation of the Recruiting of Indigenous Workers Convention, 1936 (No. 50)***

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 107th Session on 5 June 2018, and

Following consideration of the proposal for the abrogation of six international labour Conventions and withdrawal of three international labour Recommendations under the seventh item on the agenda of the session,

Decides this fifth day of June of the year two thousand and eighteen to abrogate the Recruiting of Indigenous Workers Convention, 1936 (No. 50).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the Convention.

The English and French versions of the text of this decision are equally authoritative.

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***Abrogation of the Contracts of Employment  
(Indigenous Workers) Convention, 1939 (No. 64)***

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 107th Session on 5 June 2018, and

Following consideration of the proposal for the abrogation of six international labour Conventions and withdrawal of three international labour Recommendations under the seventh item on the agenda of the session,

Decides this fifth day of June of the year two thousand and eighteen to abrogate the Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the Convention.

The English and French versions of the text of this decision are equally authoritative.

***Abrogation of the Penal Sanctions  
(Indigenous Workers) Convention, 1939 (No. 65)***

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 107th Session on 5 June 2018, and

Following consideration of the proposal for the abrogation of six international labour Conventions and withdrawal of three international labour Recommendations under the seventh item on the agenda of the session,

Decides this fifth day of June of the year two thousand and eighteen to abrogate the Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the Convention.

The English and French versions of the text of this decision are equally authoritative.

***Abrogation of the Contracts of Employment  
(Indigenous Workers) Convention, 1947 (No. 86)***

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 107th Session on 5 June 2018, and

Following consideration of the proposal for the abrogation of six international labour Conventions and withdrawal of three international labour Recommendations under the seventh item on the agenda of the session,

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Decides this fifth day of June of the year two thousand and eighteen to abrogate the Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the Convention.

The English and French versions of the text of this decision are equally authoritative.

***Abrogation of the Abolition of Penal Sanctions  
(Indigenous Workers) Convention, 1955 (No. 104)***

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 107th Session on 5 June 2018, and

Following consideration of the proposal for the abrogation of six international labour Conventions and withdrawal of three international labour Recommendations under the seventh item on the agenda of the session,

Decides this fifth day of June of the year two thousand and eighteen to abrogate the Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the Convention.

The English and French versions of the text of this decision are equally authoritative.

***Withdrawal of the Hours of Work (Fishing)  
Recommendation, 1920 (No. 7)***

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 107th Session on 5 June 2018, and

Following consideration of the proposal for the abrogation of six international labour Conventions and withdrawal of three international labour Recommendations under the seventh item on the agenda of the session,

Decides this fifth day of June of the year two thousand and eighteen to withdraw the Hours of Work (Fishing) Recommendation, 1920 (No. 7).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.

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***Withdrawal of the Migration for Employment  
Recommendation, 1939 (No. 61)***

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 107th Session on 5 June 2018, and

Following consideration of the proposal for the abrogation of six international labour Conventions and withdrawal of three international labour Recommendations under the seventh item on the agenda of the session,

Decides this fifth day of June of the year two thousand and eighteen to withdraw the Migration for Employment Recommendation, 1939 (No. 61).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.

***Withdrawal of the Migration for Employment  
(Co-operation between States) Recommendation,  
1939 (No. 62)***

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 107th Session on 5 June 2018, and

Following consideration of the proposal for the abrogation of six international labour Conventions and withdrawal of three international labour Recommendations under the seventh item on the agenda of the session,

Decides this fifth day of June of the year two thousand and eighteen to withdraw the Migration for Employment (Co-operation between States) Recommendation, 1939 (No. 62).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

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## Appendix II

### Amendment to the Code of the MLC, 2006, relating to Regulation 2.1

#### **Standard A2.1 – Seafarers’ employment agreements**

Insert a new paragraph 7:

7. Each Member shall require that a seafarer’s employment agreement shall continue to have effect while a seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery against ships, regardless of whether the date fixed for its expiry has passed or either party has given notice to suspend or terminate it. For the purpose of this paragraph, the term:

- (a) *piracy* shall have the same meaning as in the United Nations Convention on the Law of the Sea, 1982;
- (b) *armed robbery against ships* means any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a State’s internal waters, archipelagic waters and territorial sea, or any act of inciting or of intentionally facilitating an act described above.

### Amendment to the Code of the MLC, 2006, relating to Regulation 2.2

#### **Standard A2.2 – Wages**

Insert a new paragraph 7:

7. Where a seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery against ships, wages and other entitlements under the seafarers’ employment agreement, relevant collective bargaining agreement or applicable national laws, including the remittance of any allotments as provided in paragraph 4 of this Standard, shall continue to be paid during the entire period of captivity and until the seafarer is released and duly repatriated in accordance with Standard A2.5.1 or, where the seafarer dies while in captivity, until the date of death as determined in accordance with applicable national laws or regulations. The terms *piracy* and *armed robbery against ships* shall have the same meaning as in Standard A2.1, paragraph 7.

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**Amendment to the Code of the MLC, 2006,  
relating to Regulation 2.5**

***Guideline B2.5.1 – Entitlement***

Replace paragraph 8 by the following:

8. The entitlement to repatriation may lapse if the seafarers concerned do not claim it within a reasonable period of time to be defined by national laws or regulations or collective agreements, except where they are held captive on or off the ship as a result of acts of piracy or armed robbery against ships. The terms *piracy* and *armed robbery against ships* shall have the same meaning as in Standard A2.1, paragraph 7.

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## Appendix III

### **Rules for Regional Meetings (2018)**

#### **Rules for Regional Meetings**

##### ARTICLE 1

###### *Composition of Regional Meetings*

1. Regional Meetings shall be convened from time to time in each of the regions: Asia and the Pacific, the Americas, Africa and Europe. For the purposes of these Rules, the Governing Body shall establish the list of Members of each region.

2. Each member State shall be invited by the Governing Body as a full member to the Regional Meetings of only one region. Each Regional Meeting shall be composed of two Government delegates, one Employers' delegate, and one Workers' delegate for each full member of the Regional Meeting.

3. The Governing Body may invite any Member from another region to attend the Regional Meeting as an observer.

4. Acceptance by a Member of an invitation to be represented at a Regional Meeting implies that it assumes responsibility for the travel and subsistence expenses of its tripartite delegation.

5. Employers' and Workers' delegates and advisers shall be chosen in agreement with the industrial organizations, if such organizations exist, which are most representative of the employers or workers as the case may be in the Member concerned.

6. Members shall make every effort to promote the equal representation of women and men in their delegations.

7. The credentials of delegates and their advisers at Regional Meetings shall be deposited with the International Labour Office at least twenty-one (21) days before the date fixed for the opening of the Meeting.

8. Delegates may be accompanied by advisers who can participate in the Meeting in the following conditions:

- (a) Advisers may speak only on a request made by the delegate whom they accompany and may not vote.
- (b) Any delegate may by notice in writing addressed to the Chairperson appoint one of his or her advisers to act as his or her substitute.
- (c) An adviser who is acting as substitute for his/her delegate may speak and vote under the same conditions as the delegate who is being replaced.

9. Eminent public figures, including ministers from Members attending the Regional Meeting as full members or from constituent States or provinces thereof whose departments deal with the questions discussed by the Meeting and who are not delegates or advisers, may also attend the Meeting.

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10. Any State which is not a Member of the International Labour Organization which has been invited by the Governing Body of the International Labour Office may be represented at the Meeting by an observer delegation.

11. Liberation movements recognized by the African Union or the League of Arab States which have been invited by the Governing Body may be represented at the Meeting by an observer delegation.

12. Representatives of official universal or regional international organizations and of non-governmental universal or regional international organizations which have been invited by the Governing Body, either individually or as a result of a standing arrangement, to be represented at the Meeting may attend it as observers.

13. Officers of the Governing Body who are not delegates accredited to the Regional Meeting may attend the Meeting.

## ARTICLE 2

### *Agenda and venue of Regional Meetings*

1. The Governing Body shall establish the agenda for a Regional Meeting.

2. The Governing Body shall decide upon the date and the venue of a Regional Meeting. A member State which offers to host a Regional Meeting shall guarantee – prior to the Governing Body deciding on the venue – at least the level of protection afforded under the Convention on the Privileges and Immunities of the Specialized Agencies, 1947, including its Annex I concerning the International Labour Organization. It shall conclude an agreement with the International Labour Office incorporating the standard clauses set out in the annex to these Rules.

## ARTICLE 3

### *Form of decisions of Regional Meetings*

Subject to any specific indication by the Governing Body to the contrary, the decisions of Regional Meetings shall take the form of conclusions on matters relating to the item on the agenda, or resolutions addressed to the Governing Body. These decisions are recorded in a report of the Meeting submitted to the Governing Body.

## ARTICLE 4

### *Reports for Regional Meetings*

1. The International Labour Office shall prepare a report on the item on the agenda.

2. The report shall be dispatched by the Office so as to reach governments at least two months before the opening of the Meeting. The Officers of the Governing Body may approve shorter intervals if exceptional circumstances so require.

## ARTICLE 5

### *Officers of the Meeting*

1. Each Regional Meeting shall elect as Officers a Chairperson and three Vice-Chairpersons from among Members attending the Regional Meeting as full members.

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2. The three Vice-Chairpersons shall be elected by the Meeting on the nomination of the Government, Employers' and Workers' delegates respectively.

## ARTICLE 6

### *Duties of the Officers*

1. It shall be the duty of the Chairperson to declare the opening and closing of the sittings, to bring before the Meeting any communication which may concern it, direct the debates, maintain order, ensure the observance of the present Rules, put questions for decision and announce the results of any voting.

2. The Chairperson shall not take part in the debates and shall not vote, but may appoint a substitute in accordance with article 1, paragraph 8(b) of these Rules.

3. If the Chairperson is absent during any sitting or part of a sitting he or she shall be replaced by one of the Vice-Chairpersons, who shall act in rotation.

4. A Vice-Chairperson acting as Chairperson shall have the same rights and duties as the Chairperson.

5. The Officers of the Meeting shall arrange its programme of work, organize the discussions, determine, where appropriate, a time limit for speeches and fix the date and time of the sittings of the Meeting and of its subsidiary bodies, if any; they shall report to the Meeting on any controversial matter requiring a decision for the proper conduct of its business.

## ARTICLE 7

### *Secretariat*

The Director-General of the International Labour Office, being charged with the organization of the Meeting, is responsible for the secretariat-general of the Meeting and the secretariat services under its control, either directly or through a deputy appointed by the Director-General.

## ARTICLE 8

### *Committees*

Each Regional Meeting shall appoint a Credentials Committee and any other subsidiary body as the Meeting may consider appropriate. Any such subsidiary body shall operate *mutatis mutandis* under these Rules, unless the Meeting decides otherwise.

## ARTICLE 9

### *Credentials*

1. The Credentials Committee shall consist of one Government delegate, one Employers' delegate and one Workers' delegate, all from Members attending the Regional Meeting as full members.

2. The Credentials Committee shall examine the credentials of delegates and their advisers and any objection alleging that an Employers' or Workers' delegate or adviser has not been nominated in accordance with the provisions of article 1, paragraph 5, of these Rules. The Committee may also, time permitting, consider any complaint alleging that a Member has failed to carry out its responsibility in accordance with article 1, paragraph 4,

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to pay travel and subsistence expenses of the tripartite delegation. The Committee may also receive and examine communications.

3. An objection or a complaint shall be receivable in the following cases:

- (a) it has been lodged with the secretariat of the Meeting within two hours after the scheduled time for the opening of the Meeting, unless the Committee considers that there were valid reasons why the time limit could not be respected;
- (b) the authors of the objection or the complaint do not remain anonymous;
- (c) the author of the objection is not serving as adviser to the delegate to whose nomination objection is taken;
- (d) the objection or the complaint is not based upon facts or allegations identical to those which the International Labour Conference or an earlier Regional Meeting has already discussed and recognized to be irrelevant or devoid of substance.

4. The Credentials Committee shall promptly submit its report to the Meeting, which shall request the Office to bring the report to the attention of the Governing Body.

## ARTICLE 10

### *Right to address the Meeting*

1. No person may address the Meeting without having asked and obtained the permission of the Chairperson, who shall normally call upon speakers in the order in which they have signified their desire to speak, while bearing in mind that priority should be given to delegates.

2. The Director-General of the International Labour Office or his or her representative may, with the permission of the Chairperson, address the Meeting.

3. Persons entitled to take part in the Meeting in accordance with article 1, paragraphs 3, 9, 10, 11 or 13, and representatives of official universal or regional international organizations may, with the permission of the Chairperson, address the Meeting during any discussion in plenary.

4. Representatives of non-governmental universal or regional international organizations entitled to take part in the Meeting in virtue of paragraph 12 of article 1 may, with the permission of the Chairperson and Vice-Chairpersons, speak and make or circulate statements for information of the Meeting on matters included in its agenda. If agreement cannot be reached, the Chairperson shall refer the matter to the Meeting for decision without discussion.

5. With the permission of the Chairperson, an Officer of the Governing Body may address the Meeting.

6. The Chairperson may withdraw the right to speak from any speaker whose remarks are not relevant to the subject under discussion.

7. Except with the unanimous consent of the Officers of the Meeting, no speech shall exceed five minutes.

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8. When the Meeting conducts discussions in the form of interactive debates, invited persons not belonging to one of the categories of persons listed in paragraphs 3 and 4 shall be allowed to participate in the discussion and the Chairperson may delegate to such persons the authority to direct the debates. Article 10, paragraph 7, does not apply to such debates.

## ARTICLE 11

### *Motions, resolutions and amendments*

1. Subject to the following rules, any delegate from a Member attending the Regional Meeting as a full member may move any motion, resolution or amendment.

2. No motion, resolution or amendment shall be discussed unless and until it has been seconded.

3. (1) Motions as to procedure may be moved without previous notice and without the handing of a copy to the secretariat of the Meeting. They may be moved at any time except after the Chairperson has called upon a speaker and before the speaker has finished speaking.

(2) Motions as to procedure include the following:

- (a) a motion to refer the matter back;
- (b) a motion to postpone consideration of the question;
- (c) a motion to adjourn the sitting;
- (d) a motion to adjourn the debate on a particular question;
- (e) a motion for the closure of the discussion.

4. (1) No resolution shall be moved at any sitting of the Meeting unless a copy has been handed in to the secretariat of the Meeting on the previous day.

(2) Any resolution thus handed in shall be translated and circulated by the secretariat not later than during the sitting preceding that at which it is to be discussed.

(3) Amendments to a resolution may be moved without previous notice if a copy of the text of the amendment is handed in to the secretariat of the Meeting before the amendment is moved.

5. (1) Amendments shall be voted on before the resolution to which they refer.

(2) If there are several amendments to a motion or resolution, the Chairperson shall determine the order in which they shall be discussed and put to the vote, subject to the following provisions:

- (a) every motion, resolution or amendment shall be put to the vote;
- (b) amendments may be voted on either individually or against other amendments as the Chairperson may decide, but if amendments are voted on against other amendments, the motion or resolution shall be deemed to be amended only after the amendment receiving the largest number of affirmative votes has been voted on individually and adopted;

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(c) if a motion or resolution is amended as the result of a vote, that motion or resolution as amended shall be put to the Meeting for a final vote.

6. Any amendment may be withdrawn by the person who moved it unless an amendment to it is under discussion or has been adopted. Any amendment so withdrawn may be moved without previous notice by any other delegate.

7. Any delegate may at any time draw attention to the fact that the rules are not being observed, and the Chairperson shall give an immediate ruling on any question so raised.

## ARTICLE 12

### *Voting and quorum*

1. Subject to the provisions of article 13, paragraph 4, of the Constitution of the International Labour Organisation,<sup>1</sup> every delegate from a Member attending the Regional Meeting as a full member shall be entitled to vote individually on all matters which are under consideration by the Meeting.

2. If one of the Members represented fails to nominate one of the non-government delegates whom it is entitled to nominate, the other non-government delegate shall be allowed to sit and speak at the Meeting, but not to vote.

3. Decisions shall, whenever practicable, be taken by consensus. In the absence of consensus duly ascertained and announced by the Chairperson, decisions shall be taken by a simple majority of the votes cast by the delegates who are present at the sitting and entitled to vote.

4. Voting shall normally be by show of hands.

5. A vote is not valid if the total number of votes cast for and against is less than half the total number of delegates at the Meeting entitled to vote.

6. The vote shall be recorded by the secretariat and announced by the Chairperson.

7. No resolution, conclusion, report, amendment or motion shall be adopted if the number of votes cast for and the number of votes cast against it are equal.

## ARTICLE 13

### *Languages*

The Governing Body shall determine the working languages of the Meeting and may request the secretariat to make arrangements for interpretation and for translation of documents into and from other languages, taking into account the financial resources available.

<sup>1</sup> Article 13, paragraph 4, reads as follows: "A Member of the Organization which is in arrears in the payment of its financial contribution to the Organization shall have no vote in the Conference, in the Governing Body, in any committee, or in the elections of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years: Provided that the Conference may by a two-thirds majority of the votes cast by the delegates present permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member."

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ARTICLE 14

*Autonomy of groups*

Subject to these Rules each group shall control its own procedure.

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## Annex

### Standard clauses of agreement for hosting a Regional Meeting

#### Organization

1. Except as specifically provided herein, the ILO shall have the full responsibility for organizing and conducting the Meeting in accordance with the *ILO Rules for Regional Meetings* and other applicable ILO regulations, rules and practices.
2. Without limitation to the preceding paragraph, the ILO shall in particular be solely responsible for:
  - (i) granting accreditation to participants in the Meeting under the applicable rules and practices of the ILO;
  - (ii) governing the preparation for, and conduct of, the Meeting in accordance with the ILO's Rules for Regional Meetings; and
  - (iii) preparing the Meeting programme.
3. The Government shall provide support to the ILO in protocol and security matters, including as regards the reception and due treatment of Heads of State, Heads of Government and Government Ministers attending the Meeting.

#### Privileges, immunities and facilities

4. The venue of the Meeting will be considered as premises of the ILO for the purpose of Article III, section 5, of the Convention on the Privileges and Immunities of the Specialized Agencies.
5. The Government shall apply to the ILO, its property, funds and assets, to its officials and experts, and to all representatives of member States, observers and eminent public figures invited to the Meeting, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies and Annex I relating to the ILO.
6. The Government shall ensure expeditious procedures to facilitate the travel to and from, and stay in [name of host country], for all persons enumerated in the preceding paragraph, as well as members of their families, throughout the duration of their functions, mission(s) or stay(s) in connection with, or incidental to, the Meeting.
7. All persons enumerated in paragraph [x] shall have the right to entry into and exit from [name of host country] and no impediment shall be imposed on their transit to and from the Meeting venue.
8. Government consular representatives abroad shall be given instruction to grant visas to ILO officials and representatives of member States invited to the Meeting without delay or waiting period, without requiring the personal attendance of the applicant or the payment of charges. The ILO shall make the names of the ILO officials and eminent public figures available to the Government, as well as the official list of delegations published by the ILO which can serve as the basis for verification of delegations of member States. All other persons enumerated in paragraph [x] shall be issued visas in an expeditious procedure.

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9. The Government shall take every necessary and appropriate measure towards providing adequate security throughout the Meeting in close cooperation with the ILO and, in particular, in full respect of the privileges and immunities of the ILO.
  10. The Government shall make appropriate administrative arrangements for the remission or return of the amount of consumption tax or other tax or duty which may be chargeable on the purchase by the ILO of goods or services for official use in connection with the Meeting.

### **Logo and name**

11. The Parties agree that the sole logo of the Meeting shall be the logo created by the ILO. The ILO owns all intellectual property rights contained in the logo.
12. The ILO grants to the Government, and the Government accepts, an exclusive worldwide non-transferable licence to use the Meeting logo only for purposes relating to the hosting and successful accomplishment of the Meeting.
13. Except as expressly provided in this Agreement, neither the Government, nor any other entity acting on its behalf, shall use the name or the emblem of the ILO, in any form or for any purpose, without the prior written authorization of the ILO.
14. Except as expressly provided herein, neither the Government, nor any other entity acting on its behalf, shall use the title of the Meeting, namely “...” or any acronym thereof, without the prior written approval of the ILO.

### **Liability**

15. The Government shall indemnify and hold harmless the ILO in respect of any action, claim or demand for any injury or damage that might occur to the persons or facilities provided by the Government except where such injury or damage is caused by the gross negligence or wilful misconduct of the ILO or its officials.

### **Amendment**

16. The Parties may modify any of the terms of this Agreement, except the provisions concerning the privileges and immunities of the ILO and its intellectual property, by mutual written agreement signed by their authorized representatives.

### **Settlement of disputes**

17. The Parties shall use their best efforts to settle amicably all disputes, controversies or claims arising out of, or in connection with, this Agreement or the interpretation thereof. Any disputes, controversy or claim arising out of or relating to this Agreement shall be resolved through direct negotiations between the Parties.

### **Cancellation, postponement or termination**

18. The ILO, as an intergovernmental organization, may be called upon by its Governing Body to postpone, cancel or move the Meeting. In such an event, the ILO will accordingly inform the Government of such a decision. The Agreement shall immediately terminate and each Party shall be responsible for its own costs.

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19. If the Meeting is cancelled or postponed by mutual decision of the Government and the ILO, including in the event of force majeure, this Agreement shall immediately terminate and each Party shall be responsible for its own costs.
  20. In the event of cancellation, interruption, postponement or change of venue of the Meeting by either Party, the other Party shall have the right to terminate this Agreement. The Parties shall consult each other at least thirty (30) days prior to such termination. In case of any such termination, each Party shall be responsible for its own costs.



## Plenary sitting

### Report of the Selection Committee: Noting by the Conference and the results of the record vote

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Monday, 4 June 2018, 10 a.m.  
*President: Mr Elmiger, Government*  
*Vice-President of the Conference*

## **Report of the Selection Committee: Submission and noting**

### **The President** *(Original French)*

I am honoured to declare open this sixth sitting of the 107th Session of the International Labour Conference.

This morning we shall begin with the presentation of the report of the Selection Committee, contained in *Provisional Record* No. 4A. I call on the Chairperson of the Selection Committee, Mr Aguirre Martínez of Paraguay, to present his report.

### **Mr Aguirre Martínez** Chairperson of the Selection Committee *(Original Spanish)*

It is my honour to present the report of the Selection Committee which met in the afternoon of Monday, 28 May. The report is contained in *Provisional Record* No. 4A.

The Committee considered the three items referred to it by the Conference.

The first is item VII of the Conference agenda, concerning the abrogation of six Conventions and withdrawal of three Recommendations: the Inspection of Emigrants Convention, 1926 (No. 21); the Recruiting of Indigenous Workers Convention, 1936 (No. 50); the Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64); the Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65); the Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86); the Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104); the Hours of Work (Fishing) Recommendation, 1920 (No. 7); the Migration for Employment Recommendation, 1939 (No. 61); and the Migration for Employment (Co-operation between States) Recommendation, 1939 (No. 62).

Secondly, the Committee examined item VIII of the Conference agenda, concerning the approval of three amendments to the Maritime Labour Convention, 2006, as amended (MLC, 2006).

Third, and last, the Committee considered the revised version of the *Rules for Regional Meetings* (2018) submitted for its approval.

The Committee's conclusions on these three topics were adopted unanimously.

With respect to the first item, the Committee recommends that the Conference take a preliminary decision, as referred to in paragraph 3 of article 45bis of the Standing Orders of the Conference, namely that the formal proposal to abrogate six Conventions and withdraw three Recommendations, as mentioned in Appendix I to the report, be submitted to a final vote.

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Concerning the amendments to the Maritime Labour Convention, 2006, which may be found in Appendix II to the report, the Committee also recommends that the Conference adopt them by roll-call vote.

The Committee has recommended that all these votes take place at the same time, in the morning of Tuesday, 5 June.

Finally, the Selection Committee recommends that the Conference adopt the revised version of the *Rules for Regional Meetings* as prepared by the Governing Body. If adopted, this new version of the *Rules* would already apply to the next American Regional Meeting, due to take place in October 2018.

All these recommendations were preceded by considerable preparatory work done by various tripartite committees and working groups, which deserve our recognition and gratitude.

I would also like to underscore the importance of the constant work of updating the standards of the Organization, whether through the flexible mechanism for amending the Maritime Labour Convention, 2006, or through the abrogation or withdrawal of obsolete international labour standards.

I would like to conclude by thanking the other Officers of the Committee, Mr Matsui, Employer Vice-Chairperson, and Ms Passchier, Worker Vice-Chairperson.

With that, I submit the report of the Selection Committee to the 107th Session of the International Labour Conference.

**The President**  
(Original French)

As its Chairperson has stated, the Selection Committee has made recommendations to the Conference which require a decision from the Conference in relation to items VII and VIII of the agenda and in relation to the *Rules for Regional Meetings*.

**Abrogation of Conventions Nos 21, 50,  
64, 65, 86 and 104 and withdrawal of  
Recommendations Nos 7, 61 and 62**

Starting then with item VII of the Conference agenda, may I take it that the Conference takes the preliminary decision to submit the formal proposal for the abrogation of Conventions Nos 21, 50, 64, 65, 86 and 104 and withdrawal of Recommendations Nos 7, 61 and 62, as set out in Appendix I to the report of the Selection Committee, to a final record vote scheduled for tomorrow, 5 June 2018?

If there are no objections, may I take it that this decision is adopted by the Conference?

*(It is so decided.)*

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**Approval of amendments to the Code  
of the Maritime Labour Convention, 2006,  
as amended (MLC, 2006), as adopted by the  
Special Tripartite Committee established  
under Article XIII of the Convention**

I shall now move on to item VIII on the Conference agenda.

May I also take it that the Conference agrees to submit, with a view to their approval, the amendments to the Code of the Maritime Labour Convention, 2006, as amended, set out in Appendix II to the report of the Selection Committee, through a single record vote also scheduled for 5 June 2018 in the morning?

If there are no objections, may I take it that this decision is adopted by the Conference?

*(It is so decided.)*

**Confirmation of the Rules for  
Regional Meetings (2018)**

Lastly, may I take it that the Conference confirms the *Rules for Regional Meetings* as revised by the Governing Body at its 332nd Session in March 2018, and set out in Appendix III to the Selection Committee's report?

If there are no objections, may I take it that the *Rules for Regional Meetings* (2018) are confirmed by the Conference?

*(It is so decided.)*

May I take it that the Conference notes the report of the Selection Committee?

*(The Conference takes note of the report.)*

*(The Conference continues its discussion of the Reports of the Chairperson of the Governing Body and of the Director-General.)*

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Tuesday 5 June 2018, 2.35 p.m.

*President: Ms Gono, Worker Vice-President  
of the Conference*

## **Announcement of the results of the record vote**

### **The President**

I declare open the ninth sitting of the 107th Session of the International Labour Conference. I shall begin by announcing the results of the record votes on the abrogation of six international labour Conventions and the withdrawal of three international labour Recommendations.

### **Abrogation of the Inspection of Emigrants Convention, 1926 (No. 21)**

The outcome of the final record vote on the abrogation of the Inspection of Emigrants Convention, 1926 (No. 21), is as follows: 381 votes in favour, 2 votes against and 7 abstentions with a quorum of 295 votes.

*(Convention No. 21 is abrogated.)*

*(Detailed results of the voting will appear in the final record of this sitting.)*

### **Abrogation of the Recruiting of Indigenous Workers Convention, 1936 (No. 50)**

The outcome of the final record vote on the abrogation of the Recruiting of Indigenous Workers Convention, 1936 (No. 50), is as follows: 382 votes in favour, 2 votes against and 6 abstentions with a quorum of 295 votes.

*(Convention No. 50 is abrogated.)*

*(Detailed results of the voting will appear in the final record of this sitting.)*

### **Abrogation of the Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64)**

The outcome of the final record vote on the abrogation of the Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64), is as follows: 382 votes in favour, 2 votes against and 6 abstentions with a quorum of 295 votes.

*(Convention No. 64 is abrogated.)*

*(Detailed results of the voting will appear in the final record of this sitting.)*

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**Abrogation of the Penal Sanctions  
(Indigenous Workers) Convention,  
1939 (No. 65)**

The outcome of the final record vote on the abrogation of the Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65), is as follows: 382 votes in favour, 2 votes against and 6 abstentions with a quorum of 295 votes.

*(Convention No. 65 is abrogated.)*

*(Detailed results of the voting will appear in the final record of this sitting.)*

**Abrogation of the Contracts of  
Employment (Indigenous Workers)  
Convention, 1947 (No. 86)**

The outcome of the final record vote on the abrogation of the Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86), is as follows: 381 votes in favour, 3 votes against and 6 abstentions with a quorum of 295 votes.

*(Convention No. 86 is abrogated.)*

*(Detailed results of the voting will appear in the final record of this sitting.)*

**Abrogation of the Abolition of Penal  
Sanctions (Indigenous Workers)  
Convention, 1955 (No. 104)**

The outcome of the final record vote on the abrogation of the Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104), is as follows: 380 votes in favour, 2 votes against and 8 abstentions with a quorum of 295 votes.

*(Convention No. 104 is abrogated.)*

*(Detailed results of the voting will appear in the final record of this sitting.)*

**Withdrawal of the Hours of Work (Fishing)  
Recommendation, 1920 (No. 7)**

The outcome of the final record vote on the withdrawal of the Hours of Work (Fishing) Recommendation, 1920 (No. 7), is as follows: 385 votes in favour, 2 votes against and 3 abstentions with a quorum of 295 votes.

*(Recommendation No. 7 is withdrawn.)*

*(Detailed results of the voting will appear in the final record of this sitting.)*

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## **Withdrawal of the Migration for Employment Recommendation, 1939 (No. 61)**

The outcome of the final record vote on the withdrawal of the Migration for Employment Recommendation, 1939 (No. 61), is as follows: 385 votes in favour, 2 votes against and 3 abstentions with a quorum of 295 votes.

*(Recommendation No. 61 is withdrawn.)*

*(Detailed results of the voting will appear in the final record of this sitting.)*

## **Withdrawal of the Migration for Employment (Co-operation between States) Recommendation, 1939 (No. 62)**

The outcome of the final record vote on the withdrawal of the Migration for Employment (Co-operation between States) Recommendation, 1939 (No. 62), is as follows: 383 votes in favour, 3 votes against and 4 abstentions with a quorum of 295 votes.

*(Recommendation No. 62 is withdrawn.)*

*(Detailed results of the voting will appear in the final record of this sitting.)*

## **Approval of three amendments to the Code of the Maritime Labour Convention, 2006, as amended**

The outcome of the record vote on the amendments to the Code of the Maritime Labour Convention, 2006, is as follows: 372 votes in favour, 1 vote against and 17 abstentions with a quorum of 295 votes.

*(The three amendments are approved.)*

*(Detailed results of the voting will appear in the final record of this sitting.)*

One government has asked to be given the floor so I would like to give the floor to Switzerland.

**Ms Berset Bircher**  
Government, Switzerland  
*(Original French)*

Switzerland abstained from voting on the amendments to the Code of the Maritime Labour Convention, 2006, as amended. Switzerland supports the principles in these amendments, but abstained for two reasons.

The Special Tripartite Committee did not meet sufficiently in advance of the Conference to allow appropriate consultations to be held at the national level. At this stage, the Swiss social partners have not yet reached agreement on the content of these amendments.

*(The Conference continues its discussion of the Reports of the Chairperson of the Governing Body and of the Director-General.)*



## **Reports on credentials**

**Brief report presented by the Chairperson of the Governing Body of the International Labour Office on the credentials of the delegates and advisers to the 107th Session of the International Labour Conference (Geneva, 27 May 2018)**

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1. This report is prepared in accordance with article 26(2) of the Standing Orders of the International Labour Conference, which provides that: “A brief report upon these credentials shall be drawn up by the Chairperson of the Governing Body. It shall, with the credentials, be made available for inspection on the day before the opening of the session of the Conference and shall be published on the day of the opening of the session.”
  2. In accordance with article 3(8) and (9) of the Constitution of the International Labour Organisation, credentials are comprised of the nominations made by governments that are communicated to the International Labour Office. The composition of each delegation and the procedure for appointing delegates and advisers to sessions of the International Labour Conference are governed by article 3 of the Constitution.<sup>1</sup>
  3. In the case of dispute, the Conference examines these nominations and decides whether delegates and advisers have been nominated in accordance with the relevant provisions of the Constitution. The Conference exercises this power through the Credentials Committee in accordance with the procedure laid down in articles 5 and 26 to 26quater of its Standing Orders.<sup>2</sup>
  4. The present report also serves to provisionally fix the quorum necessary to give validity to the votes taken, in accordance with article 20(1)(2) of the Standing Orders of the Conference.
  5. The attached table, which was established on Sunday, 27 May 2018, at 5:30 p.m., shows the numerical composition of the delegations to the Conference received up to that date and time. In this regard, it should be noted that the persons who have been nominated both as substitute delegates and as advisers, have been included in the table among the advisers.
  6. To date, 166 member States have communicated the names of the members of their delegations. Of those, 103 (nine less than last year) deposited their credentials on or before 7 May 2018, thus meeting the deadline set at 21 days prior to the opening of this session of the Conference. This deadline takes account of the fact that this year’s session will again take place over two weeks with the same large number of participants whose credentials and visas need to be processed by the Office and the Swiss authorities, respectively. The *Provisional List of Delegations*, which appears on the opening day of the Conference, contains the names of the accredited participants received as of Sunday, 27 May 2018, at 5:30 p.m.
  7. Regarding incomplete delegations, while the Conference and the Credentials Committee have previously insisted on the obligation which article 3 of the Constitution imposes on governments requiring them to send complete delegations to the Conference, four member States (Armenia, Brunei Darussalam, Solomon Islands and Tajikistan) have accredited a delegation exclusively composed of Government delegates. In addition, two member States (Montenegro and Yemen) have appointed a Workers’ delegate but no Employers’ delegate. Whereas, another member State (Philippines) has appointed an Employers’ delegate but no Workers’ delegate.

<sup>1</sup> [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:62:0::NO::P62\\_LIST\\_ENTRIE\\_ID:2453907](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:62:0::NO::P62_LIST_ENTRIE_ID:2453907).

<sup>2</sup> [http://www.ilo.org/dyn/normlex/en/f?p=1000:62:0::NO:62:P62\\_LIST\\_ENTRIE\\_ID:3088520:NO](http://www.ilo.org/dyn/normlex/en/f?p=1000:62:0::NO:62:P62_LIST_ENTRIE_ID:3088520:NO).

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8. Twenty-seven governments (compared to 48 last year) have failed to confirm that they would cover their delegates' and advisers' travel and subsistence expenses, in accordance with article 13(2)(a) of the Constitution.
  9. In order to ensure greater clarity in establishing the credentials and to expedite their entry into the Conference management system, governments are urged to use the *Online accreditation system*<sup>3</sup> made available by the Office for the nomination of delegations.
  10. Delegates and advisers are requested to register in person at the Registration Desk located at the ILO's Pavilion,<sup>4</sup> since the daily quorum is calculated on the basis of the number of delegates actually registered. For those wishing to check the status of their accreditation, a website providing real-time information may be consulted.<sup>5</sup>

## Composition of the Conference and quorum

11. At present, 319 Government delegates, 160 Employers' delegates and 161 Workers' delegates – a total of 640 delegates – are accredited to the Conference.
12. There are, in addition, 1,187 Government advisers, 574 Employers' advisers and 790 Workers' advisers – a total of 2,551 advisers.
13. A total of 3,191 delegates and advisers have been nominated to take part in the work of the Conference in conformity with the provisions of the Constitution.
14. Fourteen member States accredited to the Conference are in arrears in their financial contributions to the Organization under the terms of article 13(4) of the Constitution and therefore may not, at present, participate in the voting of the Conference, including its committees. These are: Afghanistan, Cabo Verde, Comoros, Djibouti, Equatorial Guinea, Gabon, Libya, Sao Tome and Principe, Sierra Leone, Solomon Islands, Somalia, South Sudan, Tajikistan and Venezuela (Bolivarian Republic of). Therefore, 48 delegates are not taken into account in calculating the quorum, nor three delegates who, in accordance with article 4(2) of the Constitution, cannot vote owing to the incomplete nature of their delegation (Montenegro, Philippines and Yemen, see paragraph 7, above).
15. In conformity with article 17(3) of the Constitution and article 20 of the Standing Orders of the Conference, the necessary quorum to give a vote validity is provisionally set at 295.<sup>6</sup>

## Observers

16. Two observers' delegations have been accredited to the Conference (Bhutan and the Holy See).

<sup>3</sup> <http://www.ilo.org/CredentialsILC/Login.aspx>.

<sup>4</sup> [http://www.ilo.org/ilc/ILCSessions/107/WCMS\\_626743/lang--en/index.htm](http://www.ilo.org/ilc/ILCSessions/107/WCMS_626743/lang--en/index.htm)

<sup>5</sup> <http://www.ilo.org/Delegates/Credentialslive.aspx>.

<sup>6</sup> That is, half of the total number of accredited delegates (640) after subtraction of the number not entitled to vote on account of arrears (48) or incomplete delegation (3).

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## Organizations invited and Liberation movement

17. The Conference is also attended by:

- representatives of the United Nations and some of its bodies, invited by virtue of Article II(1) – relating to reciprocal representation – of the Agreement between the United Nations and the International Labour Organization, which came into effect on 14 December 1946, as well as representatives of other official international organizations, invited in conformity with article 2(3)(b) of the Standing Orders of the Conference;
- representatives of non-governmental international organizations with which consultative relations have been established, invited in conformity with article 2(3)(j) of the Standing Orders of the Conference;
- representatives of other non-governmental international organizations also invited in conformity with article 2(3)(j) of the Standing Orders of the Conference; and
- a delegation from Palestine, as a liberation movement invited in conformity with article 2(3)(k) of the Standing Orders of the Conference.

18. The representatives indicated in the above paragraph are included in the *Provisional List of Delegations*, published as a supplement to the *Provisional Record* of the Conference.

Geneva, 27 May 2018

(Signed) Luc Cortebeek  
Chairperson of the Governing Body





## Reports on credentials

### First report of the Credentials Committee

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- 
1. The Credentials Committee of the 107th Session of the International Labour Conference is composed as follows:

*Chairperson:* Mr Michael Hobby (Government delegate, New Zealand)

*Vice-Chairpersons:* Mr Fernando Yllanes Martínez (Employers' substitute delegate, Mexico)

Mr Jens Erik Ohrt (Workers' delegate, Denmark)

## Deposit of credentials

2. This year the Conference is again taking the form of a two-week session. The time limit for the deposit of credentials was set to 21 days (7 May 2018) prior to the opening of the present session of the Conference, rather than the minimum 15 days as foreseen in article 26(1) of the Standing Orders of the Conference. This adjustment was rendered necessary by the additional time required to process the Swiss entry visas and the high volume of credentials, thereby allowing a smoother registration of delegations and permitting the Committee to commence its work as early as possible. In this connection, the Committee notes that 103 member States had deposited their credentials with the Office by the 21 day deadline.<sup>1</sup> It notes with concern that this number decreased (nine less than last year) and emphasizes that timely accreditation promotes transparency of the national nomination process and is essential for the employers' and workers' organizations concerned. The Committee reiterates its prior recommendation, in the context of the Standing Orders' reform presently before the Governing Body, that this deadline of 21 days be confirmed for future sessions of the Conference and calls upon all member States to strictly abide by it.
3. The Committee observes with satisfaction that close to 100 per cent of member States have used the *Online accreditation system*<sup>2</sup> to submit their credentials (97 per cent, the same as last year). For those few remaining member States that still do not utilize the *Online accreditation system*, the Committee urges them to do so. This system assists in providing clear information with respect to the function of each member of the delegation, as well as the organizations consulted in the nomination process and on the payment of travel and subsistence expenses as required, respectively by, articles 3(5) and 13(2)(a) of the ILO Constitution. The system has other advantages: reducing transcription errors, allowing the Organization to make better use of the resources allocated to the secretariat, and permitting faster processing of credentials which facilitates the issuance of entry visas into Switzerland as well as early registration for the Conference and in committees.
4. The Committee notes that, for the second consecutive year, the information regarding the composition of Conference delegations is made immediately available for all constituents through a regularly updated and publicly accessible website.<sup>3</sup> The Committee considers that the use of such a platform is beneficial as it promotes transparency and facilitates information to constituents.
5. The Committee observes that in four cases, member States have not clearly identified in their credentials, the organizations to which delegates and advisers are affiliated. In order to

<sup>1</sup> See para. 6 of *Provisional Record* No. 3A.

<sup>2</sup> See <http://www.ilo.org/CredentialsILC/Login.aspx>.

<sup>3</sup> See <http://www.ilo.org/Delegates/Credentialslive.aspx>.

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enable the Committee to fulfil its mandate and in accordance with article 3(8) of the ILO Constitution, all governments are required to communicate the names of the delegates and advisers of the three groups as well as to correctly indicate to which organizations they belong and their functions within those organizations.

6. It is also important that, to the extent possible, governments avoid making last minute modifications in the composition of their tripartite delegations so that correct and timely information may be made available and participants are registered without difficulty or delay.

## **Composition of the Conference**

7. Since the signing of the brief report presented by the Chairperson of the Governing Body of the International Labour Office (*Provisional Record* No. 3A), the composition of the Conference has been modified as follows.
8. Of the 187 member States of the International Labour Organization, 167 member States have been accredited to the Conference, that is, one more (Rwanda) than was accredited at the time that the brief report was established.

## **Accredited delegates and advisers**

9. A total of 648 delegates, including 323 Government delegates, 162 Employers' delegates and 163 Workers' delegates, have been accredited.
10. A total of 2,607 advisers,<sup>4</sup> including 1,217 Government advisers, 579 Employers' advisers and 811 Workers' advisers, have been accredited.
11. Therefore, a total of 3,255 delegates and advisers have been accredited (see first attached table of accredited delegates and advisers established Wednesday, 30 May 2018, at 8 a.m.).

## **Registered delegates and advisers**

12. The following is the current status of the registration of delegates which is the basis for determining the quorum for voting (see second attached table of registered delegates and advisers established Wednesday, 30 May 2018 at 8 a.m.).
13. Currently, 531 delegates, including 303 Government delegates, 110 Employers' delegates and 118 Workers' delegates are registered.
14. In addition, 2,080 advisers, including 1,143 Government advisers, 359 Employers' advisers and 578 Workers' advisers are registered.

## **Incomplete and non-accredited delegations**

15. The Committee notes that, to date, 20 member States (two more than last year) have not accredited a delegation (Antigua and Barbuda, Belize, Cook Islands, Dominica, Gambia, Grenada, Guinea-Bissau, Guyana, Kyrgyzstan, Maldives, Marshall Islands, Palau, Saint

<sup>4</sup> This number includes advisers that are also substitute delegates.

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Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Timor-Leste, Tonga, Tuvalu, and Vanuatu).

16. The Committee notes that four member States (Armenia, Brunei Darussalam, Solomon Islands and Tajikistan) have accredited delegations that are exclusively governmental. In addition, one member State (Yemen) has appointed a Workers' delegate but no Employers' delegate (this is one less than at the time the brief report was established, as Montenegro has since accredited an Employers' delegate). As a result, the Workers' delegate from Yemen cannot vote in accordance with article 4(2) of the ILO Constitution.
17. The Committee expresses concern at the number of non-accredited and incomplete delegations. In this regard, the Committee recalls that in accordance with a standing decision of the Governing Body, the Director-General periodically solicits information from the governments of the concerned member States.<sup>5</sup> Further to the last report on the matter in October 2017, the Governing Body urged member States to comply with their constitutional obligations to accredit full tripartite delegations to sessions of the Conference and requested the Director-General to continue to monitor the situation of member States which fail to comply with these obligations, taking into account the guidance provided by the Governing Body.<sup>6</sup> The Committee wishes to reiterate this call and strongly urges all governments to comply with the requirement under article 3 of the ILO Constitution to send a complete tripartite delegation to the Conference.
18. The Committee further recalls the request contained in the resolution concerning the strengthening of tripartism in the overall activities of the International Labour Organization, adopted by the Conference at its 56th Session (1971), and expects governments to accord equal treatment to each of the groups when appointing advisers to their national delegations to the Conference. In this connection, the Committee recalls the Members' obligation under article 13(2)(a) of the Constitution, to pay the travel and subsistence expenses of their delegates and advisers, and expects that this obligation will be respected for the entire duration of the Conference.
19. The Committee notes that there are fewer accredited Employers' advisers than accredited Workers' advisers.<sup>7</sup> The Committee also observes that the composition of some delegations show a serious imbalance between the number of Employers' and Workers' advisers when compared to the number of advisers appointed for the Government delegates.<sup>8</sup> Where there is a serious and manifest imbalance, the Committee urges governments to make a genuine effort to reduce such imbalance in their own delegations when making nominations to the Conference, in light of article 3(1) and (2) of the Constitution.

## Quorum

20. In accordance with article 17(3) of the Constitution and article 20(1) of the Standing Orders of the Conference, for a vote by the Conference to be valid, the number of votes cast for and against has to be at least half the number of delegates registered and entitled to vote.

<sup>5</sup> See Annex VI, *Compendium of rules applicable to the Governing Body of the International Labour Office* (Geneva, December 2014).

<sup>6</sup> GB.331/LILS/1; GB.331/LILS/PV/Draft, para. 705.

<sup>7</sup> See attached *List of accredited delegates and advisers*.

<sup>8</sup> See para. 10 above.

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21. The Committee profoundly regrets that many member States are still in arrears in their payments, thereby depriving their Employers' and Workers' delegates of their right to vote. In this context, the Committee notes that 13 member States that have accredited a delegation to the Conference (Afghanistan, Cabo Verde, Comoros, Djibouti, Equatorial Guinea, Gabon, Libya, Sao Tome and Principe, Sierra Leone, Solomon Islands, Somalia, South Sudan and the Bolivarian Republic of Venezuela) are in arrears in their financial contributions to the Organization under the terms of article 13(4) of the Constitution and therefore their delegates may not, at present, participate in the voting in the Conference or its committees. Consequently, 24 registered delegates have not been taken into account in fixing the quorum.
  22. In determining the quorum of the Conference, 33 advisers who are also substitutes to delegates that have not registered have been taken into account.
  23. At the present time the quorum required to hold a valid vote is 270. This number represents 531 registered delegates (see paragraph 13 above), plus 33 substitute delegates (see paragraph 22 above) minus 24 registered delegates not entitled to vote (see paragraph 16, incomplete delegations; and paragraph 21, delegates from member States in arrears), the total being divided by two.
  24. The Committee strongly appeals to the delegates to the Conference to register in person upon their arrival<sup>9</sup> and to ensure that they give formal notice of their departure date, in order to ensure that the quorum is as accurate as possible and that they are not counted as present when they are in fact absent from the Conference. A form for this purpose is at the disposal of delegates on the Conference website.<sup>10</sup>

## **Proportion of women accredited in Conference delegations**

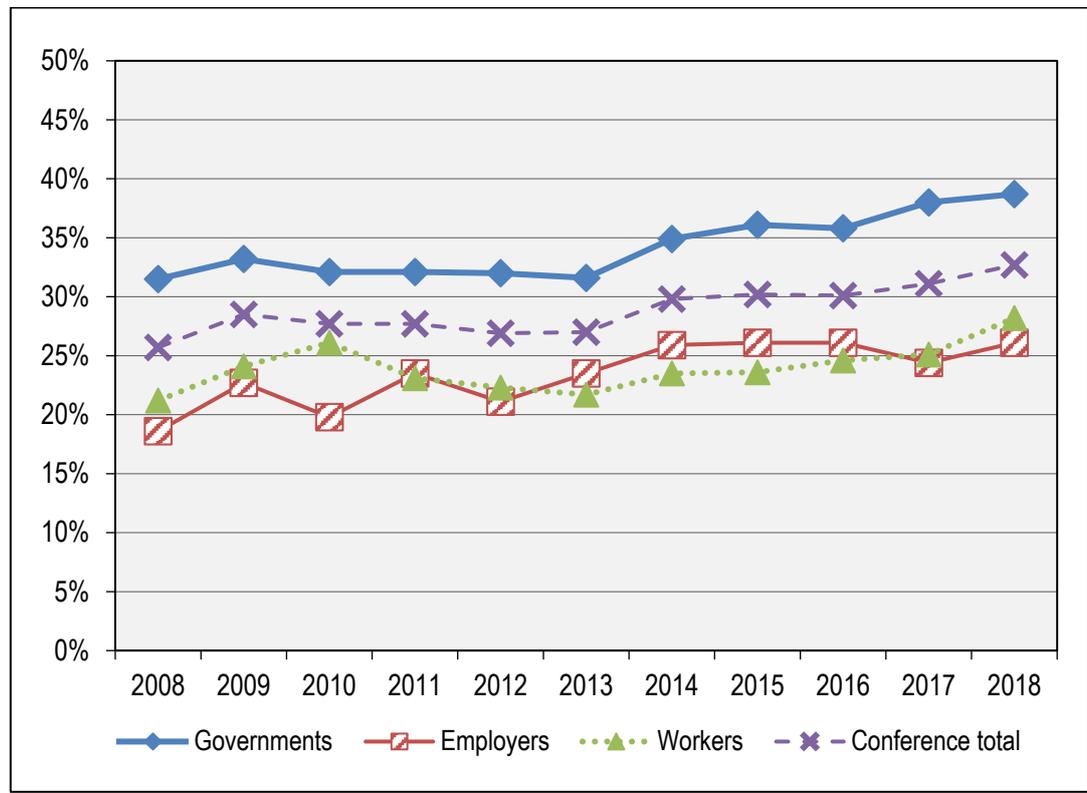
25. As at 30 May 2018, 8 a.m., a total of 1,065 women delegates and advisers have been accredited to this session of the Conference, representing 32.7 per cent of the total number of delegates and advisers (as compared to 31.1 per cent in 2017 and 30.1 per cent in 2016). The Committee notes that the proportion of women increased slightly in all delegations: there are 38.8 per cent of women in Government delegations (as compared to 38 per cent in 2017 and 35.8 per cent in 2016), 28.2 per cent of women in the Workers' delegations (as compared to 25.1 per cent in 2017 and 24.6 per cent in 2016) and 26 per cent of women in Employers' delegations (as compared to 24.4 per cent in 2017 and 26.1 per cent in 2016).
26. Taking account of the above figures, the Committee wishes to recall that at its 332nd Session (March 2018), the Governing Body: *“(a) urged all groups to aspire to achieve gender parity among their accredited delegates, advisers and observers to the Conference and Regional Meetings; (b) requested the Director-General, after every Conference as well as Regional Meeting, to continue to bring the issue to the attention of Members and groups that had not reached the minimum target of 30 per cent of women’s participation with the goal of gender parity, and to periodically report to the Governing Body on obstacles encountered, as well as measures taken by tripartite constituents to achieve gender parity; (c) requested that the Report of the Director-General list delegations that meet the long-standing minimum target of 30 per cent participation; and (d) requested the Office to continue hosting workshops for all groups, including social partners and those outside Geneva, who might need assistance*

<sup>9</sup> [http://www.ilo.org/ilc/ILCSessions/107/practical-information/WCMS\\_626060/lang--en/index.htm](http://www.ilo.org/ilc/ILCSessions/107/practical-information/WCMS_626060/lang--en/index.htm).

<sup>10</sup> [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_371633.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_371633.pdf).

to reach gender parity in delegations”.<sup>11</sup> The evolution of the proportion of women accredited in delegations since 2008 is reflected in figure 1 below.

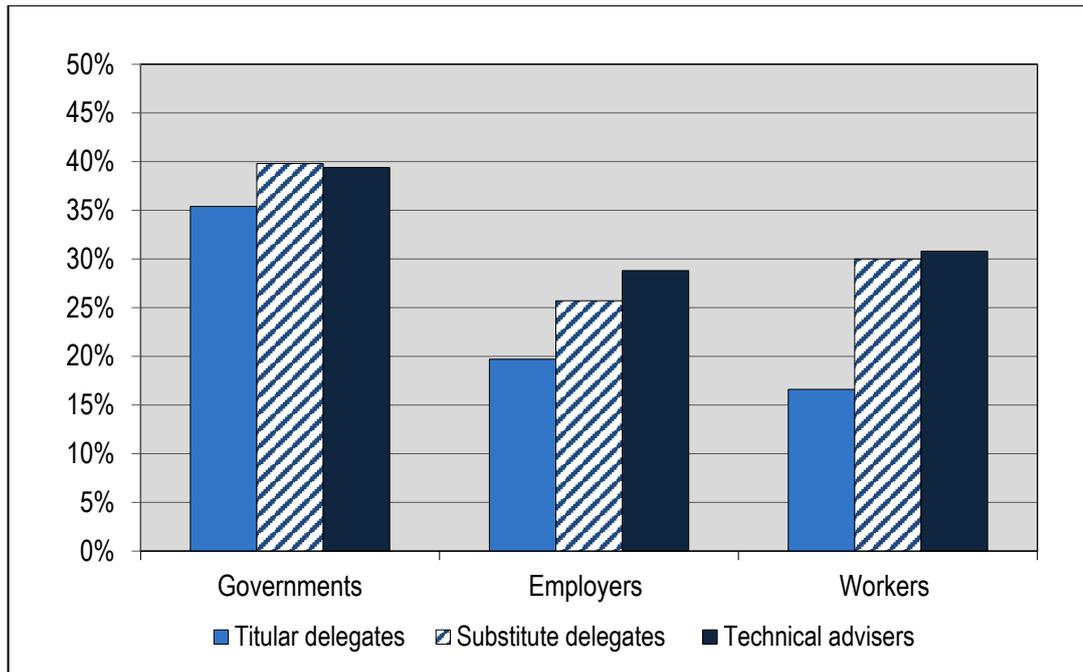
**Figure 1. Proportion of women accredited in delegations 2008–18**



27. While the slight increase of the proportion of women in delegations is an encouraging development, the Committee is concerned that women are still unevenly distributed by function and group. In particular, the Committee notes that titular delegates from across the Government, Employers’ and Workers’ groups are predominantly men. As at 30 May 2018, a total of 174 titular delegates accredited were women (26.9 per cent) as compared to 474 men titular delegates accredited (73.1 per cent). A total of 302 women (34.4 per cent) were accredited as substitute delegates as compared to 576 men (65.6 per cent), while a total of 589 women (34.1 per cent) were accredited as advisers as against 1,140 men (65.9 per cent). In Government delegations, 64.6 per cent of the titular delegates were men. The percentage of men is even higher for the Employers’ and Workers’ titular delegates, as it is 80.3 and 83.4 per cent, respectively. This uneven distribution is illustrated in figure 2 below, showing the proportion of women by group and function. Details on the percentage of women delegates and advisers by group and member State are provided in the third table attached.

<sup>11</sup> GB.332/LILS/2; GB.332/LILS/PV, para. 63.

**Figure 2. Proportion of women by function and group**



28. In conclusion, despite some progress, the Committee observes that not all the constituents have reached 30 per cent of women participation in their delegations, particularly in leadership and decision-making positions. The Committee therefore stresses once again the importance of the objective that the constituents of all member States reach at least the 30 per cent minimum, in particular, of women in leadership positions with the goal of gender parity.

## Other participants in the delegations of member States

29. There are also 150 Ministers or Vice-Ministers accredited under article 2(3)(a) of the Standing Orders of the Conference, accompanied by 220 persons, and 25 representatives of states or provinces of federal States accredited under article 2(3)(d) of the Standing Orders.

30. Of the total 6,357 accredited participants, 1,243 have been accredited by member States as “other persons attending the Conference”, including 268 from the Governments, 193 from the Employers and 782 from the Workers. Of these, 621 have registered, including 179 from the Government, 83 from the Employers and 359 from the Workers.<sup>12</sup>

## Observers, organizations and liberation movements invited

31. The Conference is also being attended by:

- two observers’ delegations accredited to the Conference (Bhutan and the Holy See);

<sup>12</sup> The number of persons accredited under the category of “other persons attending the Conference” was 1,237 in 2017, 1,128 in 2016, 1,175 in 2015, 1,028 in 2014 and 972 in 2013.

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- representatives of the United Nations and some of its bodies invited by virtue of Article II, paragraph 1, concerning reciprocal representation of the Agreement between the United Nations and the International Labour Organisation, which came into effect on 14 December 1946, as well as representatives from 27 specialized agencies and other official international organizations, invited in conformity with article 2(3)(b) of the Standing Orders of the Conference;
  - representatives of six non-governmental international organizations with which consultative relations have been established, invited in conformity with article 2(3)(j) of the Standing Orders of the Conference;
  - representatives of 80 other non-governmental international organizations also invited in conformity with article 2(3)(j) of the Standing Orders of the Conference; and
  - a delegation of a liberation movement (Palestine), invited in conformity with article 2(3)(k) of the Standing Orders of the Conference.
32. A list of these representatives was appended to the *Provisional list of delegations* published as a supplement to the *Provisional Record* of the Conference on Monday, 28 May 2018, and will be updated in the *Revised provisional list of delegations* to be issued on Friday, 1 June 2018.

## **Monitoring cases, objections, complaints and communications**

33. In addition to the three cases of monitoring (concerning the nomination of the Workers' delegations of Djibouti, Somalia and the Bolivarian Republic of Venezuela), of which the Committee is seized in accordance with article 26quater of the Standing Orders following decisions taken at the last session of the Conference,<sup>13</sup> the Committee has before it several objections, complaints and communications. It has forthwith commenced their examination. The Committee believes that its work is facilitated when credentials reach the International Labour Office within the time limit set for their submission.
34. The Credentials Committee submits the present report to the Conference so that it may take note of its content.

Geneva, 30 May 2018

(Signed) Mr Michael Hobby,  
Chairperson

Mr Fernando Yllanes Martínez

Mr Jens Erik Ohrt

<sup>13</sup> See paragraphs 10, 20, 27 and 189, *Provisional Record* No. 5C and *Provisional Record* No. 18, 106th Session of the ILC, 2017.





**Proportion of women accredited in Conference delegations**

%

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	G	E	T	Tot		G	E	T	Tot		G	E	T	Tot		G	E	T	Tot
Afghanistan.....	14.3	0.0	50.0	18.2	Djibouti.....	66.7	0.0	0.0	28.6	Libya.....	10.0	0.0	0.0	8.3	Seychelles.....	50.0	0.0	0.0	25.0
Albania.....	40.0	0.0	33.3	30.0	Dominican Republic.....	42.9	12.5	40.0	32.0	Lithuania.....	100.0	0.0	0.0	60.0	Sierra Leone.....	0.0	0.0	50.0	16.7
Algeria.....	23.1	22.2	50.0	26.9	Ecuador.....	60.0	0.0	25.0	46.7	Luxembourg.....	66.7	25.0	37.5	44.4	Singapore.....	41.7	0.0	50.0	36.0
Angola.....	42.9	0.0	50.0	36.4	Egypt.....	40.0	14.3	9.1	24.2	Madagascar.....	40.0	100.0	33.3	50.0	Slovakia.....	20.0	25.0	50.0	30.8
Argentina.....	36.4	10.0	36.4	28.1	El Salvador.....	83.3	0.0	40.0	58.3	Malawi.....	25.0	0.0	0.0	15.4	Slovenia.....	100.0	50.0	0.0	62.5
Armenia.....	50.0	-	-	50.0	Equatorial Guinea.....	0.0	50.0	100.0	33.3	Malaysia.....	20.0	0.0	9.1	13.0	Solomon Islands.....	0.0	-	-	0.0
Australia.....	66.7	66.7	83.3	72.2	Eritrea.....	0.0	0.0	0.0	0.0	Mali.....	8.3	0.0	0.0	5.6	Somalia.....	16.7	0.0	0.0	7.1
Austria.....	54.5	66.7	66.7	60.0	Estonia.....	50.0	100.0	0.0	57.1	Malta.....	28.6	40.0	0.0	23.5	South Africa.....	38.5	40.0	27.3	35.7
Azerbaijan.....	25.0	40.0	33.3	33.3	Ethiopia.....	50.0	0.0	14.3	17.6	Mauritania.....	0.0	0.0	16.7	6.3	South Sudan.....	58.3	33.3	0.0	50.0
Bahamas.....	50.0	100.0	0.0	50.0	Fiji.....	75.0	0.0	0.0	50.0	Mauritius.....	20.0	0.0	0.0	12.5	Spain.....	22.2	33.3	63.6	42.3
Bahrain.....	28.6	66.7	12.5	27.8	Finland.....	71.4	25.0	75.0	60.0	Mexico.....	36.4	22.2	10.0	23.3	Sri Lanka.....	50.0	0.0	0.0	25.0
Bangladesh.....	15.0	0.0	25.0	13.2	France.....	50.0	66.7	50.0	52.0	Republic of Moldova.....	33.3	0.0	0.0	20.0	Sudan.....	30.0	0.0	28.6	27.8
Barbados.....	40.0	0.0	100.0	42.9	Gabon.....	38.9	11.1	0.0	20.5	Mongolia.....	25.0	50.0	25.0	33.3	Suriname.....	50.0	0.0	0.0	25.0
Belarus.....	25.0	0.0	54.5	31.0	Georgia.....	66.7	33.3	50.0	45.5	Montenegro.....	40.0	0.0	50.0	37.5	Swaziland.....	18.2	33.3	16.7	20.0
Belgium.....	46.7	50.0	18.2	37.5	Germany.....	53.3	60.0	55.6	55.2	Morocco.....	28.6	20.0	18.2	21.7	Sweden.....	75.0	50.0	83.3	72.2
Benin.....	30.8	50.0	0.0	22.7	Ghana.....	30.8	30.8	33.3	31.4	Mozambique.....	40.0	25.0	0.0	31.3	Switzerland.....	53.8	0.0	36.4	39.3
Bolivia, Plurinational State of.....	25.0	50.0	0.0	23.1	Greece.....	77.8	28.6	100.0	66.7	Myanmar.....	58.3	100.0	45.5	54.2	Syrian Arab Republic.....	0.0	0.0	33.3	18.2
Bosnia and Herzegovina.....	50.0	50.0	100.0	62.5	Guatemala.....	75.0	40.0	0.0	50.0	Namibia.....	71.4	50.0	50.0	63.6	Tajikistan.....	50.0	-	-	50.0
Botswana.....	42.9	50.0	0.0	20.0	Guinea.....	30.8	0.0	50.0	28.6	Nepal.....	14.3	0.0	12.5	9.1	United Republic of Tanzania.....	40.0	0.0	0.0	26.1
Brazil.....	30.8	27.3	20.0	26.5	Haiti.....	50.0	100.0	100.0	66.7	Netherlands.....	57.9	0.0	55.6	51.6	Thailand.....	38.1	50.0	27.3	38.1
Brunei Darussalam.....	20.0	-	-	20.0	Honduras.....	42.9	40.0	66.7	46.7	New Zealand.....	50.0	0.0	100.0	45.5	The former Yug. Rep. of Macedon.....	60.0	100.0	0.0	50.0
Bulgaria.....	60.0	12.5	33.3	38.1	Hungary.....	60.0	40.0	37.5	44.4	Nicaragua.....	66.7	0.0	100.0	60.0	Togo.....	10.5	40.0	27.3	22.5
Burkina Faso.....	23.8	25.0	14.3	21.9	Iceland.....	40.0	100.0	50.0	50.0	Niger.....	23.8	15.4	7.7	17.0	Trinidad and Tobago.....	66.7	0.0	0.0	40.0
Burundi.....	0.0	0.0	0.0	0.0	India.....	27.3	18.2	33.3	26.5	Nigeria.....	30.8	0.0	0.0	16.7	Tunisia.....	50.0	0.0	27.3	31.8
Cambodia.....	33.3	100.0	44.4	43.8	Indonesia.....	31.8	27.3	18.2	27.3	Norway.....	85.7	60.0	72.7	73.9	Turkey.....	15.8	9.1	8.3	11.9
Cameroon.....	33.3	16.7	36.4	28.1	Islamic Republic of Iran.....	37.5	22.2	0.0	18.5	Oman.....	14.3	0.0	11.1	8.0	Turkmenistan.....	50.0	100.0	0.0	50.0
Canada.....	80.0	20.0	66.7	65.4	Iraq.....	15.4	0.0	27.3	14.7	Pakistan.....	57.1	0.0	0.0	36.4	Uganda.....	30.0	27.3	11.1	23.3
Cabo Verde.....	50.0	100.0	50.0	57.1	Ireland.....	55.6	40.0	50.0	50.0	Panama.....	20.0	25.0	16.7	20.0	Ukraine.....	25.0	0.0	50.0	38.5
Central African Republic.....	11.1	50.0	20.0	18.8	Israel.....	66.7	100.0	0.0	53.8	Papua New Guinea.....	20.0	0.0	0.0	14.3	United Arab Emirates.....	44.4	40.0	25.0	38.9
Chad.....	15.8	0.0	0.0	11.5	Italy.....	42.9	33.3	50.0	42.9	Paraguay.....	46.2	50.0	27.3	38.5	United Kingdom.....	68.8	16.7	50.0	53.3
Chile.....	25.0	0.0	36.4	22.6	Jamaica.....	66.7	100.0	100.0	75.0	Peru.....	22.2	42.9	0.0	23.8	United States.....	37.5	50.0	50.0	42.3
China.....	22.2	22.2	11.1	19.4	Japan.....	42.9	20.0	36.4	36.7	Philippines.....	25.0	63.6	30.0	37.8	Uruguay.....	57.1	25.0	33.3	42.9
Colombia.....	54.5	45.5	50.0	50.0	Jordan.....	20.0	0.0	14.3	16.7	Poland.....	66.7	20.0	33.3	45.0	Uzbekistan.....	0.0	0.0	0.0	0.0
Comoros.....	60.0	16.7	50.0	45.0	Kazakhstan.....	0.0	0.0	0.0	0.0	Portugal.....	55.6	50.0	36.4	46.4	Venezuela, Bolivarian Republic of.....	37.5	25.0	16.7	25.0
Congo.....	11.8	0.0	27.3	15.2	Kenya.....	34.6	33.3	7.7	27.5	Qatar.....	44.4	25.0	0.0	33.3	Viet Nam.....	75.0	40.0	25.0	46.2
Costa Rica.....	100.0	66.7	50.0	75.0	Kiribati.....	66.7	0.0	0.0	40.0	Romania.....	75.0	20.0	33.3	52.2	Yemen.....	0.0	-	0.0	0.0
Côte d'Ivoire.....	40.0	18.2	27.3	29.7	Republic of Korea.....	40.0	40.0	50.0	42.9	Russian Federation.....	50.0	28.6	12.5	34.5	Zambia.....	14.3	40.0	36.4	26.2
Croatia.....	75.0	33.3	50.0	61.5	Kuwait.....	16.7	0.0	0.0	8.3	Rwanda.....	0.0	0.0	0.0	0.0	Zimbabwe.....	40.0	0.0	27.3	24.1
Cuba.....	66.7	0.0	50.0	50.0	Lao People's Democratic Rep.....	33.3	50.0	0.0	28.6	San Marino.....	66.7	71.4	0.0	50.0					
Cyprus.....	66.7	14.3	14.3	30.0	Latvia.....	66.7	50.0	50.0	57.1	Sao Tome and Principe.....	100.0	0.0	0.0	33.3					
Czech Republic.....	33.3	100.0	25.0	50.0	Lebanon.....	66.7	25.0	0.0	23.1	Saudi Arabia.....	53.8	25.0	25.0	42.9					
Democratic Republic of the Cong.....	34.8	22.2	0.0	23.8	Lesotho.....	75.0	100.0	0.0	66.7	Senegal.....	15.8	0.0	33.3	21.2					
Denmark.....	37.5	66.7	40.0	42.9	Liberia.....	20.0	18.2	16.7	18.2	Serbia.....	40.0	33.3	66.7	45.5					

<b>G</b>	<b>E</b>	<b>T</b>	<b>Tot</b>
<b>38.8%</b>	<b>26.0%</b>	<b>28.2%</b>	<b>32.7%</b>



## Reports on credentials

### Second report of the Credentials Committee

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## Composition of the Conference

1. Since 30 May 2018, when the Credentials Committee adopted its first report (*Provisional Record* No. 3B), there have been changes in the composition of the Conference and, therefore, at present a total of 168 member States are accredited (Republic of Maldives) at the International Labour Conference. In addition, since the adoption of its first report, Cabo Verde has regained the right to vote.
2. To date, there are 6,438 persons accredited to the Conference (as compared to 6,092 in 2017, 5,982 in 2016, 5,912 in 2015, 5,254 in 2014, and 5,593 in 2013), of whom 5,238 are registered (as compared to 4,941 in 2017, 4,875 in 2016, 4,842 in 2015, 4,457 in 2014 and 4,569 in 2013). The attached lists contain more details on the number of delegates and advisers accredited and registered.
3. The Committee wishes to indicate that 147 ministers, vice-ministers, and deputy ministers have been accredited to the Conference.

## Monitoring

4. The Committee was seized of three monitoring cases, pursuant to article 26quater of the Standing Orders of the International Labour Conference, by virtue of a decision of the Conference taken at its 106th Session (2017).

## Djibouti

5. At its 106th Session (2017), the Conference decided, by virtue of article 26quater and 26bis(7) of the Conference Standing Orders, and upon the unanimous recommendation of the Credentials Committee, to renew the monitoring of the situation raised in an objection concerning the nomination of the Workers' delegation (*Provisional Record* No. 5C, 106th Session, 2017, paragraph 9), and consequently, it requested the Government to submit for the next session of the Conference, at the same time that it submitted its credentials for its delegation, a detailed report substantiated with relevant documentation:
  - (a) concerning the concrete measures undertaken with respect to the establishment of criteria for the independent representation of workers in the country, in conformity with freedom of association principles; and
  - (b) on the procedure followed for the nomination of the Workers' delegate and advisers, in consultation with representative workers' organizations, specifying the organizations consulted and according to which criteria, their numerical importance, the date and place of these consultations, the names of the individuals nominated by the organizations during these consultations and the positions they hold within those organizations.
6. The credentials of Djibouti for the current session of the Conference were submitted online on 6 May 2018. On 7 May 2018, the Office acknowledged receipt of the credentials submitted by the Government and reminded it of the reinforced monitoring measures decided in 2015 and of its obligation to submit a detailed report. Another reminder was sent on 24 May 2018. On 30 May 2018, a brief report, dated 27 May 2018, was delivered in person to the secretariat of the Committee, together with the original of the credentials.

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7. In the report, and similarly to the information provided by the Government last year, the Government indicated that it remained engaged in the revision of the Labour Code of 2006 with a view to introducing new provisions on “trade unions representativeness” and to elaborating thereafter the corresponding implementing regulations. The Government indicated that the rotation mechanism agreed upon by the four main organizations of employers and workers – allowing social partners to be represented at the Conference through alternating the designation of either the delegate or the adviser – remained in effect.
  8. The Government reiterated that these four organizations – the *Union Générale des Travailleurs Djiboutiens* (UGTD), the *Union Djiboutienne du Travail* (UDT), the *Confédération Nationale des Employeurs de Djibouti* (CNED) and the *Fédération des Entreprises de Djibouti* (FED) – had all been consulted before the credentials of the delegation of Djibouti were submitted. The Government stated that formal invitations to designate their representatives within the delegation were sent to all workers’ and employers’ organizations by letters dated 19 February 2018. In a communication dated 11 March 2018, the UDT designated its President, Mr Mohamed Youssouf Mohamed, as titular delegate within the Workers’ delegation, while in a communication dated 15 March 2018, the UGTD nominated its Secretary-General, Mr Said Yonis Waberi, as adviser.
  9. The Government concluded its report soliciting the ILO’s technical assistance in implementing the necessary reforms concerning the question of trade union representativity.
  10. *The Committee regrets that the detailed report requested by the Conference was only provided after the Government had submitted its credentials. The Committee notes that the Government’s report is largely similar to its report submitted last year. The Committee notes with concern that no progress has been made with regard to the reform of the national legislation on the representativeness of workers’ and employers’ organizations.*
  11. *The Committee notes that the Government, in its reports submitted to the Committee of Experts on the Application of Conventions and Recommendations in 2017, indicates that it will take all necessary measures to allow for an evaluation of the trade union situation in Djibouti, with the technical assistance of the Office. The Committee notes that this indication is reiterated in the Government’s report. Therefore, the Committee calls upon the Office to give due consideration to the Government’s request for technical assistance. The Committee hopes that this would permit the establishment of an institutional framework for setting the issue of representativeness, thus permitting the achievement of a reliable, comprehensive and up-to-date assessment of the situation of trade union movements and freedom of association in Djibouti.*
  12. *Taking into account the examination of the objection (see paragraphs 45 to 50 below), the Committee considers that the situation justifies the renewal of the monitoring under analogous terms to those decided by the Conference at its last session. Consequently, by virtue of articles 26quater and 26bis(7) of the Conference Standing Orders, the Committee unanimously proposes that the Conference request the Government of Djibouti to submit for the next session of the Conference, at the same time that it submits its credentials for the delegation of Djibouti, a detailed report, substantiated with relevant information:*
    - (a) *concerning the concrete measures undertaken with respect to the establishment of criteria for the independent representation of workers in the country, in conformity with freedom of association principles; and*

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- (b) *on the procedure followed for the nomination of the Workers' delegate and advisers, in consultation with representative workers' organizations, specifying the organizations consulted and according to which criteria, their numerical importance, the date and place of these consultations, the names of the individuals nominated by the organizations during these consultations and the positions they hold within those organizations.*

## **Somalia**

13. At its 106th Session (2017), the Conference decided, by virtue of article 26quater and 26bis(7) of the Conference Standing Orders, and upon the unanimous recommendation of the Credentials Committee, to renew the monitoring of the situation raised in an objection concerning the nomination of the Workers' delegation (*Provisional Record* No. 5C, 106th Session, 2017, paragraph 20). Consequently, it requested the Government to submit for the next session of the Conference, at the same time that it submits its credentials for its delegation, a detailed report substantiated with relevant information on:
- (a) the names of the representative workers' organizations in Somalia, together with figures indicating their comparative importance;
  - (b) information as to which of those organizations were consulted on the designation of the Workers' delegation, as well as the dates, places and outcomes of such consultations; and
  - (c) the names of the individuals nominated by the organizations during these consultations and the positions they hold within those organizations.
14. The credentials of Somalia for the present session of the Conference were submitted on 9 May 2018 through the *Online accreditation system* without a monitoring report. Following a written and verbal reminder, a concise monitoring report comment was submitted on 1 June 2018 by the Government delegate, Mr Hassan Shariff Osman, Permanent Secretary, Ministry of Labor and Social Affairs.
15. The Workers' delegate, as reflected on the 9 May 2018 list, was Mr Haji Ali Mohamed Osman, Chairman of the Somali Congress of Trade Unions (SOCOTU), accompanied by four advisers from SOCOTU (Mr Omer Ahmed Hassan, Secretary; Mr Mohamed Said Ali, Secretary-General of the Somali Fisheries Workers Union and Executive Committee Member; Mr Moalim Yaqub Ali, Vice-President of the Somali National Teachers Union; and Mr Mohamud Abdikadir Awil, Head of Education and Training Departments) and one adviser from the Federation of Somali Trade Unions (FESTU) (Mr Nur Mohamed Ibrahim).
16. In the 1 June 2018 report, it was recalled that the country was in a process of recovery following many years of internal conflict and institutions were emerging without institutional memory or continuity. With respect to consultations for the purposes of designating the Workers' delegation to the present session of the Conference, it was explained that due to difficult circumstances the Ministry of Labour and Social Affairs had been unable to conduct consultations with the different trade unions. Concerning the verification of membership figures of workers' organizations, joined to the report was a certification statement dated 28 December 2014. It was signed by the then Labor Minister Luqman Ismail Mohamed and stated therein that following a month-long inspection and study of membership in many places in the country, FESTU was determined to be the largest and most representative umbrella organization of trade unions. FESTU had 59,240 regular dues paying members and 78,920 members that pay irregularly or are unable to pay membership fees. Concerning the composition of the Workers' delegation, the 1 June 2018 report conveyed a new composition with respect to the Workers' delegation as a result of a

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Memorandum of Understanding between the Ministry of Labor and Social Affairs and FESTU on Tripartite Participation of International Labour Conferences, dated 30 May 2018. The adjustments were as follows: Mr Omar Faruk Osman Nur, General Secretary of FESTU, as Workers' delegate and Mr Mohamed Musse Mohamud, Treasurer, FESTU, as Workers' adviser and substitute delegate. Removed from the list was Mr Mohamed Osman Haji Ali, Workers' delegate. In addition, Mr Mohamed Ibrahim Nur, Workers' adviser, was removed on the basis that following consultations with FESTU, it had confirmed that he was neither a FESTU member nor their representative.

17. The Committee was also furnished with a copy of the Memorandum of Understanding between the Ministry of Labor and Social Affairs and FESTU on Tripartite Participation of International Labour Conferences, dated 30 May 2018. In relevant part, it stated therein that the parties had “agreed to develop an enforceable set of principles and understandings with a view to reducing the tension and conflicts between tripartite social partners in Somalia within the context of the International Labour Organization (ILO)”. It recalled several key principles and recommendations embodied in the ILO’s Constitution and international labour standards (i.e., Conventions Nos 87, 98, 144), as well as the principles of consultations with the most representative employers’ and workers’ organizations. The Memorandum of Understanding further states that the FESTU “is the most representative national trade union organization in Somalia in view of its membership in terms of numbers and sectoral spread” and that “until the most representative status of FESTU changes through a transparent and objective consultative processes the Workers’ delegate of the Federal Republic of Somalia to the sessions of the International Labour Conference, starting from 2018, was Mr Omar Faruk Osman Nur, General Secretary of FESTU or as otherwise stated by FESTU”. It further stated that it represented the “full commitment of the Government of the Federal Republic of Somalia towards respecting all its obligations under the ILO including resolving all outstanding issues with FESTU, in particular, for a peaceful and harmonious industrial relations atmosphere for peace and national development”. FESTU in return committed to “refrain from all hostilities and support and cooperate with the Government of Somalia in accordance with the principles and resolutions of the ILO and other UN Human Rights Bodies”.
18. *The Committee regrets that a concise report was only provided after the Government had submitted its credentials and not the detailed report at the time of their deposit, as had been requested by the Conference. Notwithstanding, the Committee notes that the Government’s report furnishes important new elements, mainly by drawing the Committee’s attention to a Memorandum of Understanding between the Government and FESTU and a 2014 certification statement recognizing FESTU as the largest and most representative umbrella workers’ organization. In addition, the Committee notes that both the report and Memorandum of Understanding indicate that the Workers’ delegate to the present session of the Conference should derive from FESTU rather than SOCOTU, contrary to what figured on the Government’s original credentials submitted on 9 May 2018. Therefore, as of 2 June 2018, Mr Omar Faruk Osman Nur has been accredited as the Workers’ delegate.*
19. *The Committee observes the Government’s commitment to resolve the issues that led to the renewal of the monitoring of the situation, by virtue of article 26quater and 26bis(7) of the Conference Standing Orders, and trusts that the commitments contained in the Memorandum of Understanding will be implemented. Nevertheless, the Committee wishes to reiterate the importance of possessing sufficiently objective and verifiable criteria, and in this regard, wishes to recall the following principles. As stated in Advisory Opinion No. 1 of 1922 of the Permanent Court of International Justice (PCIJ) and subsequent case law of the Committee, several most representative organizations may exist in one country and, in such cases, the Government must, pursuant to the terms of article 3(5) of the ILO Constitution, aim to effect an agreement among them. If there is no agreement among most representative*

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organizations, the Government must assess, based on objective and verifiable criteria, which organization is the most representative.

20. The Committee therefore urges the Government to complete the steps set out in the Memorandum of Understanding and trusts that this process will soon be completed, so as to permit it to ensure a nomination process to the next session of the Conference that is in full compliance with article 3(5) of the ILO Constitution. In this light, the Committee is encouraged with the recent developments and, in particular, the Government's commitment to address those issues that have been brought to the attention of the Committee in recent years. The Committee therefore decides not to recommend to the Conference the renewal of the monitoring.

### **The Bolivarian Republic of Venezuela**

21. At its 106th Session (2017), the Conference decided, by virtue of article 26quater and 26bis(7) of the Conference Standing Orders, and upon the unanimous recommendation of the Credentials Committee, to renew the monitoring of the situation raised in an objection concerning the nomination of the Workers' delegation (*Provisional Record* No. 5C, 106th Session, 2017, paragraph 27), and consequently, it requested the Government to submit for the next session of the Conference, at the same time that it submitted its credentials for its delegation, a detailed report substantiated with relevant documentation on:
- (a) objective evidence regarding the representativeness of all workers' organizations in the country, including copies of all up-to-date information available from the National Trade Union Registry (NTUR) regarding affiliation of the various workers' confederations and membership of their respective trade unions, including the number of workers affiliated; and
  - (b) the procedure followed to attempt to reach an agreement among the most representative workers' organizations and, if such an agreement was not reached, the objective and verifiable criteria established for the nomination of the Workers' delegation.
22. The credentials of the Bolivarian Republic of Venezuela for the present session of the Conference were submitted on 7 May 2018 through the *Online accreditation system* and the original the following day, 8 May 2018, along with the monitoring report.
23. In its report the Government submitted copies of information available from the NTUR pertaining to six workers' organizations: the *Central Bolivariana Socialista de Trabajadores y Trabajadoras de la Ciudad, el Campo y la Pesca* (CBST), the *Confederación de Sindicatos Autónomos de Venezuela* (CODESA), the *Central Unitaria de Trabajadores de Venezuela* (CUTV), the *Confederación de Trabajadores de Venezuela* (CTV), the *Confederación General de Trabajadores* (CGT) and the *Unión Nacional de Trabajadores de Venezuela* (UNETE).
24. The information provided included affiliation of the various workers' confederations and membership of their respective trade unions, as well as the number of their workers affiliates. With the exception of CTV's and CBST's information, the Government conceded that the data contained in the NTUR was not up to date. In this regard, the Government stated that most organizations did not comply with article 388 of the Organic Labour Law, which established that each workers' organization must submit within the first three months of each calendar year a completed list of its workers' affiliates and information related to its internal administration. This year, in order to ensure the update of the NTUR, the Government had extended the deadline for submission of said information on two occasions. Notwithstanding, the Government indicated that the CBST was the most representative organization with 26 affiliates (federations and trade unions) and was comprised of

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1,011,866 workers, as indicated by the NTUR, last updated on 20 April 2018. It was followed by the CODESA with ten affiliates (federations and trade unions) and 1,829 workers, last updated on 19 May 2006; the CUTV with 11 affiliates (federations and trade unions) and 1,569 workers, last updated on 21 January 1987; the CTV with 25 affiliates (federations and trade unions) and 574 workers, last updated on 31 March 2017; the CGT with six affiliates (federations and trade unions) with 37 workers, last updated on 29 April 2005; and, the UNETE with one affiliate (a federation) with seven workers, last updated on 5 April 2003.

- 25.** In its report, the Government also detailed the different initiatives undertaken for the purposes of designating the Workers' delegation to the present session of the Conference. It provided copies of its request of 2 April 2018 to the CBST seeking an agreement among the most representatives workers' organizations in the country, and its subsequent communication of 16 April 2018 informing the CBST that if despite its efforts an agreement could not be reached, the Government would be inviting the organizations to a meeting to be held by the Government. A copy of the invitations dated 30 April 2018 sent to the CTV, the UNETE, the CGT, the CODESA, the CUTV and the CBST were provided in the report. The Government stated that the meeting for the purpose of designating a Workers' delegation to the present session took place on 3 May 2018 with the participation of the CUTV and the CBST. The CTV and the CGT informed the Government by electronic communications that they could not be in attendance due to conflicting schedules that could not be rearranged in view of the short notice provided by the Government. The Government also provided copies of communications dated 30 April 2018 that were transmitted by the CBST to the CODESA, the CTV, the CUTV, the CGT inviting the concerned organizations to a meeting to be held on 2 May 2018, and subsequent communications of 3 May 2018 postponing the meeting to 8 May 2018, further to the request of the majority of the organizations invited. However, the *Central de Trabajadores y Trabajadoras Alianza Sindical Independiente (ASI)* was not invited because it was not registered in the NTUR. The report does not mention if said meeting took place.
- 26.** The report also contains copies of the communications to the Government of 15 April 2018 by the CGT and 4 May 2018 by the CBST and the CODESA, which contained their designated representatives for the purpose of attending the Conference this year. As a consequence and in full conformity with its constitutional obligations, the Government limited itself to nominating the Workers' delegation on the basis of the designations made by the CBST and refrained from including representatives from less representative workers' organizations, since it conceded that the Government may not impose advisers whether in Employers' or Workers' delegations. It further noted that the delegation was comprised of at least a representative from each of the workers' organizations that had submitted their nominations.
- 27.** In its report, the Government mentioned that, in addition to the information contained in the NTUR and in order to determine the representativeness of the workers' organizations in the country, it took into consideration the number of those participating in collective bargaining agreements and mass actions. Supporting documentation was attached to the report.
- 28.** *The Committee deeply regrets that once again the Government's report confirms that the composition of the Workers' delegation is not the result of a consensus among all the workers' organizations consulted, but the final decision of one organization. The Committee also regrets that in the absence of such an agreement, the Government did not establish objective and concrete criteria for determining precisely the representativeness of each of the workers' organizations concerned for the purposes of the nomination of the Workers' delegation. The Committee notes that although the Government has provided NTUR's tables containing information about six workers' organization, apart from CBST data of 20 April 2018, the information relating to the other organizations is outdated. While the Committee*

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*notes the obligation of each workers' organizations to provide the Government with updated information, it recalls that the Government has also a responsibility in the updating of the NTUR, in particular, as already recommended last year by the Committee. In this regard, the Committee also notes that the existence of an organization cannot be doubted just because it is not registered in the NTUR.*

**29.** *In light of the foregoing and that a Committee of Inquiry is soon to be launched pursuant to article 26 of the ILO Constitution, the Committee considers that it is necessary to renew the monitoring measures pending the outcome of that process; consequently, it unanimously recommends to the Conference that it requests the Government of the Bolivarian Republic of Venezuela, by virtue of article 26quater and 26bis(7) of the Conference Standing Orders, to submit for the next session of the Conference, at the same time that it submits its credentials for its delegation, a detailed report substantiated with relevant documentation on:*

- (a) objective evidence regarding the representativeness of all workers' organizations in the country, including copies of all up-to-date information available from the NTUR regarding affiliation of the various workers' confederations and membership of their respective trade unions, including the number of workers affiliated; and*
- (b) the procedure followed to attempt to reach an agreement among the most representative workers' organizations and, if such an agreement was not reached, the objective and verifiable criteria established for the nomination of the Workers' delegation.*

## **Objections**

**30.** The Committee has received 27 objections this year. These relate both to the credentials of delegates and their advisers who were accredited to the Conference, as reflected in the *Provisional List of Delegations* published as a *Supplement to the Provisional Record* of 30 May 2018 and the *Revised Provisional List of Delegations* published on 1 June 2018, as well as to incomplete delegations. The Committee has completed the examination of all objections, which are listed below.

### **Objection concerning the nomination of the Workers' delegation of Albania**

**31.** The Committee received an objection presented by the International Trade Union Confederation (ITUC) concerning the nomination of the Workers' delegation. The ITUC submitted that the Government had not fulfilled its obligations pursuant to article 3(5) of the ILO Constitution, in that it had nominated a Workers' delegate and substitute delegate from the Independent Trade Unions of Albania and an adviser from the Confederation of Trade Unions without properly consulting the latter, which is the most representative organization. It submitted that should a system of rotation have been put in place between the two aforementioned organizations, it should have been discussed and agreed upon with the involvement of the most representative workers' organization rather than imposed unilaterally by the Government. The objecting organization further submitted that the Government had covered the participation costs of the Workers' delegate and substitute delegate of the Independent Trade Unions of Albania, but not those of the adviser of the Confederation of Trade Unions and that, as a result, the latter had not been able to attend the present session of the Conference. The objecting organization requested the Committee to call upon the Government to provide explanations on this matter and to fulfil its constitutional obligations, in particular those relating to consultation.

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32. *The Committee deeply regrets that the Government neither furnished the information requested nor provided an explanation of its inability to do so. As the Committee has often recalled, in the absence of a reply, the Committee can decide to examine the objection and to give credence to the allegations of the objecting organization.*
33. *While the Committee does not possess any figure pertaining to the trade union situation in Albania, the Committee observes that after 15 years of alternating the delegate and its substitutes among the Confederation of Trade Unions, the Independent Trade Unions of Albania and other workers' organizations, the Workers' delegate for the three preceding sessions derived from the Confederation of Trade Unions. In the absence of any explanation by the Government as to a change of situation as regards the representativeness of the two organizations, this may be seen as a strong confirmation that the Confederation of Trade Unions is the most representative workers' organization, as alleged by the objecting organization. The Committee therefore considers that the Government should have consulted the Confederation of Trade Unions and sought its agreement on the appointment of the Workers' delegation to the Conference.*
34. *In the absence of additional information, the Committee can only recall that the nomination of the Workers' delegation to the Conference must be carried out in agreement with the most representative workers' organizations. If there is no agreement among the most representative organizations, the Government must assess, based on objective and verifiable criteria, which organization is the most representative. Concerning a rotation system, the Committee further recalls that it cannot be imposed unilaterally by governments and can only serve as a criterion for the nomination of the Workers' delegation where the most representative organizations are in agreement. The Committee trusts that for the next session of the Conference, the Government will ensure a nomination process that is fully in line with the foregoing principles, in compliance with article 3(5) of the ILO Constitution.*
35. *With respect to the alleged non-payment of the travel and subsistence expenses of the Workers' adviser, the Committee recalls that article 13(2)(a) of the ILO Constitution imposes on its Members an obligation to pay the travel and subsistence expenses of the delegates and their advisers nominated to the Conference. However, the competence conferred to the Committee to examine complaints on the non-respect of that provision is limited to the situations envisaged in article 26ter(1)(a) and (b) of the Conference Standing Orders, that is, failure to cover the expenses of at least a tripartite delegation comprising two Government delegates, an Employers' delegate and a Workers' delegate; and cases of serious and manifest imbalance as between the number of Employers' or Workers' advisers whose expenses have been covered in the delegation and the number of advisers appointed for the Government delegates. The case at hand does not seem to fall under any of these situations.*
36. *Notwithstanding, and noting that the non-payment had prevented the Workers' adviser from attending the present session of the Conference, as well as that two previous complaints were lodged against the Government in 2015 and 2017, the Committee is concerned about the repeated failure of the Government to cover the travel and subsistence expenses of the Workers' advisers. In this regard, the Committee wishes to recall that the ability for the social partners to actively participate in the work of the Conference depends to a large extent on the number of advisers that accompany their delegate to the Conference. While there is no constitutional obligation for a Government to nominate advisers, it must be recognized that the Conference can only work properly if there is a sufficient number of advisers present in the three groups of the Conference.*

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**Objections concerning the failure to deposit credentials of an Employers' and a Workers' delegate by the Government of Armenia**

37. The Committee received two objections presented separately by the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC) concerning the failure to deposit credentials of an Employers' and a Workers' delegate by the Government of Armenia. The IOE and the ITUC submitted that the Government had not fulfilled its obligation under article 3(1) of the ILO Constitution to accredit a complete delegation to the Conference. They requested the Committee to call upon the Government to provide explanations about this situation and that it recommend to the Government that it fulfil its constitutional obligations.
38. In a written communication addressed to the Committee at its request, the Government stated that due to the political changes that had taken place in the country during the preceding month (May 2018), the new Government was in the process of being formed. As a result, since neither the social partners nor other Government representative could attend, only two Government representatives from the Permanent Mission in Geneva had been accredited to the present session of the Conference.
39. *The Committee observes that for a second consecutive year, the Government has accredited an exclusively governmental delegation with individuals from the Permanent Mission. The Committee recalls that whereas a government has the ability to assure its representation through a diplomatic mission, the same cannot be said for employers' and workers' organizations. The Committee reminds member States of their obligation under article 3(1) of the ILO Constitution, specifically that they are required to nominate tripartite delegations to the Conference. The Government has not therefore met its obligations by sending a delegation that is exclusively governmental. In so doing, the Government deprives the employers and workers of the country of their right of being represented in the highest policy-making body of the ILO and to participate in its work. Without the participation of Government, Employer and Worker representatives, the Conference cannot function properly or attain its objectives.*
40. *The Committee reiterates to the Government the necessity to meet its constitutional obligations and urges it to send a fully tripartite delegation to the Conference next year.*

**Objections concerning the failure to deposit credentials of an Employers' and a Workers' delegate by the Government of Brunei Darussalam**

41. The Committee received two objections presented separately by the International Organization of Employers (IOE) and the International Trade Union Confederation (ITUC) concerning the nomination of an incomplete delegation on the employers' and workers' side by the Government of Brunei Darussalam. The IOE and ITUC submitted that the Government had not fulfilled its obligation under article 3(1) of the ILO Constitution to accredit a complete delegation to the Conference. They requested the Committee to call upon the Government to provide explanations regarding this situation and that it recommend to the Government that it fulfil its constitutional obligations.
42. In a written communication addressed to the Committee at its request, the Government explained that the President of the Brunei Darussalam National Chambers of Commerce and the interim head of the Seafarers' Association who had been regularly nominated, respectively, as the Employers' delegate and the Workers' delegate to the Conference, had

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been unable to attend this year's Conference due to conflicting work-related commitments. The Government further indicated that consultations involving both organizations had taken place on 14 May 2018. The Government regretted that the social partners had been unable to attend the present session of the Conference and confirmed that it would endeavour to again send a full tripartite delegation to future sessions of the Conference, as it had been the case for previous sessions.

43. *The Committee notes that, while for the past ten years, the Government has indeed accredited a fully tripartite delegation, the country is currently represented by an exclusively governmental delegation. The Committee reminds member States of their obligation under article 3(1) of the ILO Constitution, specifically that they are required to nominate tripartite delegations to the Conference. The Government has, therefore, not met its obligations by sending a delegation that is exclusively governmental. In so doing, the Government deprives the employers and workers of the country of their right to be represented in the highest policy-making body of the ILO and to participate in its work. Without the participation of Government, Employer and Worker representatives, the Conference cannot function properly or attain its objectives.*
44. *The Committee trusts that the Government will meet its constitutional obligations and send a fully tripartite delegation to the Conference next year.*

### **Objection concerning the nomination of the Workers' delegation of Djibouti**

45. The Committee received an objection concerning the nomination of the Workers' delegation of Djibouti presented by Mr Adan Mohamed Abdou, Secretary-General of the *Union Djiboutienne du Travail* (UDT), and Mr Kamil Diraneh Hared, Secretary-General of the *Union Générale des Travailleurs Djiboutiens* (UGTD). The authors of the objection alleged that the Government had, once again, nominated representatives from "clone unions" to participate in the present session of the Conference and, thus, the Government continued to usurp the name of the UDT and the UGTD. They argued that this situation demonstrated the Government's continued defiance despite the Committee's repeated conclusions. They also referred to an engagement that had yet to be respected, made by the Ministry of Employment, Insertion and Vocational Training to the Committee and to the Office concerning the respect of trade union rights, the reintegration of trade unionists and the payment of their wage arrears. They requested the Committee to take an effective and definitive decision with respect to the Workers' delegation of Djibouti.
46. The UDT and UGTD annexed to their objection their report concerning the trade union situation in Djibouti. The report provided, inter alia, that a mission to Djibouti had been organized by the Government for one representative of the International Trade Union Confederation (ITUC), and that the objecting organizations were not initially informed of the mission. The report provided that the mission had been cancelled by the Government when the number of invited representatives went from one ITUC representative to additional trade unions' representatives. The report further indicated that the holding of congresses by the UDT and the UGTD had been forbidden by the Government, and that their affiliate unions were relentlessly repressed, leaving many to close down. Annexed to the objection was the Report of the Office of the United Nations High Commissioner for Human Rights (both the Summary of Stakeholders' submissions and the Compilation), presented in the context of the universal periodic review of Djibouti, in support of their contentions of anti-trade union activities (e.g. politicization of trade union activities, repression of trade union members and striking workers).
47. *The Committee regrets that the Government neither furnished the information requested nor provided an explanation as to its inability to do so. Such a lack of cooperation curtails the*

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*Committee's ability to discharge its mandate under article 5(2)(a) of the Conference Standing Orders. As the Committee has often recalled, in the absence of a reply, the Committee can decide to examine the objection and to give credence to the allegations of the objecting organizations.*

- 48.** *The Committee observes with serious concern that, notwithstanding its consistent conclusions and the monitoring measures renewed by the Conference at its previous session, for the 16th consecutive year, an objection was lodged against the Government of Djibouti by the UDT and the UGTD concerning the nomination of the Workers' delegation. The Committee notes with serious concern that confusion continues to reign over the trade union landscape in Djibouti and, particularly, that the phenomenon of "clone unions" continues to persist.*
- 49.** *The Committee further notes with serious concern that the objecting organizations portray a trade union situation that seems to be deteriorating, including interference of the Government in the congresses of the UDT and the UGTD, as well as repression over primary unions. Therefore, the Committee once again expresses very serious doubts as to the independent nature of the nomination of the representatives of the UDT and the UGTD, as well as the representative nature of the Workers' delegation to the present session of the Conference. The Committee deeply regrets that the proposed in-country mission organized by the ITUC had been cancelled by the Government. As a consequence, the Committee does not possess the necessary up-to-date information in Djibouti that would permit it to recommend with absolute confidence the invalidation of the credentials of the Worker' delegation at the present session of the Conference.*
- 50.** *Taking into account the examination of the monitoring case (see paragraphs 5 to 12 above), the Committee calls upon the Government to facilitate a new in-country mission, led by the ILO, in the near future. The Committee refers to the ILO supervisory bodies to continue monitoring, within the limits of their mandates, the trade union situation in Djibouti. The Committee stresses that the only manner to remove any doubt regarding the trade union situation is the provision of information, either through the detailed monitoring report, or through a future mission in Djibouti. In this regard, the Committee calls upon the Conference to invite the Office, through the Governing Body, to lead such a mission. Without the provision of the necessary up-to-date information, the Committee would have no choice than to seriously consider all appropriate measures at the next session of the Conference, including recommending invalidation of the credentials of the Workers' delegation.*

### **Objection concerning the nomination of the Workers' delegate of Ecuador**

- 51.** *The Committee received an objection presented by the Confederación Ecuatoriana de Organizaciones Sindicales Libres (CEOSL), Confederación Ecuatoriana de Organizaciones Clasistas Unitarias de Trabajadores (CEDOCUT), Unión General de Trabajadores del Ecuador (UGTE), Confederación de Trabajadores del Ecuador (CTE), Unión Nacional de Educadores (UNE), Federación Nacional de Obreros de los Gobiernos Provinciales del Ecuador (FENOGOPRE) and Federación Ecuatoriana de Trabajadores Municipales y Provinciales (FETMYP), members of the Frente Unitario de Trabajadores (FUT), alleging that the Government had, unilaterally and without consultation with the most representative organizations, nominated Mr Richard Gómez as the Workers' delegate to the present session of the Conference in violation of its constitutional obligations. The objecting organizations submitted that Mr Gómez did not represent any national trade union centre, whereas FUT represented 80 per cent of the workers in the country.*

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52. *The Committee first examined the receivability of the objection. It recalls that the mandate of the Credentials Committee is set out in article 5 of the Conference Standing Orders. Objections may be lodged in relation to credentials of delegates and their advisers or to the failure to deposit credentials of an Employers' or Workers' delegate. The Committee notes that while on 17 May 2018, the Government accredited Mr Richard Gómez, President of the Federación Unitaria de Trabajadores de la Industria Eléctrica del Ecuador (FEDELEC), as the Workers' delegate to the present session of the Conference, he was nevertheless subsequently replaced on 23 May 2018 in that capacity by Mr Mario Molina Benavidez, Secretario de Defensa Jurídica de la Central Unitario de Trabajadores del Ecuador (CUT). The Committee notes that Mr Gómez is no longer part of the Workers' delegation of Ecuador. The Committee considers therefore that the objection is irreceivable.*

**Objection concerning the nomination  
of a Workers' adviser of Eswatini  
(formerly known as Swaziland)**

53. The Committee received an objection from Mr Quinton Dlamini, Workers' delegate and President of the Trade Union Congress of Swaziland (TUCOSWA), stating that the Government had nominated the Workers' adviser and substitute delegate, Mr Mashumi Shongwe, President of the Federation of Swaziland Trade Unions (FESWATU), without consulting TUCOSWA – although it was the most representative of the two workers' organizations. The objecting organization further submitted that while the FESWATU's participation costs had been funded by the Swaziland National Provident Fund by order of the Government, TUCOSWA had had to bear the travel and subsistence expenses of its two advisers. It considered that this demonstrated that FESWATU was favoured by the Government. TUCOSWA also stressed that while the nomination of the tripartite delegation to the present session of the Conference had been raised on numerous occasions in the context of social dialogue, the Government had refused to share the list of the accredited delegation beforehand and it was only when the list was made available to the public online that it had learned of the composition of the Workers' delegation.
54. The objecting organization explained that due to circumstances beyond its control (i.e., the inability to retrieve from an official diplomatic vehicle a computer battery left inside luggage), it requested that its late submission be declared receivable by the Committee. Turning to the substance of the objection, TUCOSWA requested that the Committee instruct the Government to nominate all workers' representatives in agreement with the most representative workers' organization as provided in the ILO Constitution and that it order any relief it may deem appropriate.
55. In a written communication addressed to the Committee at its request, the Government stated that the objection could not be receivable since it had been filed after the time limit set at 10 a.m., on Wednesday, 30 May 2018. It submitted that the Standing Orders of the Conference did not provide for any exceptions to the observance of time limits nor conferred any discretionary power on the Committee to allow such exceptions. It further considered that the justification for the late submission of the objection was devoid of merit in so far as the ILO provided sufficient access to computers and printing services during the Conference and as the driver was at all times available to enable TUCOSWA representatives to collect their luggage from the official vehicle. The Government requested the Committee to dismiss the objection as irreceivable.
56. Turning to the substance of the objection, the Government submitted that consultations with the social partners had taken place and an agreement had been reached with regard to the nomination of the Workers' delegation to the present session of the Conference. In particular, it noted that TUCOSWA had attended the 26 April 2018 consultation meeting held on this matter. At that time, the Government had indicated that, due to financial constraints, it would

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only pay the travel and subsistence expenses of one Workers' delegate from TUCOSWA and of one Employers' delegate from the Federation of Swaziland Trade Unions (FSE/CC). The Government further submitted that in response to its written invitation of 17 April 2018, TUCOSWA had provided on 26 April 2018 the name of the Workers' delegate whose travel and subsistence expenses were to be funded by the Government, as well as the names of three other people whose participation costs were to be funded by TUCOSWA. At that time, TUCOSWA had not raised any objections in its letter. The Government further submitted that it had indicated during the consultation meeting that two public enterprises, the Swaziland National Provident Fund and the Public Service Pension Fund, had requested to send at their own expense officials to the present session of the Conference. The Government noted the social partners had not objected to that request, and had only recommended that nominations from these enterprises be done in consultation with their tripartite stakeholders. The Government indicated that the nomination of Mr Shongwe, a Board member of the Swaziland National Provident Fund, as a Workers' adviser and substitute delegate responded to the request of that entity.

57. Furthermore, as regards representativeness of employers' and workers' organizations, the Government submitted that the numerical importance of TUCOSWA and FSE/CC over FESWATU and the Federation of the Swaziland Business Community, respectively, was not based on statistical data but on the Government's own estimation and assumption that the former two organizations were the most representative workers' and employers' organizations in the country. It further indicated that, in an effort to follow-up the Committee's conclusions from last year's session of the Conference, discussions regarding the representative nature of workers' and employers' organizations had been ongoing since August 2017 within the National Steering Committee on Social Dialogue for Swaziland (NSCSD). It indicated that while the employers' organizations had reached agreement concerning nominations to regional international meetings, the workers' representatives had indicated that negotiations had not yet commenced. The Government submitted that discussions on this matter would resume shortly and expressed the hope that agreement would be reached at least before the next session of the Conference.
58. *The Committee notes that in accordance with paragraph 7 of Provisional Record No. 1A(Rev.) concerning the Proposed suspension of provisions of the Standing Orders of the International Labour Conference and other proposed decisions regarding formalities to be taken at the opening sitting, the time limit for lodging objections was, for the duration of the present session of the Conference, reduced from 72 to 48 hours from the opening session of the Conference (48 hours from 10 a.m. of the opening session of the Conference – 30 May 2018, 10 a.m.), with the possibility for the Committee to make exceptions. In view that the Proposed suspension of the Standing Orders was confirmed during the opening session of the Conference (Provisional Record No. 11A, page 6), the Committee therefore considers that, if the circumstances of the case so warrant, it is indeed within its discretion to grant an exception to the time limits. In this regard, it considers that the explanations provided by the objecting organization are sufficient.*
59. *The Committee observes that it is seized for the second consecutive year with an objection alleging that the Government had failed to nominate the Workers' delegation in agreement with the most representative workers' organization. It notes, in particular, that while the Government had indeed requested the objecting organization to appoint the Workers' delegate and advisers to the present session of the Conference, it had not consulted TUCOSWA with regard to the other nominations in the Workers' delegation. In this respect, it recalls that article 3(5) of the ILO Constitution refers to the nomination of the Workers' delegation to the Conference being made "in agreement with the industrial organisations which are the most representative of employers or workpeople". It further recalls that in accordance with Advisory Opinion No. 1 of 1922 of the Permanent Court of International Justice and subsequent case law of the Committee, where several representative*

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*organizations exist – as seems to be the case in Eswatini – governments must take them all into consideration when proceeding to the nomination of a delegation and, ideally, obtain the agreement of all the most representative among them. Failing an agreement among the most representative organizations, the Government must assess, based on objective and verifiable criteria, which organization is the most representative.*

60. *The Committee notes that in relation to last year’s objection, it had urged the Government to “put in place a clear, secure, written, transparent and documented procedure for the designations of delegates and advisers, and any subsequent changes thereto, so that the Government will be in a position to meet its constitutional obligations”. The Committee notes the Government’s explanations regarding the follow-up given to its conclusions in the form of ongoing discussions within the NSCSD. However, it notes with concern that no clear procedure for the nomination of the Workers’ delegation has yet been established. The Committee s again urges the Government to ensure, seeking if required the assistance of the Office, that the nomination of the entire Workers’ delegation at future sessions of the Conference is done in agreement with the most representative workers’ organizations, as required by article 3(5) of the ILO Constitution.*

### **Objection concerning the nomination of the Workers’ delegation of India**

61. The Committee received an objection presented by Mr Chandrasekharan Vice-President of the Indian National Trade Union Congress (INTUC) and an ILO Governing Body member, concerning the nomination of the Workers’ delegation. The objecting organization submitted that the Government had failed to fulfil its obligations pursuant to article 3(1) and (5) of the ILO Constitution. In this regard, it submitted that it had been unilaterally excluded from participating in the present session of the Conference, similar to what had occurred during the prior Conference session in 2017; that no consultative process had taken place prior to the nomination of this year’s delegation – despite the fact that the INTUC represented a membership of 33.3 million individuals and, as such, was the largest trade union organization in the country; and, that the Government had continued to delay the verification process necessary to determine the strength of trade unions in the country.
62. Concerning the membership verification processes, the objecting organization stressed that while its status as most representative organization had been confirmed in 1980, the organization from which the Workers’ delegate derived, Bhartiya Mazdoor Sangh (BMS), had manipulated the results during the 1989 and 2002 verification processes. Notwithstanding, the objecting organization emphasized that its status as second most representative organization had been confirmed on these two latter occasions. Turning to the fourth verification process, commenced in 2011, the objecting organization reiterated that it had submitted a membership figure of 33.3 million, with the necessary supporting documents, as against BMS’ 16 million. The objecting organization submitted that the Government’s delay was a deliberate attempt to manipulate the outcome of the 2011 verification process. The objecting organization also submitted that the inclusion of four individuals from the BMS in the Workers’ delegation without any set criteria, was disproportional to its membership base. The objecting organization requested that the Committee call upon the Government to take the necessary steps in order to correct the selection system of the delegates of India to the International Labour Conference.
63. In a written communication addressed to the Committee at its request, the Government recalled that the matter of the non-inclusion of INTUC in the Workers’ delegation had also been raised during the previous session of the Conference. It further recalled that the Committee had concluded after examining the facts that the internal leadership issues within workers’ organizations did not fall within the scope of its mandate, but instead within the jurisdiction of national courts. Additionally, the Government stated that, as last year, the

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matter concerning factional disputes within the INTUC was still for judicial review and was scheduled for 1 August 2018 before the High Court of Delhi.

64. *The Committee observes that this is the second objection lodged against the Government on the same matter and regrets that the representativeness of the workers' organizations has still not been clarified, in particular since the last information provided on membership strength, was produced in 2002 and is still the only source on this matter. The Committee takes note that the legal process regarding the internal leadership of INTUC is still ongoing. However, it wishes to highlight that even in the absence of a final decision on the matter, the constitutional obligations of the Government must still be fulfilled. In this regard, the Committee wishes to reiterate the importance of possessing sufficiently clear and objective criteria, as well as up-to-date data on representativeness. Therefore, the Committee urges the Government to complete this process and wishes to recall the following principles.*
65. *As stated in Advisory Opinion No. 1 of 1922 of the Permanent Court of International Justice (PCIJ) and subsequent case law of the Committee, several most representative organizations may exist in one country and, in such cases, the Government must, pursuant to the terms of article 3(5) of the ILO Constitution, aim to effect an agreement among them. If there is no agreement among the most representative organizations, the Government must assess, based on objective and verifiable criteria and updated information, which organization is the most representative.*
66. *The Committee notes the reasons provided by the Government for the exclusion of INTUC from participation in any tripartite bodies, including international forums. Considering that internal leadership issues within workers' organizations do not fall within the scope of the Committee's mandate, and instead fall within the jurisdiction of the national courts, the Committee hopes that the ongoing legal process can be resolved this year and that it will provide the necessary clarity on the situation. The Committee trusts that the Government will ensure that the nomination of the Workers' delegation to future sessions of the Conference will be in full compliance with article 3(5) of the ILO Constitution.*

### **Objection concerning the nomination of the Workers' delegation of Kenya**

67. The Committee received an objection presented by the International Trade Union Confederation (ITUC) concerning the nomination of the Workers' delegation. The objecting organization submitted that the Government had failed to comply with article 3(5) of the ILO Constitution in that it had included in the Workers' delegation three individuals without consulting the Central Organization of Trade Unions of Kenya (COTU (K)), which was the most representative workers' organization in the country. The persons accredited were: (i) Mr Charles Mukhwaya, Deputy Secretary-General of the Trade Union Congress of Kenya (TUC), as adviser; (ii) Mr James Makori, Deputy Secretary-General of the TUC, as a person appointed in accordance with article 2(3)(i) of the Conference Standing Orders; and (iii) Mr Ignatius Kanyabamba, Executive Officer of the TUC, as other persons attending the Conference. The objecting organization submitted that the COTU (K) had conveyed to the Government on 19 April 2018 the names of three individuals that it had designated to be included in the Workers' delegation to the present session of the Conference. However, the *Provisional list of delegations* published on 28 May 2018 contained the names of the three aforementioned individuals and not those it had originally proposed. In light of this situation, the ITUC requested that the Committee call upon the Government to provide explanations on this matter and to fulfil its constitutional obligations.
68. In response to its request for information, the Government forwarded the Committee its reply dated 30 May 2018 to the COTU (K), as well as a response to the Committee's questions dated 2 June 2018. In its replies, the Government denied the allegation presented by COTU

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on the basis that they were untrue, not based on any facts and lacked merit. The Government submitted that, while constituting the Workers' delegation, multiple consultations had been conducted from the outset both in writing and in person with Mr Atwoli, Secretary-General, Mr Okwaro, Deputy Secretary-General, and Mr Nadome, Deputy Secretary-General of COTU. However, the forum depended on the availability of the persons and was mostly by telephone and based on "mutual trust and good faith". The Government stated that COTU was the most representative workers' organization in Kenya and that TUC was second. However, TUC frequently contested that it was not consulted by COTU on issues "even when they were best suited to make representations on their own". The Government stated that COTU had been consulted on various occasions and this led to COTU submitting a revised list of 20 workers of which 17 were "presumably drawn" from COTU and three from TUC. The Government stated that the composition of this list was changed by it without making any reduction or substitution in the number of nominees representing TUC. The Government had limited itself to increase the number of workers from three to six to accommodate the interest of TUC, who had complained of having not been consulted by COTU and that the nominees listed were not representative of TUC, as all three were members of only one affiliate union, Kenya National Union of Teachers (KNUT), which excluded other major key public sector trade unions. Finally, the Government specified that in a letter dated 27 March 2018, TUC had forwarded a list of seven names for inclusion in the Workers' delegation. This list was consulted widely with Mr Atwoli. Therefore, it considered that the inclusion of the three additional TUC members had been done in good faith and in an attempt to safeguard the right to freedom of association of all workers, while not undermining or prejudicing COTU's position as the most representative workers' organization.

69. On 4 June 2018, the Committee received an unsolicited communication from COTU in response to the points raised by the Government in its letter of 30 May 2018. In its communication, COTU stated that the Government had not brought the disputed names on the list of Workers' delegates and advisers to COTU's attention, and characterized the information provided by the Government as "absolutely untrue and misleading".
70. *The Committee observes that in accordance with article 5(2)(a) of the Standing Orders of the Conference, the Credentials Committee has the mandate to examine objections relating to the credentials of delegates and their advisers, but not of other delegation members. Since Mr James Makori appears in the credentials as "persons appointed in accordance with article 2, paragraph 3(1)" and Mr Ignatius Kanyamba, appears under the category "other persons attending the Conference", the objection is not receivable in respect of their credentials. The Committee can, however, proceed with the examination of the objection relating to the credentials of Mr Mukhwaya, who is accredited as adviser.*
71. *The Committee considers that it does not possess sufficient information from which it can draw conclusions with respect to whether COTU was consulted on the nomination of the three Workers' delegates of TUC. The Committee notes that the Government has not questioned the representativeness of COTU or its obligation to carry out the nomination of the Workers' delegation to the Conference in agreement with the most representative workers' organizations. However, the Committee cannot but express deep concern over the contradictory statements provided by the Government and COTU about the nomination of the Workers' delegation, as what is in contention is whether the Government unilaterally replaced an adviser, which, if founded, would constitute serious interference.*
72. *In these circumstances, the Committee expects that in the future the Government will nominate the Workers' delegates in consultation with the most representative workers' organizations in the country recognized as such, in accordance with article 3(5) of the Constitution of the ILO.*

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### **Late objection concerning the nomination of the Workers' delegation of Libya**

73. The committee received an objection presented by the General Federation of Libyan Trade Unions (Nermin Al-Sharif). The objecting organization alleged that the Government had failed to nominate the most representative workers' organizations, including itself, to the Workers' delegation and rather that government officials may have been included instead. The objecting organization indicated that it had consistently been included in the Workers' delegation until the 106th Session (2017) of the Conference.
74. *This objection, dated 1 June 2018, was received by the Credentials Committee on the same date at 12.09 p.m., after the expiry of the time limit established for the present session of the Conference (48 hours from 10 a.m. of the opening day of the Conference – 30 May 2018, 10 a.m.). The Committee notes that the objection would have been late even had the usual 72-hour time limit established by article 26bis(1)(a) of the Standing Orders of the Conference had been applicable (this deadline would have expired on 31 May at 10 a.m.). The Committee therefore considers that the objection is not receivable by virtue of the deadline fixed for this year's Conference.*

### **Late objection concerning the nomination of a Workers' adviser of Madagascar**

75. The Committee received an objection presented by the members of the *National Council of the Syndicat Général Maritime de Madagascar* (SYGMMA). The objecting organization alleged that the Workers' adviser, Mr Full soma Nomenjanahary, was no longer the Secretary-General of SYGMMA.
76. *This objection, dated 2 June 2018, was received by the Credentials Committee on the same date at 2.10 p.m., well after the expiry of the time limit established for the present session of the Conference (48 hours from 10 a.m. of the opening day of the Conference – 30 May 2018, 10 a.m.). The Committee notes that the objection would have been late even had the usual 72-hour time limit established by article 26bis(1)(a) of the Standing Orders of the Conference been applicable (this deadline would have expired on 31 May at 10 a.m.). The Committee therefore considers that the objection is not receivable by virtue of the deadline fixed for this year's Conference, as well as being unsigned and therefore equivalent to an anonymous objection.*

### **Objection concerning the nomination of the Workers' delegation of Mauritania**

77. The Committee received an objection presented by the *Confédération Générale des Travailleurs de Mauritanie* (CGTM) concerning the nomination of the Workers' delegation. The CGTM submitted that the Government had not fulfilled its obligations pursuant to article 3(5) of the ILO Constitution, in that the nomination of the Workers' delegation had been made without agreement of the most representative workers' organizations, including the CGTM. Referring to previous objections lodged against Mauritania, the CGTM recalled that pending the establishment of criteria aimed at determining the most representative organizations, the Government's favoured system of rotation could only serve as a nomination method if it was agreed upon by the most representative workers' organizations. The CGTM also submitted that a roadmap pertaining to the determination of the representativeness criteria had been signed by the Government and workers' organizations on 6 March 2017, following an ILO mission to Mauritania in January 2017. The CGTM indicated that, in line with the roadmap, elections of union stewards and of members of administrative joint committees – as the means for determining representativeness – were

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held in 2017. However, the CGTM submitted that many employers refused to renew the mandates of the union stewards and to recognize the outcome of the elections, on the basis of instructions given by the General Labour Directorate, pursuant to Circular No. 002/2014.

- 78.** In a written communication addressed to the Committee at its request, the Government confirmed that a roadmap pertaining to the determination of the representativeness had been agreed upon. However, it indicated that given the political context, including the constitutional referendum of 2017 as well as legislative, municipal and regional council elections that were due in 2018, the Government had decided to postpone the process with a view to achieving it by the end of the year or at the latest by the first trimester of 2019. The Government recalled that there had been a proliferation of trade unions and indicated that 34 workers' organizations currently operated freely in the country, and that they had all been consulted concerning the nomination of the Workers' delegation to the present session of the Conference. The Government further explained that as the workers' organizations did not agree on such nomination, and in the absence of criteria on representativeness, it proceeded to nominate the Workers' delegation.
- 79.** *The Committee observes that this is the fifth objection lodged against the Government of Mauritania on the same matter since 2011. The Committee is concerned that the representativeness of the workers' organizations has still not been clarified despite its previous conclusions and despite that an agreement for this purpose was signed on 6 March 2017. The Committee is further concerned that in the absence of consensus among all the workers' organizations consulted, the Government unilaterally nominated the Workers' delegation to the present session of the Conference.*
- 80.** *While the Committee trusts that the roadmap of 2017 will soon be completed, the Committee wishes to reiterate the importance of possessing sufficiently clear and objective criteria and data on representativeness, and in this regard, wishes to recall the following principles. As stated in Advisory Opinion No. 1 of 1922 of the Permanent Court of International Justice (PCIJ) and subsequent case law of the Committee, several most representative organizations may exist in one country and, in such cases, the Government must, pursuant to the terms of article 3(5) of the ILO Constitution, aim to effect an agreement among them. If there is no agreement among most representative organizations, the Government must assess, based on objective and verifiable criteria, which organization is the most representative. With respect to a rotation system, the Committee recalls that it cannot be imposed unilaterally by governments and can only serve as a criterion for the nomination of the Workers' delegation where the most representative organizations are in agreement.*
- 81.** *The Committee therefore urges the Government to complete the steps set out in the roadmap that will permit the determination of the clear, objective and verifiable criteria so as to enable a true picture of the trade union situation in the country on the basis of reliable figures and in order to remove existing doubts concerning the representative character of the workers' organizations in the country. The Committee trusts that this process will soon be completed and, depending on the outcome, that the Government will actively seek agreement among the most representative workers' organizations to ensure a nomination process for the next session of the Conference that is fulfilled in compliance with article 3(5) of the ILO Constitution.*
- 82.** *In light of the preceding, the Committee unanimously considers that the procedure relating to the composition of the Workers' delegation of Mauritania to the Conference should be monitored. By virtue of article 26bis(7) of the Conference Standing Orders, the Committee proposes that the Conference request that the Government of Mauritania submit for the next session of the Conference, at the same time that it submits its credentials for the delegation of Mauritania, a detailed report substantiated with relevant documentation on:*

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- (a) *the trade union situation in the country, including the name(s) of the representative workers' organizations, their coverage, their numerical membership, and other objective and verifiable criteria; and*
- (b) *the procedure utilized to nominate the Workers' delegation, specifically, the organizations that will have been consulted on the matter and according to which criteria; the date, time and place of these consultations; information as to the measures taken by the Government to facilitate an agreement among the representative workers' organizations; and the names of the individuals nominated by the organizations during these consultations.*

### **Objection concerning the nomination of the Workers' delegation of Morocco**

83. The Committee received an objection from a representative, Mr Mohamed Kafi Cherrat, Secretary-General of the *Union Générale des Travailleurs du Maroc* (UGTM) concerning individuals within the Workers' delegation nominated to the present session of the Conference that purported to be representatives of the UGTM. In this connection, the author of the objection submitted that he was the genuine representative of the UGTM and that Mr Mayara Enaam could not be since he had been "elected" a member of an executive board on 17 May 2017 whose elections were conducted during an extraordinary congress that had been held in contravention of the UGTM's statutes and in the absence of the genuine Executive Board. The author of the objection further submitted that a legitimate Extraordinary Congress had been conducted by the UGTM on 21 May 2017, but that it had been the subject of undue interference by the Government. Notwithstanding, an Executive Board had been duly elected on 21 May in full conformity with the UGTM's statutes. However, the legitimate Executive Board had not yet been recognized by the Government. As a consequence, the author of the objection explained that although a judicial process was presently pending with the appeal court of Rabat, the Government had recognized Mr Enaam as the UGTM's interlocutor to the detriment of the author of the objection, Mr Cherrat, and despite the lower court's judgment in his favour.
84. In a written communication addressed to the Committee at its request, the Government indicated that it was aware of the conflict within the UGTM and that two executive boards were claiming to be its legitimate representatives. The Government stressed that it had not interfered in the internal business of any workers' organization and had simply limited itself to requesting that it be provided by each of the executive boards the relevant legal justification demonstrating their legitimacy. Mr Enaam had submitted a response, while Mr Cherrat had failed to do so. The Government explained that on this basis, it had invited to its regular consultation and coordination meeting Mr Enaam, as the new Secretary-General of UGTM. With respect to the allegations of undue interference, the Government indicated that it had always sought to respect freedom of association and the free election of trade union leaders. However, as the 21 May 2017 Congress had been organized without respect for the procedure pertaining to the holding of such events, it had been requested to comply with the laws and regulations in force. Finally, the Government indicated that it would take into consideration any final judgment from the competent jurisdiction on the matter.
85. *The Committee notes that the representativeness of the UGTM is not called into question, but the person representing it. The Committee notes that a similar objection concerning the UGTM was lodged last year, but by Mr Enaam, who was not included in last year's Workers' delegation. The Committee recalls that this situation constitutes an internal conflict within the UGTM, which has been brought before the relevant national authorities, including the judiciary, and therefore does not come within the Committee's mandate. The Committee therefore trusts that next year the nomination of the Workers' delegation will be made in full*

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*compliance with article 3(5) of the ILO Constitution. Under these circumstances, the Committee decides not to uphold the objection.*

### **Objection concerning the nomination of the Employers' delegation of Slovenia**

86. The Committee received an objection presented by the Employers' group of the Conference concerning the nomination of the Employers' delegation. The Employers' group submitted that the Government had unilaterally nominated the Employers' delegate who derived from the Chamber of Craft and Small Business of Slovenia, as well as an adviser and substitute delegate who derived from the Slovenian Chamber of Commerce. In so doing, the Government had ignored the Association of Employers of Slovenia (ZDS), which the Employers' group submitted was the most representative organization of independent employers on social and labour issues in Slovenia and which, along with the Slovenian Chamber of Commerce, had formed the Employers' delegation to the Conference for many years (notably in 2014, 2015 and 2017). The Employers' group submitted that the Government had acted unilaterally and had failed to consult the ZDS before deciding to replace it with another organization, the Chamber of Craft and Small Business of Slovenia, which although highly representative of its sector, represented only a small part of Slovenian enterprises. The Employers' group submitted that the Government had failed to fulfil its obligations set out in article 3(5) of the ILO Constitution and as such this constituted a serious violation of a member State's obligation to nominate non-Government delegates and advisers in agreement with the most representative industrial organizations in their respective countries.
87. In a written communication addressed to the Committee at its request, the Government strongly rejected the allegations made by the Employers' group. The Government indicated that it was firmly and sincerely committed to the principles and values of the ILO, in particular social dialogue and tripartite consultation processes on any relevant matter. It indicated that it had nominated the delegation in accordance with the ILO Constitution and followed established practice, applying transparent consultations with the most representative employers' and workers' organizations. It stressed that it had not intervened in the selection process, and that the decision was always left to the employers' and workers' organizations. With respect to the request for detailed information regarding the most representative employers' organizations, the Government indicated that they were members of the Economic and Social Council (ESC), within which tripartite consultations were held. ESC's members are appointed by each of the representatives of workers (trade union associations and confederations), employers (associations of employers and chambers) and the Government. It indicated that ZDS was a ESC member, and that its Secretary-General, Mr Jože Smole, was the ESC president during the period in question (October 2017 to October 2018). While the Government provided an ESC membership list, it indicated that it did not dispose of information regarding their numerical representativeness. The Government considered that all ESC's member organizations were equally relevant and important to the Government in the tripartite consultation process.
88. With respect to the consultation process, the Government provided detailed information indicating that ZDS had been invited to the ESC sessions during which the composition of the tripartite delegation was discussed, and that ZDS had been invited to nominate a representative, but had not done so. The Government indicated that on 30 March 2018, at the 311th session of the ESC, Mr Smole stated that the ZDS was the only representative employers' organization in Slovenia and that he did not agree with the procedure of appointment for the Conference. The Government did not agree with the statement of Mr Smole, and indicated that all the most representative employers' organizations, that are also members of the ESC, are equally entitled to attend the Conference. The Government stressed that it acted upon the decision of the other employers' organizations members of the

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ESC. The Government further specified that the ZDS could have nevertheless nominated a representative, but that as the nomination would not have been supported by the ESC, the participation costs would not have been covered by the Government.

89. *The Committee notes the detailed information provided by the Government regarding the consultation process followed for the nomination of the tripartite delegation. However, this is in dispute in so far as the Committee received an objection. The Committee notes that in the past 15 years, the designation of the delegate and substitutes was alternated among the ZDS, the Chamber of Craft and Small Business of Slovenia and the Slovenian Chamber of Commerce. The Committee further notes the Government's indications that it nominated the Employers' delegation upon the decision of the other employers' organizations' members of the ESC, despite ZDS' disagreement. In this respect, the Committee considers it important to recall the following principles. Article 3(5) of the ILO Constitution refers to the nomination of the Workers' delegation to the Conference being made "in agreement with the industrial organisations which are the most representative of employers or workpeople".*
90. *In accordance with Advisory Opinion No. 1 of 1922 of the Permanent Court of International Justice (PCIJ) and subsequent jurisprudence of the Committee, where several representative organizations exist, governments must take them all into consideration when proceeding to the nomination of a delegation and, ideally, obtain the agreement of all the most representative among them. Failing an agreement among most representative organizations – as in the case at hand – the Government must assess, based on objective and verifiable criteria, which organization is the most representative. In this regard, while the numerical membership of the organizations should not be the only criteria, the Committee notes the Government's indications that it does not dispose of information regarding the numerical representativeness of the ESC's member organizations. The Committee regrets this situation and expects the Government to gather reliable figures based on objective and verifiable criteria in the near future. The Committee trusts that for the next session of the Conference, the Government will ensure a nomination process that is fully in line with the foregoing principles, in compliance with article 3(5) of the ILO Constitution.*
91. *Furthermore, noting the Government's indications that the expenses relating to a nomination that would not be supported by the ESC would not be covered by the Government, the Committee recalls that article 13(2)(a) of the ILO Constitution imposes on its Members an obligation to pay the travel and subsistence expenses of the delegates and their advisers nominated to the Conference.*

**Objections concerning the failure to deposit credentials of an Employers' and a Workers' delegate by the Government of the Solomon Islands**

92. The Committee received two objections presented separately by the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC) concerning the failure to deposit credentials of an Employers' and a Workers' delegate by the Government of the Solomon Islands. The IOE and the ITUC submitted that the Government had not fulfilled its obligation under article 3(1) of the ILO Constitution. It requested the Committee to call upon the Government to explain why the delegation was incomplete and to recommend that its constitutional obligations be fulfilled.
93. *The Committee regrets that the Government neither furnished the information requested nor provided an explanation of its inability to do so. Such a lack of cooperation curtails the Committee's ability to discharge its mandate under article 5(2)(a) of the Conference Standing Orders. The Committee further regrets that for the first time in six years, when a delegation has been accredited, it has been an exclusively governmental delegation with*

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*individuals from the Permanent Mission being accredited. The Committee recalls that whereas a government has the ability to assure its representation through a diplomatic mission, the same cannot be said for employers' and workers' organizations. The Committee reminds member States of their obligation under article 3(1) of the ILO Constitution, specifically that they are required to nominate tripartite delegations to the Conference and regrets that the Government has not accredited a fully tripartite delegation. The Government has therefore not met its obligations by sending a delegation that is exclusively governmental. In so doing, the Government deprives the employers and workers of the country of their right of being represented in the highest policy-making body of the ILO and to participate in its work. Without the participation of Government, Employer and Worker representatives, the Conference cannot function properly or attain its objectives.*

94. *The Committee urges the Government to meet its constitutional obligations and to send a fully tripartite delegation to the Conference next year.*

### **Objection concerning the nomination of the Workers' delegation of Somalia**

95. The Committee received an objection concerning the nomination of the Workers' delegation, presented by the International Trade Union Confederation (ITUC). It submitted that the Government had failed to comply with article 3(1) and (5) of the ILO Constitution and recalled that this was the fourth consecutive year that an objection had been filed. The objecting organization considered that the Government had persistently and openly ignored the Committee's recommendations, which as a result had led to the Committee's 2017 decision, by virtue of article 26quater and 26bis(7), to renew for this year the monitoring of the situation. It also cited the anti-trade union activities that had been occurring in the country, as documented in a complaint submitted to the Committee on Freedom of Association (CFA) (Case No. 3113).
96. The objecting organization stated that the Government had failed to consult the legitimate, independent and most representative national trade union organization, the Federation of Somali Trade Unions (FESTU), for the purposes of nominating the Workers' delegation to the present session of the Conference. Rather, on 5 May 2018, the Ministry of Labour and Social Affairs accredited Mr Mohamed Osman Haji Ali, Chairman of the Somali Congress of Trade Unions (SOCOTU), as Workers' delegate. This was despite written acknowledgement by the Government, that FESTU, as led by Mr Omar Faruk Osman, was the most representative workers' organization in the country and that he was the leader of the National Union of Somali Journalists (NUSOJ). In addition, a number of persons from SOCOTU had been accredited as advisers (Mr Omar Ahmed Hassan, Secretary-General; Mr Mohamed Said Ali, Secretary-General, Somali Fisheries Workers Union and Member of Executive Committee; Mr Moalim Yaqub Ali, Vice-President, Somali National Teachers Union; Mr Mohamud Abdikadir Awil, Head, Education and Training Departments; and Mr Nur Mohamed Ibrahim, Federation of Somali Trade Unions). It was submitted that SOCOTU was not an independent and representative workers' organization. The objecting organization submitted that these individuals were not genuine trade unionists and, therefore, the nomination of the Workers' delegation had not been made in accordance with the ILO Constitution. It requested that the Committee call upon the Government to furnish explanations.
97. In a written communication addressed to the Committee in the context of the monitoring case (see paragraphs 13 to 20 above), the Government recalled that the country was in a process of recovery following many years of internal conflict and institutions were emerging without institutional memory or continuity. With respect to consultations for the purposes of designating the Workers' delegation to the present session of the Conference, it was explained that due to difficult circumstances the Ministry of Labour and Social Affairs had

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been unable to conduct consultations with the different trade unions. Concerning the verification of membership figures of workers' organizations, joined to the report was a certification statement dated 28 December 2014. It was signed by the then Labor Minister Luqman Ismail Mohamed and stated therein that following a month-long inspection and study of membership in many places in the country, FESTU was determined to be the largest and most representative umbrella organization of trade unions. FESTU had 59,240 regular dues paying members and 78,920 members that pay irregularly or are unable to pay membership fees. Concerning the composition of the Workers' delegation, the 1 June 2018 report conveyed a new composition with respect to the Workers' delegation as a result of a Memorandum of Understanding between the Ministry of Labor and Social Affairs and FESTU on Tripartite Participation of International Labour Conferences, dated 30 May 2018. The adjustments were as follows: Mr Omar Faruk Osman Nur, General Secretary of FESTU, as Workers' delegate and Mr Mohamed Musse Mohamud, Treasurer, FESTU, as Workers' adviser and substitute delegate. Removed from the list was Mr Mohamed Osman Haji Ali, Workers' delegate. In addition, Mr Mohamed Ibrahim Nur, Workers' adviser, was removed on the basis that following consultations with FESTU, it had confirmed that he was neither a FESTU member nor their representative.

98. The Committee was also furnished with a copy of the Memorandum of Understanding between the Ministry of Labor and Social Affairs and FESTU on Tripartite Participation of International Labour Conferences, dated 30 May 2018. In relevant part, it stated therein that the parties had “agreed to develop an enforceable set of principles and understandings with a view to reducing the tension and conflicts between tripartite social partners in Somalia within the context of the International Labour Organization (ILO)”. It recalled several key principles and recommendations embodied in the ILO’s Constitution and international labour standards (i.e. Conventions Nos 87, 98, 144), as well as the principle of consultation with the most representative employers’ and workers’ organizations. The Memorandum of Understanding further states that the FESTU “is the most representative national trade union organization in Somalia in view of its membership in terms of numbers and sectoral spread” and that “until the most representative status of FESTU changes through a transparent and objective consultative processes the Workers’ delegate of the Federal Republic of Somalia to the sessions of the International Conference, starting from 2018, was Mr Omar Faruk Osman Nur, General Secretary of FESTU or as otherwise stated by FESTU”. It further stated that it represented the “full commitment of the Government of the Federal Republic of Somalia towards respecting all its obligations under the ILO including resolving all outstanding issues with FESTU, in particular, for a peaceful and harmonious industrial relations atmosphere for peace and national development”. FESTU in return committed to “refrain from all hostilities and support and cooperate with the Government of Somalia in accordance with the principles and resolutions of the ILO and other UN Human Rights Bodies.”
99. *The Committee notes that for a fourth consecutive year an objection has been lodged against the Workers’ delegation. It further notes that the Government’s report furnishes important new elements, mainly by drawing the Committee’s attention to a Memorandum of Understanding between the Government and FESTU and a 2014 certification statement recognizing FESTU as the largest and most representative umbrella workers’ organization. In addition, the Committee notes that both the report and Memorandum of Understanding indicate that the Workers’ delegate to the present session of the Conference should derive from FESTU rather than SOCOTU, contrary to what figured on the Government’s original credentials submitted on 9 May 2018. Therefore, as of 2 June 2018, Mr Omar Faruk Osman Nur has been accredited as the Workers’ delegate.*
100. *As the Workers’ delegate was changed on 2 June 2018, the Committee considers that the objection requires no further action on its part.*

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**Objection concerning the failure to deposit credentials of an Employers' and a Workers' delegate by the Government of Tajikistan**

101. The Committee received two objections presented separately by the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC) concerning the failure to deposit credentials of an Employers' and a Workers' delegate by the Government of Tajikistan. The IOE and the ITUC submitted that the Government had not fulfilled its obligation under article 3(1) of the ILO Constitution. It requested the Committee to call upon the Government to provide explanations about this situation and to recommend that its constitutional obligations be fulfilled in the future.
102. *The Committee regrets that the Government has not responded to its request for information nor has it accredited a fully tripartite delegation. The Committee recalls that at the 2006, 2008, 2009, 2011 and 2012 sessions of the Conference, Tajikistan was exclusively represented by the Government, while at the 2010, 2013, 2014, 2016 and 2017 sessions of the Conference, Tajikistan was not represented at all. At the present session of the Conference, Tajikistan is represented exclusively by two Government delegates from the Permanent Mission in Geneva. In this regard, the Committee recalls that, while a government has the ability to assure its representation through its diplomatic mission, this is not the case for its Employers' or Workers' delegations. While noting that in response to a previous objection (Provisional Record No. 5C, 104th Session, 2015, paragraph 69), the Government explained that it had failed to accredit a tripartite delegation due to financial constraints, the Committee regrets that the Government, year after year, does not demonstrate any interest in addressing the matter.*
103. *The Committee reminds member States of their obligation under article 3(1) of the ILO Constitution, to nominate tripartite delegations to the Conference. To this end, it calls on member States to make serious efforts to this end and to ensure that fully tripartite delegations are accredited to sessions of the Conference. By sending a delegation that is exclusively governmental, the Government deprives the employers and workers of the country of their right of being represented in the highest policy-making body of the ILO and to participate in its work. Without the participation of Government, Employer and Worker representatives, the Conference cannot function properly or attain its objectives.*
104. *The Committee deplores the Government's continued failure to fulfil its constitutional obligations and expects it to send a fully tripartite delegation to the Conference next year.*

**Objection concerning the nomination of the Workers' and the Employers' delegations of Tunisia**

105. The Committee received an objection submitted jointly by the workers' organization *Confédération Générale Tunisienne du Travail* (CGTT) and the employers' organizations *Confédération des Entreprises Citoyennes de Tunisie* (CONNECT) and *Syndicat des Agriculteurs de Tunisie* (SYNAGI). The objecting organizations submitted that the Government had failed to fulfil its obligations pursuant to article 3(5) of the ILO Constitution by excluding them for an eighth consecutive year from the Workers' and Employers' delegations. In this regard, it submitted that no consultation process had taken place with their respective organizations. Notwithstanding, they stated that the CGTT had provided its designation to the Government on 28 March 2018, but had not received a reply. Furthermore, the objecting organizations joined several documents for the purposes of demonstrating that account should be taken of the views of the most representative organizations and to demonstrate the freedom of association issues currently existing within the country, including those surrounding trade union pluralism. The objecting organizations

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called upon the Government to respect article 3(5) of the ILO Constitution and to nominate the delegates to the Conference in a transparent manner through a fully consultative process.

- 106.** In a written communication addressed to the Committee at its request, the Government submitted that there were eight representative workers' organizations (UGTT, UTT, CGTT, OTT, LTT, FT, USTT and UTJT) and ten representative employers' organizations (including SYNAGI). Concerning consultations, the Government stated that it had consulted the *Union Générale Tunisienne du Travail* (UGTT) and the *Union Tunisienne de l'Industrie du Commerce et de l'Artisanat* (UTICA), as those are the two signatory organizations of the social contract. Pending the adoption of a new law regarding trade union representativeness and in absence of consensus between the different workers' organizations regarding trade union representativeness, the Government had applied the principle of numerical strength to the organizations concerned and relied on the figures they had provided for this purpose (UGTT: 704,343 members in the public and private sectors in 24 administrative territorial divisions of Tunisia; UTT: less than 12,000 (contested) in the public and private sectors in 13 administrative territorial divisions; CGTT: 24,525 from five different professional sectors in eight administrative territorial divisions; OTT: 650 members mostly in the transport and services sector in six administrative territorial divisions; LTT: 45 members in two sectors and four administrative divisions; USTT: 7,000 members in six sectors in six administrative divisions, the other organization did not provide statistics). No information was submitted concerning the number of members of the employers' organizations.
- 107.** Regarding the measures taken by the Government for the establishment of clear criteria for the definition of trade union representativeness, the Government stated that the 1966 Labour Code in several provisions refers to the "most representative trade union organizations". However, the Code did not establish criteria for their definition. The Government recognized that as other workers' and employers' organizations exist alongside UGTT and UTICA, it had become urgent to define such criteria. Therefore, the Government was working with the social partners to develop a model of representativeness resulting from consensus with the support of the Office. In this regard, the Government recalled the project to promote social dialogue and labour governance carried out in cooperation with the Office in Tunis, following the signature of the Decent Work Country Programme in Tunisia in July 2017 and a tripartite commission charged with elaborating objective criteria for representativeness. The Government highlighted that at the last meeting held on 25 May 2018, a draft aimed at defining the criteria for trade union representativeness at national and sectoral levels was elaborated. This draft was sent to all the employers' and workers' organizations seeking their views and proposals by 12 June 2018, at the latest.
- 108.** *The Committee takes note of the information provided by the Government on measures taken to establish objective and verifiable criteria to determine representativeness and on the development of trade union pluralism in the country. However, the Committee stresses that the constitutional obligations of the Government must be fulfilled and reiterates the importance of utilizing sufficiently clear and objective criteria and data on representativeness. It wishes to recall that as stated in Advisory Opinion No. 1 of 1922 of the Permanent Court of International Justice (PCIJ) and subsequent case law of the Committee, several most representative organizations may exist in one country and, in such cases, the Government must, pursuant to the terms of article 3(5) of the ILO Constitution, aim to effect an agreement among them. If there is no agreement among most representative organizations, the Government must assess, based on objective and verifiable criteria, which organization is the most representative.*
- 109.** *The Committee notes the Government's statement that given the lack of legislation on representativeness and the lack of consensus among the different organizations, it consulted the workers' organization UGTT and the employers' organization UTICA based on two*

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*different criteria, namely, the signature of the social contract and the numerical strength of the organizations consulted. Concerning the first criterion, the Committee takes note that no explanation was submitted as to the reasons why UGTT and UTICA are parties of the social contract and, therefore, this does not necessarily support that they are the most representative organizations. Concerning the numerical strength of UGTT and UTICA, the Committee observes that the Government itself cast doubts on the figures due to the process, especially in light that the government recognizes the urgency of developing objective criteria for the determination of representativeness aside from numerical strength.*

- 110.** *In the absence of such information, the Committee urges the Government to finish the process so as to permit it to remove all doubt regarding the question of representativeness, and to this end it expects the Government will take the steps necessary to ensure a nomination process for the next session of the Conference that is transparent and fully consultative, in compliance with article 3(5) of the ILO Constitution.*

### **Objection concerning the nomination of the Workers' delegate of Turkey**

- 111.** The Committee received an objection submitted by the International Trade Union Confederation (ITUC) concerning the nomination of the Workers' delegate. The objecting organization alleged that the Government had failed to comply with article 3(5) of the ILO Constitution in that it had unilaterally nominated the Workers' delegate, Mr Ali Yalcin, President of the Confederation of Public Servants Trade Unions (MEMUR-SEN), without consulting the most representative workers' organizations. The objecting organization submitted that four workers' organizations – TÜRK-İŞ, DİSK, KESK and T. KAMU-SEN – which, taken together, are more representative than MEMUR-SEN, had voiced their disagreement with the nomination of the Workers' delegate at a meeting with the Government on 15 May 2018. The objecting organization recalled that the Workers' delegate had been traditionally appointed from TÜRK-İŞ in agreement with DİSK, KESK and T. KAMU-SEN. It further recalled that the employers' organization, TİSK, which had participated in the meeting with the Ministry of Labour, supported the nomination of the Workers' delegate from TÜRK-İŞ. The objecting organization explained that at the meeting, the Government had raised the possibility of a rotation system for the designation of the Workers' delegate between MEMUR-SEN and the most representative organizations. However, the latter refused, considering that, despite its rapidly growing membership, MEMUR-SEN was not a genuine and independent workers' organization as it supported government policies, and had remained silent over mass dismissals in the public sector and violations of trade union rights. Concerning its representative nature, MEMUR-SEN had been created in 1995 and organized workers in the public sector versus from across other industrial sectors. From 1995 to 2002, its membership grew gradually to 41,000. However, in 2003, coinciding with changes at the national level, its membership grew to 98,000 and reached 1 million members in 2018. Membership figures of the other national centres are as follows: TÜRK-İŞ – 925,000 deriving primarily from the private sector; DİSK – 149,000; KESK – 167,000 (public sector); T. KAMU-SEN – 395,000 (public sector). Taken together, the objecting organization submitted that these four organizations were more representative than MEMUR-SEN and thus should have been permitted to jointly designate the Workers' delegate to the present session of the Conference. Based on the foregoing, the four organizations refused to appoint advisers to the present session of the Conference. The objecting organization requested the Committee to call upon the Government to provide explanations regarding the situation and that it recommend to the Government that it fulfil its constitutional obligations.

- 112.** In a written communication addressed to the Committee at its request, the Government submitted a list of workers' organizations that it considered to be the most representative, together with official statistics indicating their relative numerical importance. The

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Government listed six organizations: MEMUR-SEN with 997,089 members; TÜRK-İŞ with 925,039 members; HAK-İŞ with 615,301 members; T. KAMU-SEN with 395,250 members; KESK with 167,403 members; and DİSK with 149,187 members. The Government explained that, according to established practice, the Workers' delegate nominated to any particular session of the Conference derived from the largest workers' organization, unless an agreement regarding the nomination had been reached between the most representative organizations. While the Government acknowledges that TÜRK-İŞ had until 2017 nominated the Workers' delegation to sessions of the Conference, it explained that in 2017 MEMUR-SEN's membership exceeded that of TÜRK-İŞ. Consequently, MEMUR-SEN was considered the most representative organization and, as a result, the Government informed both MEMUR-SEN and TÜRK-İŞ that unless they arrived at an agreement regarding the designation of the Workers' delegation to the present session of the Conference, a representative of MEMUR-SEN would be nominated by the Government. The concerned organizations failed to agree upon a designation and, as a result, the Government deemed it appropriate to introduce a system of rotation in 2017, since the two groups were composed of organizations representing the public servants' unions on the one hand and the other workers on the other. Consequently, as the President of TÜRK-İŞ had been nominated as the Workers' delegate to the preceding session of the Conference (June 2017) along with his designated advisers (that included other confederation representatives), then the President of MEMUR-SEN was nominated as Workers' delegate with his designated advisers to the present session of the Conference. HAK-İŞ had been in agreement with both the introduction of a rotation system and the nomination of a representative of MEMUR-SEN as the Workers' delegate. For the present session of the Conference, objections were raised by TÜRK-İŞ and T. KAMU-SEN, which led the Government to hold consultations on 15 May 2018 with the most representative organizations (i.e., MEMUR-SEN, TÜRK-İŞ, HAK-İŞ, T. KAMU-SEN, KESK and DİSK), as well as TISK. As no agreement could be reached at the meeting, the Government proceeded to nominate the President of MEMUR-SEN as the Workers' delegate based on its numerical importance. It considered that as there exists dual grouping, each representing a high number of workers, the Government had felt obliged to take into consideration this structure in nominating the Workers' delegate. The Government confirmed that apart from HAK-İŞ and MEMUR-SEN, no other workers' organizations had appointed advisers to the present session of the Conference. The Government regretted that the most representative organizations of workers were unable to reach a consensus between themselves and stated that it would continue its efforts as before to build consensus between the parties.

- 113.** *The Committee observes that the nomination of the Workers' delegate to the present session of the Conference has been unilaterally determined by the Government without the agreement of the most representative organizations. The Committee notes the explanations provided by the Government that as an agreement between the most representative organizations had not been achieved, the nomination of the Workers' delegate had been made on the basis of the application of a rotation system it had introduced in 2017. However, the Committee recalls that such a system cannot be imposed unilaterally by governments and can only serve as a criterion for the nomination of the Workers' delegation where the most representative organizations are in agreement.*
- 114.** *In this regard, the Committee wishes to recall that article 3(5) of the ILO Constitution, as interpreted by the Advisory Opinion No. 1 of the Permanent Court of International Justice (PCIJ) of 1922 and the consistent precedent of the Committee, imposes on governments not only the obligation to base their assessment of the representative character of employers' and workers' organizations on objective and verifiable criteria, but also the obligation to consult with them and to select the delegation in agreement with those organizations. It further recalls that according the Advisory Opinion of the PCIJ, "what is required of the Governments is that they should do their best to effect an agreement, which, in the circumstances, may be regarded as the best for the purpose of ensuring the representation*

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of the workers of the country". As regards representativeness, the Committee notes that, according to the information provided by the Government, MEMUR-SEN, T. KAMU-SEN and KESK are the higher level organizations of trade unions representing public servants whereas TÜRK-İŞ, HAK-İŞ and DİSK are the higher level organizations of the trade unions representing workers in private and public sectors. It is therefore undisputed that these organizations are representative of workers of different sectors in the country and must accordingly be consulted.

115. As regards the Government's efforts to effect an agreement among the most representative workers' organizations with regard to the nomination of the Workers' delegation to the current session of the Conference, the Committee notes that a single consultation meeting held shortly before the Conference, only after objections to the nomination of the Workers' delegate had been raised by two organizations, clearly proved insufficient to forge the necessary agreement.
116. The Committee therefore expects that, for the nomination of the Workers' delegation at future sessions of the Conference, the Government will do its utmost to seek agreement of the most representative workers' organizations, in full compliance with article 3(5) of the ILO Constitution.
117. The Committee also notes the allegations of the objecting organization that MEMUR-SEN is not a genuine and independent workers' organization, given the rapid growth of its membership, its support for Government policies and silence over mass dismissals in the public sector and the violation of trade union rights. However, while aware of the general situation of trade unions in Turkey, including the effect of emergency decrees on their functioning, the Committee considers that no information has been provided to substantiate such allegations.
118. The Committee notes that it has in the past considered the link between freedom of association and the nomination of the non-government delegates and found that such a link was in keeping with the spirit of the ILO Constitution and the fundamental principle of tripartism. In this regard, the Committee recalls that the social partners from which non-governmental delegates are drawn must be independent, autonomous, controlled by social partners and democratic. Furthermore, the determination of the representativeness of workers' organizations should not be dictated by the Government but must be based on objective and verifiable criteria, in accordance with article 3(5) of the ILO Constitution.
119. The Committee recalls that matters relating to the independence of trade unions are within its mandate. It also notes that the Government has clearly stated in its reply to the Committee that it will continue its efforts to build consensus between the parties to achieve a representative delegation for future sessions of the International Labour Conference. The Committee therefore hopes that these efforts will be undertaken with commitment and will meet with success. However, should further objections be made relating to the independence or the representativeness of the Workers' delegation, corroborated by credible evidence, the Committee may need to give serious consideration to the options available to it under the Standing Orders.

### **Objections concerning the nomination of the Workers' delegation of the Bolivarian Republic of Venezuela**

120. The Committee received three objections concerning the nomination of the Workers' delegation. The objections were presented separately by the *Confederación General de Trabajadores* (CGT), the *Unión Nacional de Trabajadores de Venezuela* (UNETE) and the *Confederación de Trabajadores de Venezuela* (CTV). The objecting organizations alleged that the Government, without consultation with the other most representative workers'

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organizations, nominated a representative of the Central Bolivariana Socialista de Trabajadores y Trabajadoras de la Ciudad, el Campo y de la Pesca (CBST) as the Workers' delegate.

- 121.** In its objection, the CGT stated that on 4 May 2018, together with the CTV, the UNETE and the *Confederación de Sindicatos Autónomos de Venezuela* (CODESA), submitted a communication to the Government expressing their disapproval of the manner in which the Government had handled the invitations concerning the meeting held for the purposes of designating the Workers' delegation to the present session of the Conference. The Government had not only omitted to invite the UNETE, but had also provided the invited organizations with very short notice; reason why some of these organizations could not attend said meeting.
- 122.** In its objection, the UNETE, in addition to the allegations raised by the CGT, submitted that, despite the Committee's recommendations requesting the Government to assess the representativeness of the organizations based on objective and verifiable criteria, it had not only excluded the UNETE from the consultation process but had disregarded the UNETE's communication of 25 April 2018, which contained their designated representatives. Without consulting the most representative workers' organizations, the Government had nominated the Workers' delegate and substitute from the CBST, an organization alleged to be composed of public sector workers wholly associated with and dependent upon the Government. By continuously accrediting representatives of CBST, the Government had restricted the right to speak of advisers from other accredited organizations, and without a process of rotation in place the composition of the delegation was unbalanced. The objecting organization further recalled the violation by the Government of its constitutional obligations as well as international labour standards, in particular Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize.
- 123.** In its objection, the CTV shared the concern of the other objecting organizations regarding the lack of consultations between the most representative workers' organizations, which was a violation of article 3(5) of the ILO Constitution and contravened the various recommendations issued by the Committee in the previous sessions of the Conference. The CTV further alleged that the accreditation of its General Secretary, Mr Elías Torres, as adviser in the Workers' delegation was made through a dishonest mechanism used by the Government to create an illusion of inclusiveness of the different workers' organizations and respect of labour rights in the country in view of the process launched pursuant to article 26 of the ILO Constitution. Therefore, the CTV urged the Committee to remove Mr Torres from the Workers' delegation list.
- 124.** In written communications addressed to the Committee at its request, the Government stated that in full conformity with its constitutional obligations, it had limited itself to seeking an agreement between the most representative workers' organizations. The CBST, the most representative organization in the country, had initially undertaken the necessary consultations for the purposes of designating the Workers' delegation. The Government clarified that some CBST's affiliates were workers from the national public administration (not from the Government) but that the type of affiliates was no reason for questioning its independence. Furthermore, the Government submitted that as indicated by CBST, the UNETE had not been invited to participate in the consultation process because the CBST did not find evidence from an operational viewpoint of UNETE union activity. The Government added that CBST's statement reflected the differences between these two organizations, affairs in which the Government did not wish and should not interfere. The Government further indicated that the National Trade Union Registry (NTUR) records showed that the UNETE had one affiliate, a federation with seven workers.

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- 125.** With regard to the alleged short notice of its invitations the Government submitted that, in accordance with the principle of non-interference and at CBST's request, the latter handled the consultation process, yet in view of the approaching deadline for submission of credentials it had decided to invite the most representative workers' organizations to a meeting for the purposes of designating the Workers' delegation. To this end, it had extended invitations to the CBST, the CGT, the CTV, the UNETE, the CODESA and the *Central Unitaria de Trabajadores de Venezuela* (CUTV), and provided copies of its electronic communications to these organizations. It further provided a copy of the minutes of the 3 May 2018 meeting with the CBST and the CUTV as participants. The CTV and the CGT excused themselves due to conflicting schedules. The UNETE and the CODESA did not confirm receipt of the invitation nor attended the meeting. Therefore, in view of the limited attendance at the meeting and held for the purposes of designating the Workers' delegation the meeting was adjourned. The Government further stated that it had received the nominations from the CGT, the UNETE and the CUTV, which it further conveyed to the CBST. The Government also indicated that further to CBST's verbal information, a meeting held by the CBST on 8 May 2018, included the participation of the CTV, the CODESA, the CUTV and the CGT. As a result of the consensus between these organizations, the CBST submitted to the Government their designated representatives which were accredited for the purpose of attending the present session of the Conference.
- 126.** As to the objection presented by CGT in particular, the Government mentioned that it was Ms Juana Chireno, who represented the CGT at the organization's own request. Mr Antonio Rodríguez, who had signed the objection as President of the CGT, did not appear as such in the NTUR. The Government, also questioned the good faith and receivability of the objection presented by the CTV, noting that it was signed by Mr Elías Torres (CTV's Secretary-General), an accredited adviser of the Workers' delegation. It stressed that the conflicting information provided by the CTV may be the result of the internal difficulties within the organization and submitted a copy of the national judgment of 16 April 2018 (issued by the Electoral Chamber of the Supreme Court of Justice) concerning the election of the executive bodies of the CTV. In closing, the Government denied that it had intervened in the composition of the Workers' delegation and reassured its respect of all workers' organizations in the country and that none of them had been excluded, and hence considered the objections unfounded.
- 127.** *Concerning the receivability of the objection presented by the CGT, in accordance with article 26bis(1)(c) of the Standing Orders of the Conference, the Committee considers that the objection can be examined as it was submitted by Mr Antonio Rodríguez, President of CGT, and not Ms Juana Chireno, Workers' adviser who also derives from the CGT. As to the allegations made by the Government about the legitimacy of the representation of CGT by Mr Rodríguez, the Committee notes that this is an internal matter which does not fall within the Committee's mandate.*
- 128.** *Concerning the receivability of the objection presented by the CTV, the Committee notes that in accordance with article 26bis(1)(c), it may appear in the first instance that the objection is not receivable since it was signed by Mr Elías Torres, CTV's Secretary-General and an accredited Workers' adviser. However, in the absence of sufficient and reliable written information about the alleged [lack of] consent of CTV to said accreditation, the Committee can come to no conclusion on this particular case.*
- 129.** *The Committee deeply regrets once again that, by providing outdated information from the NTUR with respect to the objecting organizations, the Government has failed to provide objective evidence regarding the representativeness of all the workers' organizations concerned. The absence of this information, repeatedly requested by the Committee, gives rise to deepening concerns regarding the conformity of the nomination of the Workers' delegation with the provisions of article 3(5) of the ILO Constitution. In those situations*

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*where there are two or more representative workers' organizations, the Government is obliged to actively seek an agreement between them for the purpose of nominating the Workers' delegation. This obligation is not fulfilled where a government extends as a mere formality an invitation to some of the largest organizations, nor can one organization claim for itself the right to establish the criteria for representativeness of the organizations in the country nor appoint the Workers' delegate without even attempting to reach an agreement with the other workers' organizations. Failing an agreement among the most representative organizations, the Government must actively assess, based on objective and verifiable criteria, which organization (or group of organizations that have agreed on a common proposal) is the most representative.*

- 130.** *In light of the foregoing and that a commission of inquiry is soon to be launched pursuant to article 26 of the ILO Constitution, the Committee considers that it is necessary to renew the monitoring measures (see paragraphs 21 to 29 above) pending the outcome of that process and subject to compliance by the Government with its constitutional obligations.*

**Objection concerning the failure to deposit credentials of an Employers' delegate by the Government of Yemen**

- 131.** The Committee received an objection presented by the International Organisation of Employers (IOE) concerning the failure to deposit credentials of an Employers' delegate by the Government of Yemen. The IOE requested that the Committee call upon the Government to provide explanations about this situation and that it recommend to the Government that it fulfil its constitutional obligations in the future pursuant to article 3(1) of the ILO Constitution.
- 132.** *The Committee regrets that the Government has not responded to its request for information nor has it accredited a fully tripartite delegation. The Committee recalls that at the last three sessions of the Conference, Yemen has been exclusively represented by the Government. The Committee notes that at the present session of the Conference, a Workers' delegate has been accredited but has not registered. While noting that in response to two previous objections, the Government explained that it had failed to accredit a tripartite delegation as it had not received any nominations, either from the workers' or the employers' side, despite its request, and because of the armed conflict in the country (Provisional Record No. 5C, 106th Session, 2017, paragraph 147; Provisional Record No. 5C, 104th Session, 2015, paragraph 89), the Committee regrets that the Government had again failed to send a fully tripartite delegation to the present session of the Conference.*
- 133.** *Notwithstanding, the Committee stresses that the Government, in accordance with article 3(1) of the ILO Constitution, remains obligated to nominate a tripartite delegation to the Conference. The Committee considers that the Government has not met this obligation. To this end, it calls on the Government to make serious efforts and to ensure that a fully tripartite delegation is accredited to the next sessions of the Conference. By sending a delegation that is exclusively governmental, the Government deprives the employers and workers of the country of their right of being represented in the highest policy-making body of the ILO and to participate in its work. Without the participation of Government, Employer and Worker representatives, the Conference cannot function properly or attain its objectives. The Committee regrets the Government's continued failure to fulfil its constitutional obligations and expects it to send a fully tripartite delegation to the Conference next year.*

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## Complaints

134. The Committee also received and dealt with ten complaints, which are listed below.

### ***Complaint concerning the non-payment of travel and subsistence expenses of the Workers' delegate and adviser by the Government of Afghanistan***

135. The Committee received a complaint, in accordance with article 26ter(1) of the Standing Orders of the Conference, submitted by the International Trade Union Confederation (ITUC) concerning the non-payment of travel and subsistence expenses of the Workers' delegate, Mr Maroof Qaderi, and his adviser, Ms Sweeta Azimi, both from the National Union of Afghanistan Workers and Employees (NUAWE). Mr Qaderi and Ms Azimi had not received any advance payment from the Government and had therefore incurred costs for their travel to Islamabad to obtain their visas, and subsequently Geneva to attend the present session of the Conference. Adding urgency to the matter, the Government had frozen NUAWE's bank account. Further, the complainant alleged a serious and manifest imbalance between the number of Government and Workers' advisers. It alleged that the Workers' delegation did not have enough advisers to cover the six items of the agenda. The complainant urged the Committee to call upon the Government to comply with its constitutional obligations further to article 13(2)(a) of the ILO Constitution and immediately cover the travel and subsistence expenses for the above individuals.

136. In a written communication addressed to the Committee at its request, the Government confirmed, that the funds for travel and subsistence expenses of the Workers' delegate for the entire duration of the Conference, had been released well in advance. It submitted that, further to an understanding with the Workers' group, it had always been the normal practice to cover the expenses of only the Workers' delegate. In relation to the alleged serious and manifest imbalance between the Government and Workers' advisers, the Government submitted that the number of members of the Government delegation was in line with this year's six point agenda. However, the Government expressed its commitment to exploring other ways to allocate additional resources to increase the representation of workers and employers in future years and that it was working on solving the issues relating to NUAWE's frozen bank account.

137. *The complaint states that there is a failure to pay the travel and subsistence expenses, but this allegation is disputed by the Government. The Committee considers that this information cannot be reconciled. However, both the complainant and the Government agree that the complainant's bank account has been frozen, which may account for this divergence. Should this be the case, the Committee considers that the Government could have been expected to take account of this fact and urges that this situation be resolved in the very near future. However, the Committee must recall that the obligation under article 13(2)(a) of the ILO Constitution requires governments not only to bear the expenses necessary for a member State's tripartite delegation to be present in Geneva for the whole duration of the Conference, but to make sure that the necessary financial means are made available to the participants concerned sufficiently in advance, so that the participation of delegates who cannot afford to advance expenses is not jeopardized. Therefore, if not done so yet, it urges the Government to act quickly in meeting its obligations.*

138. *The Committee recalls that the competence conferred to it to examine complaints on the non-observance of article 13(2)(a) of the Constitution also includes, in accordance with article 26ter(1)(b) of the Conference Standing Orders, cases of serious and manifest imbalance as between the number of Employers' or Workers' advisers whose expenses have been covered in the delegation as compared to the number of advisers appointed for the Government delegates. The Committee notes that whereas the Government has the ability to*

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*assure its representation through a diplomatic mission (three persons have been nominated from the Permanent Mission), the same cannot be said for employers' or workers' organizations. Therefore, not only does the Committee recall the importance of respect for the principles of tripartism which requires a balanced representation of employers and workers so as to permit their effective participation at meetings, it urges the Government to ensure that its budget covers adequate funding for the full duration of the Conference, thus ensuring its compliance with its obligations as set out under articles 3(1) and 13(2)(a) of the ILO Constitution. Without the participation of Government, Employer and Worker representatives, the Conference cannot function properly or attain its objectives. Therefore, the Committee notes the Government's undertaking to increase the representation of workers and employers in future years and urges the Government to act accordingly so as to meet its constitutional obligations.*

**Complaint concerning a serious and manifest imbalance between the number of Government and Employers' advisers whose expenses have been covered by the Government of the Plurinational State of Bolivia**

139. The Committee received a complaint presented by the Employers' group, in accordance with article 26ter(1)(b) of the Standing Orders of the Conference. The complainant stated that the Government delegation was composed of eight accredited members, whereas the Employers' delegation had two accredited members and the Workers' delegation had three accredited members. It alleged that the current composition of the delegation violated the principle of a balanced representation of the three groups. It further submitted that, even if not serious and manifest, there was an imbalance between the number of Employers' and Workers' delegates and advisers. The complainant also stated that the Government should guarantee a balanced composition in the groups to ensure their adequate representation and participation in the Conference.
140. In a written communication addressed to the Committee at its request, the Government stated that, in accordance with article 13(2)(a) of the ILO Constitution, it had fulfilled its constitutional obligations by accrediting and covering the travel and subsistence expenses of all members of the Workers' delegation (one delegate and two advisers) and of the Employers' delegation (one delegate and one adviser). The Government further submitted that for the present session of the Conference and as previously done for last year's session, the names of those individuals had been nominated entirely at the discretion of the employers' and workers' organizations, *Confederación de Empresarios Privados de Bolivia* (CEPB) and the *Central Obrera Bolivariana* (COB), respectively. In support, it attached copies of the relevant communications. Although those communications referred to the Government's request to CEPB and COB to nominate two members each, the Government further submitted that for last year's session of the Conference, it had accepted to cover the payment of travel and subsistence expenses for a total of three members of the Employers' delegation and that for the present session the same practice had been retained. However, for the present session of the Conference the Government stated that the CEPB only submitted two names. As for the Government delegation, the Government specified that for the present session of the Conference, it had accredited nine members (four from the capital and five from the Permanent Mission). For these reasons, the Government considered the complaint unfounded.
141. *The Committee wishes to recall that its mandate to examine complaints under article 26ter(1)(b) of the Standing Orders of the Conference is to assess whether there is a serious and manifest imbalance as between the number of advisers in the Government, Employers' and Workers' delegations whose expenses have been covered. Therefore, while*

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*the Government has explained that it has covered the expenses of four members of its delegation, three members of the Workers' delegation and two members of the Employers' delegation (as well as a third who could have implicitly been accredited), according to the Revised Provisional List of Delegations of 1 June 2018, the Government's delegation is composed of six advisers (three from the capital and three from the Permanent Mission).*

142. *While the participation of advisers from the Permanent Mission entails no additional cost to a government, it has little bearing in the determination of the imbalance between the number of Government advisers and those in the Employers' delegation whose expenses are fully funded. In the instant case, the Committee observes that whereas each Government delegate is accompanied by three advisers, the Employers' delegate was accompanied by one (even if they had the possibility of two) and the Workers' delegate was accompanied by two. While the Committee may consider that there is an imbalance between the number of Government advisers (three) as compared to either the Employers' advisers (one) and Workers' advisers (two) whose expenses are borne, it cannot be considered serious and manifest. Therefore, the complaint does not call for any action on its part. However, the Committee invites the Government to be clearer in its invitations about the number and status of the nominees (delegates and advisers) with the objective of maintaining an equal distribution within the delegation. The Committee recalls that the payment of travel and subsistence expenses is not at the entire discretion of the Government and cannot be considered as a favour. The Government must be careful to ensure that the financial means available for the participation of a tripartite delegation to the Conference be distributed between the Government, the Employers' and the Workers' delegations at least in a proportion similar to that envisaged in the Constitution for the composition of delegations to the Conference.*

**Complaint concerning the non-payment of travel and subsistence expenses of the Workers' delegation of Comoros**

143. The Committee received a complaint presented by the International Trade Union Confederation (ITUC) alleging the non-payment of travel and subsistence expenses for the Workers' delegation, in breach of article 13(2)(a) of the ILO Constitution and on the basis of article 26ter(1) of the Conference Standing Orders. The complainant organization submitted that the Workers' delegate, Mr Soulaïmana Salim, Secretary-General of the *Confédération des Travailleuses et Travailleurs des Comores* (CTTC), had been informed by the Government that, similarly to the rest of the Workers' delegation, his travelling and subsistence allowances would not be paid. As a result, they had been unable to travel to Geneva to attend the Conference. The complainant organization further alleged a serious and manifest imbalance in the composition of the Comoros' delegation. In this regard, it submitted that the Government delegation was composed of a total of 22 members, compared to four members in the Workers' delegation. The complainant organization specified that this was not enough for it to follow the six agenda items of the Conference. Therefore, it requested the Committee to call upon the Government to provide further clarifications on this matter and to fulfil its constitutional obligations.

144. In a written communication addressed to the Committee at its request, the Government stated that the Workers' delegate, similarly to other members of the Comoros' delegation, had not been able to attend the Conference due to visa issues. The Government explained that Mr Salim had not obtained his visa as he was unable to present himself at the Swiss Embassy in Antananarivo, Madagascar, as required, to provide fingerprints. The Government indicated that it could not cover a mission that was not guaranteed, and specified that other members of the delegation travelled to Antananarivo for the same purpose at their own expenses. The latter individuals were presently awaiting response on their visa requests. The Government stressed that it had respected tripartism in the payment of the expenses, as

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demonstrated in the documents attesting that Mr Salim's travelling and subsistence expenses had been duly budgeted.

145. *The Committee notes that there is a discrepancy in the information before it, which cannot be reconciled and challenges the work of the Committee. The Committee recalls that pursuant to article 13(2)(a) of the ILO Constitution, governments have an obligation to pay the travel and subsistence expenses of the delegates and their advisers nominated to the Conference. It considers that this obligation extends to assisting the non-governmental delegates in obtaining their visas for the purposes of attending the Conference. Pursuant to article 3(1) of the ILO Constitution, the non-governmental delegates are representatives of the member States to the same extent as the Government delegates. Accordingly, while the Committee notes that the Government accredited the delegation in a timely fashion (on 6 May 2018), it considers that the Government should have made the necessary arrangements to facilitate the issuance of visas for its tripartite delegation and in particular for the titular delegates (i.e. Mr Salim in the case at hand), especially since the visa processing facilities are not in-country. Indeed, the Committee notes that only two members of the delegation (i.e. the Minister and a Government's adviser) have registered.*
146. *With respect to the allegations of serious and manifest imbalance, the Committee recalls that the competence conferred on it to examine such complaints, in accordance with article 26ter(1)(b) of the Conference Standing Orders, refers to situations of serious and manifest imbalance as between the number of Employers' or Workers' advisers whose expenses have been covered in the delegation and the number of advisers appointed for the Government delegates. While the Committee cannot confirm whether the expenses of the Workers' advisers would have been covered if they would have obtained visas, the Committee notes that the Workers' delegation contains three Workers' advisers compared to nine advisers for the two Government delegates. Although the Committee would not consider that this composition represents a serious and manifest imbalance, the Committee finds that the total number of members accredited to the Government delegation (i.e. 22, of which nine are advisers) compared to the four members accredited to the Workers' delegation does not follow the spirit of article 3 the ILO Constitution.*
147. *In this regard, the Committee wishes to recall that the ability for the social partners to actively participate in the work of the Conference depends to a large extent on the number of advisers that accompany their delegate to the Conference. The Conference in its current format is characterized by a condensation of the work in a much shorter period than before. This regularly results in simultaneous sittings of four or five technical committees and sometimes the plenary, such as at the present session of the Conference, that includes six agenda items. While there is no constitutional obligation for a Government to nominate advisers, it must be recognized that the Conference can only work properly if there are a sufficient number of advisers present in the three groups of the Conference. Therefore, the Committee expects that the Government, in accordance with article 13(2)(a) of the ILO Constitution, will make sufficient budgetary provisions for the participation of advisers in the work of the Conference, thus encouraging the nomination of the effective participation of the social partners.*

**Complaint concerning the non-payment of travel and subsistence expenses of the Employers' delegation by the Government of Eswatini (formerly known as Swaziland)**

148. The Committee received a complaint from the Employers' group of the Conference alleging that the Government had breached its obligations under article 13(2)(a) of the ILO Constitution in that it had failed to pay the travel and subsistence expenses of the entire Employers' delegation. The Employers' group submitted that it had been informed by the

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Federation of Swaziland Employers and Chamber of Commerce that, while the Government had paid the travel and subsistence expenses of the full Government delegation, it had only paid for the expenses of one of the three members of the Employers' delegation. The Employers' group considered that this constituted a serious and manifest imbalance as between the number of Employers' and Workers' advisers whose expenses have been covered in the delegation concerned and the number of advisers appointed for the Government delegates within the meaning of article 26ter(1)(b) of the Standing Orders of the Conference. It submitted that the Government's failure to meet its constitutional obligations directly undermined the ability of the employers of Eswatini to fully participate in the work of the Conference, in contradiction with the resolution concerning the strengthening of tripartism in the overall activities of the International Labour Organization, adopted by the Conference at its 56th Session (1971) as well as with the spirit of tripartism required of the Government required by virtue of its membership to the ILO.

- 149.** In a written communication addressed to the Committee at its request, the Government submitted that, in a consultation meeting regarding the nomination of the tripartite delegation to the present session of the Conference, held on 26 April 2018, it had clarified that due to financial constraints it could only pay the travel and subsistence expenses of one Employers' and of one Workers' delegate. It had further clarified that it would accredit other nominees from the employers' and workers' organizations only if their participation costs were to be covered by the nominating organizations. The Government considered that was prevalent practice among member States to send to the Conference delegations composed, in their majority, of Governments members, while only paying for the travel and subsistence expenses of one Employers' and one Workers' delegate. The Government considered that the practice, which rendered articles 3(2) and 13(2)(a) of the ILO Constitution obsolete, should be codified in the context of the current review of the Standing Orders of the Conference. It requested the Committee to be fair and objective in its determination of the matter.
- 150.** *The Committee notes that a similar complaint regarding the non-payment of travel and subsistence expenses of the full tripartite delegation has been filed separately by Trade Union Congress of Swaziland (TUCOSWA) for the third consecutive year.*
- 151.** *According to the Revised Provisional List of Delegations of 1 June 2018, the Committee notes that the Government has accredited an Employers' delegate with two advisers and substitute delegates as well as a Workers' delegate with five advisers and substitute delegates. However, it has only paid for the travel and subsistence expenses of the Employers' delegate and the Workers' delegate. The Committee notes that according to the Government, the non-payment of participation costs of the full delegation is due to financial constraints. However, the Committee observes that in the Government delegation there are, in addition to two delegates from the capital, nine accredited advisers of whom six are from the capital and three are from the Permanent Mission in Geneva. The Committee recalls that whereas a government has the ability to assure its representation through a diplomatic mission, the same cannot be said for employers' and workers' organizations.*
- 152.** *The Committee wishes to recall that the ability of the social partners to actively participate in the work of the Conference depends to a large extent on the number of advisers that accompany their delegate to the Conference; to expect that those advisers attend the Conference at their own expense is incompatible with article 13(2)(a) of the ILO Constitution which requires member States to pay the travel and subsistence expenses of the delegates and their advisers nominated to the Conference.*
- 153.** *The Committee takes note of the explanation provided by the Government that the non-payment of travel and subsistence expenses of the Employers' and Workers' advisers was due to financial reasons. Nevertheless, the Committee expects that the Government will give*

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*sufficient budgetary priority to funding a balanced number of participants in the three parts of the delegation in order to facilitate their participation in the work of the Conference.*

- 154.** *The Committee disagrees with the Government's assertion that because some member States send to the Conference delegations composed, in their majority, of Government members, this renders obsolete their obligation under article 13(2)(a) of the ILO Constitution (to pay the travel and subsistence expenses of the delegates and their advisers nominated to the Conference). The Committee also disagrees that this calls into question the need for the scrutiny exercised by the Committee in this matter under article 26ter(1) of the Standing Orders of the Conference.*
- 155.** *The Committee recalls that the Government has formally accepted the obligation to pay the travel and subsistence expenses of the delegates and their advisers nominated to the Conference upon becoming an ILO member State. It therefore urges that next year the Government will fully meet its constitutional obligations.*

**Complaint concerning the non-payment of travel and subsistence expenses of the Workers' delegation by the Government of Eswatini (formerly known as Swaziland)**

- 156.** The Committee received a complaint from the Trade Union Congress of Swaziland (TUCOSWA) alleging non-payment of travel and subsistence expenses for the entire Workers' delegation. It submitted that, while the Government had paid the travel and subsistence expenses of seven advisers of the Government delegation, it had only paid the expenses of one Workers' adviser. The complainant organization considered that the composition of the Workers' delegation, as compared to the Government delegation, was therefore unbalanced and not in conformity with the spirit and tenor of the ILO Constitution. TUCOSWA stated that the Government had justified the non-payment of the expenses of the entire Workers' delegation because of financial constraints. However, TUCOSWA recalled that it had filed two earlier complaints regarding the same matter during the 105th (2016) and 106th (2017) Sessions of the Conference. It was not until immediately before the present session of the Conference that the Government had proceeded with the reimbursement of the travel and subsistence expenses of the Workers' delegation to the two preceding sessions. This was notwithstanding the fact that the issue had been raised on numerous occasions in the context of social dialogue. TUCOSWA requested that the Committee order the Government to pay for a balanced number of advisers of the Workers' and Employers' delegation in compliance with the ILO Constitution.
- 157.** In a written communication addressed to the Committee at its request, the Government submitted that, in a consultation meeting for the nomination of the tripartite delegation to the present session of the Conference held on 26 April 2018, it had clarified that due to financial constraints, it would only pay the travel and subsistence expenses of one Workers' delegate from TUCOSWA and of one Employers' delegate from the Federation of Swaziland Trade Unions (FSE/CC). The Government further submitted that, upon its written invitation dated 17 April 2018, TUCOSWA had provided on 26 April 2018 the name of the Workers' delegate whose travel and subsistence expenses were to be funded. It also provided the names of three other people whose participation costs were to be funded by TUCOSWA. The Government stressed that it would not have accredited three other persons from the complainant organization had it not been expressly stated in its letter it would cover these individuals' participation costs. The Government considered that the complainant organization's claims regarding the payment of travel and subsistence expenses of the three additional members of the Workers' delegation from within its ranks was shocking. It submitted that the difficult financial conditions made it difficult, if not impossible, for it to pay the travel and subsistence expenses of the three additional persons nominated by

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TUCOSWA. The Government also considered that it was prevalent practice among member States to send to the Conference delegations composed, in their majority, of Government members, while only paying for the travel and subsistence expenses of one Employers' and one Workers' delegate. The Government considered that the practice, which rendered articles 3(2) and 13(2)(a) of the ILO Constitution obsolete, should be codified in the context of the current review of the Standing Orders of the Conference. It requested the Committee to be fair and objective in its determination of the matter.

- 158.** *The Committee regrets that it is seized for a third consecutive with a complaint regarding the non-payment of travel and subsistence expenses of the Workers' delegation by the Government of Eswatini. In addition, this year, a separate complaint regarding the same matter has been lodged by the Employers' group of the Conference (see paragraphs 147 to 154).*
- 159.** *According to the Revised Provisional List of Delegations of 1 June 2018, the Committee notes that the Government has accredited an Employers' delegate with two advisers and substitute delegates as well as a Workers' delegate with five advisers and substitute delegates. However, it has only paid for the travel and subsistence expenses of one Employers' delegate and one Workers' delegate. The Committee notes that according to the Government, the non-payment of participation costs of the full delegation is due to financial constraints. However, the Committee observes that in the Government delegation there are, in addition to two delegates from the capital, nine accredited advisers of whom six are from the capital and three are from the Permanent Mission in Geneva. The Committee recalls that whereas a government has the ability to assure its representation through a diplomatic mission, the same cannot be said for employers' and workers' organizations.*
- 160.** *The Committee wishes to recall that the ability for the social partners to actively participate in the work of the Conference depends to a large extent on the number of advisers that accompany their delegate to the Conference; to expect that those advisers attend the Conference at their own expense is incompatible with article 13(2)(a) of the ILO Constitution which requires member States to pay the travel and subsistence expenses of the delegates and their advisers nominated to the Conference*
- 161.** *The Committee takes note of the explanation provided by the Government that the non-payment of travel and subsistence expenses of the Employers' and Workers' advisers was due to financial reasons. Nevertheless, the Committee expects that the Government will give sufficient budgetary priority to funding a balanced number of participants in the three parts of the delegation in order to facilitate their participation in the work of the Conference.*
- 162.** *The Committee disagrees with the Government's assertion that because some member States send to the Conference delegations composed, in their majority, of Government members, this renders obsolete their obligation under article 13(2)(a) of the ILO Constitution (to pay the travel and subsistence expenses of the delegates and their advisers nominated to the Conference). The Committee also disagrees that this calls into question the need for the scrutiny exercised by the Committee in this matter under article 26ter(1) of the Standing Orders of the Conference.*
- 163.** *The Committee recalls that the Government has formally accepted the obligation to pay the travel and subsistence expenses of the delegates and their advisers nominated to the Conference upon becoming an ILO Member. It therefore urges that next year the Government will fully meet its constitutional obligations under article 13(2)(a) of the ILO Constitution.*

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**Complaint concerning an act or omission by the Government of Haiti by which an accredited delegate has been prevented from attending the Conference**

164. The Committee received a complaint, based on article 26<sup>ter</sup>(2) of the Conference Standing Orders, on 30 May 2018, presented by the International Trade Union Confederation (ITUC), stating that the Workers' delegate, Ms Schella Loreus of the Coordination Syndicale Haïtienne (CSH), had been prevented from attending the full session of the Conference. The ITUC submitted that the Ministry of Labour and Social Affairs had delivered an invitation letter to Ms Loreus only on 24 May 2018, and had advised her to contact the French Embassy, instead of the competent Spanish Embassy, in order to obtain her entry visa to Switzerland. The ITUC submitted that, due to the late invitation and erroneous information provided by the Government, Ms Loreus could not obtain her Swiss entry visa in time in order to permit her to attend the first week of the Conference including, in particular, the opening session of the Conference and the discussion concerning the case of Haiti in the Committee on the Application of Standards on 31 May 2018, since she would only arrive on 3 June 2018. The ITUC requested that the Committee call upon the Government to provide explanations about this situation and to recommend that the Government fulfil its constitutional obligations by ensuring that, in the future, the Workers' delegate receives the necessary travel documents in a timely manner so as to permit them to participate in the Conference from its opening and for its entire duration.
165. In a written communication addressed to the Committee at its request, the Government regretted the delay in processing of the Swiss entry visas for the members of the delegation from the capital, including Ms Loreus. However, the complaint came as a surprise to the Government as it had promptly accredited during the Conference another Workers' adviser and substitute delegate in order to ensure active participation of a Worker representative in the discussion concerning the case of Haiti in the Committee on the Application of Standards on 31 May 2018. The Government requested the Committee not to uphold the complaint.
166. *The Committee notes that, in view of the two-week format of the Conference, the time limit for the deposit of credentials was, for the fourth consecutive year, brought to 21 days prior to the opening session of the Conference rather than the minimum 15 days as foreseen in the Standing Orders of the Conference. For the present session of the Conference, this date was 7 May 2018. The Committee recalls that this adjustment was, in particular, aimed at allowing sufficient time to process the Swiss entry visas for tripartite delegations and thereby facilitating their attendance for the full duration of the Conference. The Committee notes with concern that the credentials of the delegation of Haiti were only deposited on 25 May 2018, thus preventing the Workers' delegate from obtaining her Swiss entry visa in good time in order to attend the Conference for its full duration. Therefore, while the Committee has been able to confirm that the Government did accredit an additional Workers' adviser and substitute delegate on 30 May 2018, it does not consider that this is sufficient for it to discharge its responsibility of timely accreditation. The Committee calls upon the Government to abide by the limit for the deposit of credentials so as to allow for the full participation of the tripartite delegation in the Conference for its entire length.*

**Complaint concerning the non-payment of travel and subsistence expenses of the Workers' delegate and two advisers by the Government of Italy**

167. The Committee received a complaint presented by the Workers' delegate, Mr Plinio Limata, of the Italian Confederation of Workers' Trade Unions (CISL), on his own behalf for the non-payment of travel and subsistence expenses, as well as on behalf of the Workers' adviser

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and substitute delegate, Ms Silvana Cappuccio, of the Italian General Confederation of Labour (CGIL) and a Workers' adviser, Ms Bianca Cuciniello, of the Italian Union of Labour (UIL). The author of the complaint submitted that the Government's failure to cover the travel and subsistence expenses of the workers was a breach of article 13(2)(a) of the ILO Constitution. He further submitted that already in 2017, the Government had failed to honour its commitment to reimburse the expenses of the Workers' delegation. The complainants considered that the repeated failure of the Government to pay the travel and subsistence expenses of the Workers' delegation posed increasing obstacles to the adequate participation of the Workers' delegation to the Conference.

168. In a written communication addressed to the Committee at its request, the Government explained that during the ILO Tripartite Advisory Committee meeting held on 24 May 2018 for the purposes of preparing for the present session of Conference, it was clarified that the Ministry of Foreign Affairs and International Cooperation would reimburse the travel and subsistence expenses of the Employers' delegate, as well as the Workers' delegate and his three advisers. The Government further explained that during the 24 May meeting, it had also been specified that for the next session of the Conference, delegates and advisers of the social partners would be able to receive the travel and subsistence documents through the travel agency used by the Ministry for official missions. It further indicated that the delay in the payment of travel and subsistence expenses of the delegates and advisers of the social partners in respect of their participation in the last year's session of the Conference stemmed from the need to conduct a more in-depth examination of the supporting documentation provided.
169. *The Committee notes that this is the third time in the last decade that it has been seized with a complaint regarding the non-payment expenses of the entire Workers' delegation by the Government of Italy. A similar complaint had indeed been lodged with the Committee both at the 101st and 103rd Sessions of the Conference in 2012 and 2014 respectively.*
170. *The Committee recalls that article 13(2)(a) of the ILO Constitution imposes on its Members an obligation to pay the travel and subsistence expenses of the delegates and their advisers nominated to the Conference. The Committee notes the Government's explanation that, on 24 May 2018 – merely two working days before the opening session of the Conference – it committed itself to the reimbursement of the travel and subsistence expenses of the Employers' delegate, as well as the Workers' delegate and his three advisers to the present session of the Conference. However, the Committee observes that despite a similar commitment made by the Government last year, the payment of travel and subsistence expenses of the delegates and advisers of the social partners in respect of their participation in the 106th Session of the Conference remains pending.*
171. *The Committee recalls that the timely payment of travel and subsistence expenses of the full tripartite delegation plays an important role in ensuring its actual participation in the Conference. The Committee expects that the Government of Italy, which is a member State of chief industrial importance, will take the necessary steps in the future to ensure that payments of travel and subsistence expenses of the delegation occur as early as possible, so as to permit participation by those nominated to serve as delegates and advisers for the full duration of the Conference.*

**Complaint concerning the non-payment of the travel and subsistence expenses of the Workers' advisers by the Government of Peru**

172. The Committee received a complaint submitted jointly by the *Confederación General de Trabajadores del Perú* (CGTP), the *Confederación Unitaria de Trabajadores del Perú* (CUT), the *Confederación de Trabajadores del Perú* (CTP) and the *Central Autónoma de*

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*Trabajadores del Perú* (CATP). The complainants stated that the Government had failed to fulfil its obligations pursuant to article 13(2)(a) of the ILO Constitution. In this regard, they stated that only a few days prior to the opening of the present session of the Conference, the Government had convoked them to a meeting to inform them of its decision not to pay for the travel and subsistence expenses of the full delegation. Therefore, they were not provided with the minimum amount necessary that would permit a full Workers' delegation to participate at the present session of the Conference. Furthermore, the complainants alleged that the failure to pay for the expenses of the full delegation violated an agreement unanimously adopted in 2012 in the *Consejo Nacional de Trabajo y Promoción del Empleo del Estado Peruano*, which established that the Workers' delegation to future sessions of the International Labour Conference would include a delegate deriving from each of the four most representative organizations in the country, namely, CGTP, CUT, CTP and CATP. In protest, the complainants decided to withdraw their participation to the present session of the Conference and requested that the Committee call upon the Government to not only abide by its constitutional obligations, but the 2012 agreement.

173. In a written communication addressed to the Committee at its request, the Government explained that due to the promulgation of the *Decreto de Urgencia No. 005-2018*, which established extraordinary measures in public spending for the year 2018, it had to limit the payment of expenses to only two members per each group, including the Government delegation. The Government stated that on 10 May 2018, it had met with the representatives of the four complainant organizations to coordinate their participation to the present session of the Conference, in light of the financial restrictions imposed by said *Decreto de Urgencia*. In this meeting the complainant organizations manifested their disagreement and announced that unless the decision was reversed and the participation of all of them guaranteed, none of the complainant organizations would attend this year's Conference. On 24 May 2018, the Government announced to the General-Secretary of CGTP that the four representatives of the CGTP, CUT, CTP and CATP were accredited. However, the Government reiterated that it would only be able to cover the expenses of two members per group. Thus, it requested the names of the two representatives but the complainant organizations confirmed their decision to suspend their participation unless the expenses of all four representatives were covered. For its own part, the Government indicated that it had withdrawn from its own group, Mr Guillermo Martín Boza, Vice-minister of Labour and Employment Promotion and Mr Jorge Larrea de Rossi, Technical Secretary of the *Consejo Nacional del Trabajo y Promoción del Empleo* emphasizing the exceptional nature of the situation.
174. *The Committee notes that there is no dispute that there was a reduction in the number of individuals whose expenses would be funded due to the exceptional measures or that a 2012 agreement existed. The Committee also notes that the Government offered to pay for the expenses of two of the members of the Workers' and Employers' delegation. However, the Committee observes that in spite of the withdrawal of two members, the Government delegation still included seven members acting as delegates and advisers, four of which came from its Permanent Mission.*
175. *The Committee wishes to recall that the ability for the social partners to actively participate in the work of the Conference depends to a large extent on the number of advisers that accompany their delegate to the Conference; to expect that those advisers attend the Conference at their own expense is incompatible with article 13(2)(a), of the ILO Constitution.*

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176. *The Committee takes note of the explanation provided by the Government that the non-payment of travel and subsistence expenses of the Employers' and Workers' advisers was due to exceptional financial reasons. Nevertheless, the Committee expects that the Government will give sufficient budgetary priority to future sessions of the Conference and fund a fully tripartite delegation in accordance with the obligations taken at the national level.*
177. *The Committee trusts that the exceptional measures will be resolved by next year's conference so as to permit the workers participation.*

### **Complaint concerning insufficient subsistence expenses of the Employers' delegation of Serbia**

178. The Committee received a complaint concerning the insufficient subsistence expenses of the Employers' delegation of Serbia presented by the Employers' group of the Conference. The Employers' group submitted that the Government provided to each member of its tripartite delegation a daily subsistence allowance of €15 and recalled that it had presented a similar complaint at the previous session of the conference. The Employers' group recalled that the Committee had concluded last year that the subsistence expenses allocated by the Government were insufficient for attendance for the full duration of the Conference. Considering the cost of living and conditions required for decent accommodation and meals in Geneva, the Employers' group submitted that the Government had failed to comply with its obligations under article 13(2)(a) of the ILO Constitution and requested the Committee to formulate the recommendation it deemed appropriate.
179. In a written communication addressed to the Committee at its request, the Government stated that it had paid the costs of travel, accommodation and per diems for all the members of its tripartite delegation but that the per diem was the same for all. The Government also indicated that this year, unlike last year, it had proposed to pay for the entire tripartite delegation accommodation, full board, travel costs and per diem, which meant that the social partners would not have any additional costs to bear. However, this proposal to provide full board had not been accepted.
180. *The Committee notes that the Government has asserted that it has paid for the costs of transport, accommodation and per diem. The Committee takes further note of the Government's explanation that it offered to support the travel expenses, full board, accommodation and per diem, in an amount to guarantee the travel and subsistence expenses of the delegation and that this proposal was not accepted, the reasons of which were not stated.*
181. *The Committee recalls its conclusion from last year where it considered that a per diem of €15 was considered to be below a liveable minimum for Geneva and its vicinities. The Committee wishes to recall that, in accordance with article 13(2)(a) of the ILO Constitution, Members must pay the travel and subsistence expenses of their full delegation and, although, the Constitution does not specify the manner in which this obligation should be fulfilled, the Committee considers it is clear that the proposed arrangement does not meet the minimum level of subsistence expenses to permit the effective participation of the delegates at the Conference. Therefore, the Committee reiterates that the subsistence expenses allocated by the Government are insufficient for attendance for the full duration of the Conference, since those offered are evidently below a liveable minimum for Geneva, Switzerland and its surrounding vicinities.*

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182. *Consequently the Committee, recalling the importance of respect for the principles of tripartism which requires a balanced representation of employers and workers so as to permit their effective participation at meetings, invites the Government to fulfil its obligation to provide for the travel and subsistence expenses of the delegation in a manner compatible with article 13(2)(a) of the Constitution. Without the participation of Government, Employer and Worker representatives, the Conference cannot function properly or attain its objective. Therefore, the Committee urges the Government to act accordingly so as to meet its obligations.*

**Complaint concerning the non-payment of travel and subsistence expenses of the Employers' delegation by the Bolivarian Republic of Venezuela**

183. The Committee received a complaint submitted by the Employers' group. The complainant alleged the violation of article 13(2)(a) of the ILO Constitution. It submitted the non-payment of travel and subsistence expenses for a portion of the Employers' delegation, namely the representatives of the *Federación de Cámaras y Asociaciones de Comercio y Producción de Venezuela* (FEDECAMARAS). It further submitted that since an agreement was signed in 2014 between different employers' organizations and the Government, FEDECAMARAS, the most representative, had accepted the inclusion in the Employers' delegation representatives of other employers' organizations, regardless of their lack of independence or minority representativeness. As a consequence, the Employers' delegation to the present session counted with three representatives of the *Federación de Artesanos, Micros, Pequeñas y Medianas Industrias y Empresas* (FEDEINDUSTRIA). Other requests for inclusion in the delegation from *Empresarios por Venezuela* (EMPREVEN) and *Consejo Bolivariano de Industriales, Empresarios y Microempresarios* (COBOIEM) were conveyed by the Government to FEDECAMARAS after the deadline for submission of credentials and hence were not included. Furthermore, the complainant confirmed that the list of accredited members of the Employers' delegation was in accordance with the nomination submitted by FEDECAMARAS. However, as of the date the complaint was filed on 1 June 2018, the Government had not yet covered the travel and subsistence expenses of the Employers' delegate and adviser. Furthermore, the complainant expressed its concern about this incident, in particular in view that a commission of inquiry is soon to be launched pursuant to article 26 of the ILO Constitution.
184. In a written communication addressed to the Committee at its request, the Government confirmed that by the date of submission of this communication (4 June 2018), the Government had covered the payment of the travel and subsistence expenses of the Employers' delegate and adviser, and that at present, they were attending the Conference. The Government stated that in view of the economic difficulties in the country, it had reduced the payment of travel and subsistence expenses to only two members (the delegate and one adviser) of each the Workers' and the Employers' delegation; and had reduced to two the number of Government delegation members from the capital. It explained that the overdue payment was caused by a delay in the monetary conversion in view of the financial situation in the country. Furthermore, in line with FEDECAMARAS's statement, the Government confirmed that the accreditation of the Employers' delegation was indeed made in accordance with the nomination submitted by this organization, yet the Government rejected the allegation as to a possible inclusion in the delegation of bias employers' organizations or those with low representativeness.
185. *The Committee notes that there is no dispute that there was a reduction in the number of individuals whose expenses would be funded due to the exceptional measures. The Committee also notes that the Government offered to pay for the expenses of two Workers' and two Employers' members, respectively. However, the Committee observes that in spite of the reduction in members from the capital, the Government delegation still included five*

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*members acting as delegates and advisers, three of which came from its Permanent Mission. The Committee trusts that the exceptional measures will be resolved by next year's conference so as to permit a wider workers' and employers' participation.*

- 186.** *The Committee observes that the Government has in the meantime covered the payment of travel and subsistence expenses of the accredited Employers' delegate and an adviser. As it is not clear which adviser has been paid, the Committee wishes to recall that the obligation under article 13(2)(a) of the ILO Constitution requires governments not only to bear the expenses necessary for a member State's tripartite delegation to be present in Geneva for the whole duration of the Conference, but to make sure that the necessary financial means are made available to the participants concerned sufficiently in advance, so that the participation of delegates or advisers who cannot afford to advance expenses is not jeopardized. Therefore, the Committee urges the Government to meet its constitutional obligations in the future.*

## **Other matters**

- 187.** The Credentials Committee wishes to recall that it has been the custodian of the tripartite structure of the ILO since its inception. The Committee stresses that full compliance with the two fundamental constitutional obligations; to nominate the Employers' and Workers' delegates and advisers in agreement with their most representative organizations (article 3(5) of the ILO Constitution) and to pay the travel and subsistence expenses of delegates and their advisers, including those of the employers and workers attending the Conference (article 13(2)(a) of the ILO Constitution) is necessary for the genuine representatives of the governments, employers and workers of member States to be brought together and fully participate in the Conference.
- 188.** In this connection, the Committee remains concerned at the number of incomplete delegations, whether they be exclusively governmental or absent one of the social partners. In this regard, it recalls the Resolution concerning incomplete delegations adopted during the 6th Session (1924) of the Conference and considers that in the context of the Standing Orders review consideration should be given to the Credentials Committee so that it may be automatically seized of such cases.
- 189.** The Committee is also concerned, as the ILO nears its centenary, that participation at the Conference remains primarily that of men distributed among the three groups (government, employers and workers) with varying proportions of women depending on function and group. In this regard, based on the accreditation statistics, the Committee observes that in the delegations from the African region women represent 24.4 per cent, in the Americas 38.8 per cent, in Asia and the Pacific 28.9 per cent, and in Europe 44.3 per cent of the total number of delegates and advisers. Whereas the Committee notes that there is a slight increase of women representation in all delegations, it urges the constituents of all member States to reach at least the 30 per cent minimum of women participation in their delegations, particularly of women leadership positions with the goal of gender parity.

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- 190.** The number and size of accredited delegations may well attest to the increasing interest of tripartite constituents in the work of the Conference. However, the Committee considers that it is within its remit to reiterate that such a situation increasingly affects the efficient functioning of the Conference. The Committee reiterates its request that an in-depth analysis of all current accreditation arrangements and practices should be undertaken with a view to assessing their implications and identifying possible needs for improvement, as well as practical arrangements, such as direct communications to member States regarding the need to maintain the size of their delegation within reasonable limits. It also calls upon member States to similarly evaluate the specific functions of individuals they send, so that only those with a direct role and function at the Conference are accredited.
- 191.** The Credentials Committee adopts this report unanimously. It submits it to the Conference in order that the Conference may take note of it and adopt the proposals contained in paragraphs 12, 29 and 82.

Geneva, 7 June 2018

*(Signed)* Mr Michael Hobby,  
Chairperson

Mr Fernando Yllanes Martínez

Mr Jens Erik Ohrt







# ***Provisional Record***

107th Session, Geneva, May–June 2018

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**3D**



**Date:** Thursday, 14 June 2018

## **Plenary sittings**

### **Reports on credentials**

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Thursday, 31 May 2018, 2.30 p.m.

*President: Mr Mattar, Employer Vice-President  
of the Conference*

**Submission and noting of the first report  
of the Credentials Committee**

**The President**  
*(Original Arabic)*

It is my great pleasure to declare open this third plenary sitting of the 107th Session of the International Labour Conference.

I would like to draw your attention to the first report of the Credentials Committee, which is contained in *Provisional Record* No. 3B.

This report includes the calculation of the quorum required to validate votes held in plenary, as well as detailed information on the composition of the Conference and the various delegations, for example the percentages of women and men present.

The Conference is called on to take note of this report.

*(The Conference takes note of the report.)*

*(The Conference continues its discussion of the Reports of the Chairperson of the Governing Body and of the Director-General.)*

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Friday, 8 June 2018, 2.45 p.m.

*President: Ms Majali*

## **Submission and noting of the second report of the Credentials Committee and approval of the Committee's proposals**

### **The President**

I declare open the fourteenth sitting of the 107th Session of the International Labour Conference.

We begin this afternoon's proceedings with the second report of the Credentials Committee, which can be found in *Provisional Record* No. 3C.

If you permit, I would like to briefly remind you of the composition of the Committee – the Chairperson, Mr. Hobby, the Employer Vice-Chairperson, Mr Yllanes Martínez and the Worker Vice-Chairperson, Mr Ohrt.

The Chairperson of the Credentials Committee, Mr Hobby, will present the Committee's second report.

### **Mr Hobby**

Chairperson of the Credentials Committee

I am pleased to present to the Conference the second report of the Credentials Committee, which is contained in *Provisional Record* No. 3C. But why should you care? Why should you read it? Why does it matter? I want to tell you why.

The role of the Credentials Committee is to examine the credentials of delegates and advisers and any objections which challenge those credentials or that relate to a government's failure to accredit a complete tripartite delegation to the Conference.

The Credentials Committee also examines complaints regarding the non-payment of travel and subsistence expenses for Employer or Worker delegates, allegations of serious and manifest imbalance between the tripartite groups in a delegation, and allegations that an accredited delegate or adviser has been prevented from attending the Conference owing to an act or omission by a government. We also monitor any situation arising from those objections or complaints, concerning which we have requested a member State to take action and report back to us.

So again why do we do this, why does it matter? Well, simply put, the whole point of this Conference is that freely chosen, independent tripartite participants are able to travel here to Geneva each year to participate in its policy-making and standard-setting activities. The Conference affects the whole world of work and it cannot function without the effective participation of the key players in the world of work – the Workers, the Employers and the Governments. Under the provisions of the Constitution, the ILO member States undertake to make this happen. If those conditions are not fulfilled and they cannot, the Conference is compromised.

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The role of the Credentials Committee is thus to ensure that Members meet their constitutional obligations so that this Conference and the ILO function as intended, in the true spirit and reality of tripartite participation.

So, the question then is how are we – or rather you – meeting those obligations? You will note from the report that during this session of the Conference we examined 40 cases, compared with 36 last year. They comprised three ongoing cases of monitoring, 27 objections and ten complaints. Five of those objections related to the accreditation of incomplete delegations to the Conference, and a large number alleged a lack of consultation, a lack of agreement, or both.

The Committee is concerned at this situation. Member States have an obligation to hold consultations with their most representative organizations and to actively facilitate agreement on the nomination of delegations, so that they are the most representative.

Of particular concern for us are situations where governments accredit only themselves to the Conference. In our view, if you are coming here as a government without social partners, that is a clear breach of your obligations which calls into question the legitimacy of your participation at the Conference.

Consequently, the Committee considers that the possibility for it to be seized with incomplete cases automatically, together with the general question of how to ensure full tripartite participation and improved compliance by member States with their constitutional obligations, warrant serious deliberation by the Governing Body.

Two cases before us, those involving Djibouti and the Bolivarian Republic of Venezuela, were sufficiently serious to warrant recommending the continuation of monitoring to the Conference. In the case of Somalia, the Committee decided, on the basis of the information before it, that the monitoring measures should be discontinued. However, in the case of Mauritania, the Committee considered that monitoring measures are necessary.

The Committee also received nine complaints alleging governmental failure to pay travel and subsistence expenses and raising the issue of serious and manifest imbalance between numbers of Government advisers and Employers' and Workers' advisers. Here, we note that the Conference can only work properly if there is a sufficient number of advisers present in the three groups of the Conference and an adequate balance between them.

We also received one complaint alleging that an accredited Workers' delegate had been prevented from attending the Conference owing to an act or omission of the Government. We view such cases most seriously.

In the broader context, this Committee remains deeply concerned at the number of routine failures to comply with key obligations. Our mandate is to ensure the application of the principle of tripartism. The cases that come before us, and their history, indicate that member States need to improve their understanding of and compliance with their obligations as ILO Members.

Another issue of some concern to the Committee is the size of the Conference itself. Delegations have grown continuously, so that this year saw an all-time high of 6,438 accreditations to the Conference.

This may well reflect increased interest from tripartite constituents in the work of the Conference, but we are concerned at the impact on the efficient functioning of the Conference. We have all experienced issues of crowding, access to committee rooms and so forth. I reiterate the Committee's view that there needs to be an in-depth analysis of all

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current accreditation arrangements and practices to identify possible areas for improvement. We also think that practical arrangements, such as direct communications, need to be undertaken with member States with a view to maintaining the size of their delegations within reasonable limits. The Committee also calls upon member States to evaluate the specific functions of their individual delegates, so that they send only those whose role and function relate directly to the Conference.

I will turn now to issues of gender. The Committee regrets that, as we approach the ILO centenary, participation in the Conference remains primarily a male affair, with women representing only 32.7 per cent of the accredited delegates and advisers.

In the regional context we note that, in the delegations from the African region, women's representation is 24.4 per cent, in those from the Americas it is 38.8 per cent, in those from Asia and the Pacific it is 28.9 per cent, and in those from Europe it is 44.3 per cent.

The Committee urges all member States to reach at least the 30 per cent minimum level of women's participation in their delegations, particularly in positions of leadership within those delegations, as we try to move towards the ultimate goal of gender parity.

In closing, I would like to express my sincere appreciation to my Vice-Presidents, Mr Yllanes Martínez (Mexico) for the Employers and Mr Ohrt (Denmark) for the Workers. We truly worked as a team, and this report reflects our unanimous view. I also want to express the Committee's sincere and specific thanks to our secretariat, whose members worked long and hard to support us throughout the Conference, in what could not be described as decent working conditions. This includes the translators and interpreters, without whose assistance we could not have completed our work.

Thank you for your attention, and I commend this report to you.

## **The President**

The Credentials Committee has unanimously adopted its report and requests the Conference to take note of its content and to adopt the proposals put forward in paragraphs 12, 29 and 82 of *Provisional Record* No. 3C relating to Djibouti, the Bolivarian Republic of Venezuela and Mauritania, respectively.

In accordance with article 26*bis*, paragraph 7, and article 26*qtr* of the Standing Orders of the Conference, the proposals shall be adopted without discussion.

If there is no objection, may I take it that the Conference takes note of the report and approves the three proposals?

*(The Conference takes note of the report and approves the three proposals.)*

That concludes our discussion of the second report of the Credentials Committee. I would like to take this opportunity to thank the Officers of the Committee for their excellent work. I hear that the atmosphere in the Committee was very positive and that the work was carried out in a spirit of fruitful collaboration.

*(The Conference continues its work in plenary.)*



## **Plenary sitting**

### **Replacement of two members of the Employers' group of the Governing Body and of the President of the Conference**

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Tuesday, 5 June 2018, 10 a.m.  
*President: Mr Elmiger, Government  
Vice-President of the Conference*

## **Announcement of decisions of the Employers' Electoral College**

**The President**  
*(Original French)*

I shall now announce the decisions of the Employers' Electoral College on the subject of the composition of the Employers' group in the Governing Body.

By letter dated 1 June 2018, the Employers' Electoral College confirmed the appointment of Ms Vauchez (France) as a regular member of the Governing Body and of Mr Beckett (Canada) as a deputy member of the Governing Body, to fill the vacancies left by Mr Teurkia (France) and Mr Woolford (Canada). I am making this known to the Conference in accordance with article 54(5) of the Standing Orders of the Conference.

*(The Conference continues its discussion of the Reports of the Chairperson of the Governing Body and of the Director-General.)*

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Wednesday, 6 June 2018, 2.30 p.m.

*President: Mr Mattar, Employer  
Vice-President of the Conference*

## **Election of a new President of the International Labour Conference**

### **The President** *(Original Arabic)*

I declare open the 11th sitting of the 107th Session International Labour Conference. As you know, Mr Murad has been recalled to his capital and was obliged to leave the Conference on Monday evening. It is therefore for the Conference to elect a new President to replace him.

The three Vice-Presidents have been informed that consultations have been held within the Government group and with the Employers' and Workers' groups and should allow us to elect a new President of the Conference.

The Government group has nominated Her Excellency Ms Majali, Permanent Representative of the Hashemite Kingdom of Jordan to the United Nations Office and other international organizations in Geneva.

Ms Majali has previous experience in the International Labour Organization, including as Government Vice-Chairperson of the Conference in 2017. Prior to her posting to Geneva, she was the Director of the Department of International Relations and Organizations in the Jordanian Ministry of Foreign Affairs and Expatriates from 2010 to 2014, having previously served as the Director of the Department of Human Rights and Human Security in the same Ministry from 2003 to 2004.

She has also held the posts of political officer in the Permanent Missions of Jordan to the United Nations in New York and Geneva and Consul at the Embassy of Jordan in France.

Ms Majali holds a Bachelor of Arts degree from Yarmouk University in Irbid, Jordan and a Master of Arts degree from Columbia University in New York City, United States.

The Employers' and the Workers' groups have informed the Vice-Presidents of the Conference that they endorse Ms Majali's nomination.

As I see no other nominations, it gives me great pleasure to declare Her Excellency Ms Saja Majali of the Hashemite Kingdom of Jordan President for the remainder of the 107th Session of the International Labour Conference.

I would like to offer her my warmest congratulations.

*(Ms Majali is elected President of the 107th Session of the International Labour Conference for the remainder of the session and takes the President's chair.)*

### **The President**

It is the Hashemite Kingdom of Jordan's honour and my personal honour to be elected to the presidency of the 107th Session of the International Labour Conference, thus ensuring a certain continuity of our proceedings with the work begun by Minister Murad.

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I am very grateful to the Asia and Pacific group, to the Government group as a whole and to the Employers' and the Workers' groups for this vote of confidence.

*(The Conference continues its discussion of the Reports of the Chairperson of the Governing Body and of the Director-General.)*

# ***Record of Proceedings***

107th Session, Geneva, May–June 2018

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# **10B**



Date: Tuesday, 5 June 2018

## **Special sitting**

### **High-level visit by His Excellency, Mr Juan Manuel Santos Calderón, President of the Republic of Colombia**

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Friday, 1 June 2018, 11.40 a.m.

*President: Mr Murad*

**Statement by His Excellency,  
Mr Juan Manuel Santos Calderón,  
President of the Republic of Colombia**

**The President**

I call to order this special sitting of the International Labour Conference.

We are honoured to receive the visit of a most distinguished guest, Mr Juan Manuel Santos Calderón, President of the Republic of Colombia.

Your Excellency, on behalf of the Conference, please allow me to extend a very warm welcome to you and to express our gratitude to you for coming to address our assembly. If I am not mistaken, Colombia is among the founding Members that established this Organization almost a century ago. Furthermore, you, like this house, have had the tremendous honour of being awarded the Nobel Peace Prize. I therefore believe that it is most fitting that you should address our Conference today as I am certain that your words will help to guide our work.

I now give the floor to the Secretary-General of the Conference, Mr Ryder, to officially welcome President Santos Calderón.

**The Secretary-General of the Conference**  
*(Original Spanish)*

Today is a very special day for the ILO: it is our great honour to receive the President of Colombia and Nobel Peace Prize laureate, His Excellency Mr Juan Manuel Santos Calderón.

Colombia is a founding Member of the ILO. We have had almost 100 years together or, I might say, “100 years of solidarity”.

Unfortunately, for half of this century of shared history, Colombia has been involved in a tragic conflict. This conflict brought with it tremendous suffering for the people of Colombia. For decades, when we mentioned Colombia in this house it was often in the context of violence and confrontation and, at times, we have had to deal with very serious complaints against your country.

It is for precisely this reason that having you here today is so important and so historic: it is a sign of a very different relationship between Colombia and the ILO.

As another Colombian Nobel prizewinner, Gabriel García Márquez, has said, “It is easier to start a war than to end it”.

Because of your determination to put an end to the conflict, the Nobel Committee, in awarding you the Peace Prize, pointed to your “resolute efforts to bring the country’s more than 50-year-long civil war to an end, a war that has cost the lives of at least 220,000 Colombians and displaced close to 6 million people”.

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At the signing of this peace agreement, an event that I had the privilege of witnessing, you summed up the suffering of your people when you said, with considerable feeling, “People of Colombia, the horrible night is over!”

And now that this horrible night is over, all of us in this room wish for Colombia a day bright with peace and social justice.

Many challenges remain, and we at the ILO undertake to continue to work with Colombia to achieve a future marked by decent work for all and full respect for international labour standards, with particular attention paid to the countless victims of violence.

You are leaving your people a unique legacy, a legacy of peace and greater opportunities for future generations.

In conclusion, President, you have said that good friends do not need to visit each other every day, but we are extremely grateful to you for accepting our invitation in the midst of a busy official agenda and on the eve of a happy event. Therefore, on behalf of us all, I would like to wish you well as you boldly embark on a new endeavour in the coming days by becoming a first-time grandfather. Congratulations!

## **The President**

It is my honour to invite His Excellency, Mr Juan Manuel Santos Calderón, President of the Republic of Colombia, to address the 107th Session of the International Labour Conference.

### **Mr Juan Manuel Santos Calderón** President of the Republic of Colombia (Original Spanish)

“*Si vis pacem, cole iusticiam.*” If you want peace, work for justice. This is an incontrovertible truth and a principle that is enshrined in the document that lies beneath the cornerstone of this Organization, this building.

I stand before you today as the President of a country that is beginning to build peace and is taking the first steps on a difficult yet promising path towards development, prosperity and greater justice. I do so in the firm belief that, as stated in the Preamble to the Constitution of the International Labour Organization, “*universal and lasting peace [– both universal peace and the peace of peoples –] can be established only if it is based upon social justice*”. Peace is the highest aim of any society, the ultimate goal to which we can aspire and the necessary condition for freedom and progress towards equity and well-being. This is *the objective that we have been pursuing: the collective building of a democratic society based on a decent life for all and supported by values such as equity, inclusion and the enjoyment of fundamental rights*. Peace is far more than the silencing of guns; we have already achieved that. We have put an end to over half a century of armed conflict between children of the same nation. It was not an easy task.

We are now embarking on an even more difficult task: peace-building. Building peace is like building a cathedral; it is a long and complex process that takes time, placing one stone upon another, and we have scarcely begun. This is a process that has political, economic and social dimensions and that, as we have known from the beginning, will take at least 15 years.

Achieving social justice means more jobs and less poverty and inequality. Decent work is a pillar of this effort, to which labour policies and more equitable economic development are essential. Developing and promoting public policies designed to increase decent work in

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Colombia and promoting the very important aim of social dialogue in order to genuinely and effectively ensure enjoyment of the people's labour rights have been key elements of my Government's work at this historic moment in my country's history.

Historians are well aware that the world of work has always been linked to peace-building. It is not a coincidence that the Treaty of Versailles, which ended the First World War, also established the International Labour Organization. And in the closing days of the Second World War, the representatives of employers, workers and governments once again agreed that building and maintaining peace throughout the world would require the recognition of labour rights; in 1944, they enshrined this belief in the Declaration of Philadelphia.

Colombia has been a Member of the ILO since its establishment in 1919. As a State, we have undertaken to put the Organization's objectives and ideals into practice and we have made progress although, as we acknowledge, it has not always been sufficient. But now, thanks to peace, we are closing a chapter marked by violence and by signs that, as a country, we did not respect the rights of either workers or employers. We still have a long way to go; this is a long-term undertaking. But there have been significant achievements over the past few years and we have laid a foundation for further progress.

We have a more solid and robust economy with low inflation and the highest investment rate in the region. Unlike similar economies in Latin America, ours has continued to grow while surviving the worst external shock since the Great Depression of the 1930s. We have translated macroeconomic progress into improved social indicators.

The current Government – my Government – *is beginning to take more accurate and complete measurements in order to better monitor the effort to combat poverty. These measurements are based not only on monetary income, but on the monitoring of a full set of basic needs that families must meet in order to overcome poverty. This is the Multidimensional Poverty Index, which was developed by my former professor and Nobel laureate, Amartya Sen, under Oxford University's Human Development Initiative.*

Colombia and Mexico were pioneers in the implementation of this methodology, which is now used by over 50 countries throughout the world. Its most useful feature is that it allows social investment to be far better targeted in order to combat poverty more effectively. Between 2010 and 2017, Colombia's multidimensional poverty rate fell to 17 per cent from 30.4 percentage points. This means that 5.5 million people emerged from poverty, an unprecedented number in our history. Using traditional measurements (income), the poverty rate fell from 40.3 to 26.9 per cent.

We now have a middle class that is larger than that of the people who are considered poor. And there has also been a reduction in extreme poverty; it fell by exactly half – from 14.4 to 7.4 per cent – last year. We are talking about roughly 2.8 million people who have emerged from extreme poverty.

We have been measuring multidimensional poverty in five dimensions: access to education, enjoyment of the rights of the child, access to health care, access to housing and, of course, access to work.

Because education has been a primary focus of my Government, we have doubled investment in the sector and, for the past four years, have been allocating more resources to it than to any other item in the national budget. We have decreed that education shall be free at all grade levels in the public schools. We are improving the quality of education and have implemented an ambitious plan to introduce common school hours for all Colombian children. We are also launching a very ambitious comprehensive care programme for

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children from early childhood onward, because this is where inequality begins, and are also significantly increasing access to higher education.

We are making health care a fundamental right and are achieving universal coverage.

We have more than halved the housing deficit by building over 1.5 million homes and giving them to 280,000 families in the most vulnerable sectors at almost no cost.

In other words, with peace and protection of the people's fundamental rights as our roadmap, we have endeavoured to create what we have called a "rights-based government", a government based on inclusion and non-discrimination, environmental protection – because our country is rich in biodiversity but highly vulnerable to climate change – and the protection of victims' rights after more than 50 years of war.

We have sought to be a government that was capable of ensuring that all citizens, regardless of gender, race, belief or sexual orientation, enjoyed the same rights and are respected despite the country's great diversity. We have sought to be a government that engaged in dialogue with our indigenous communities and respected their ancestral rights, customs and traditions. On the day that I assumed office, almost eight years ago, in an act of respect for our indigenous communities, I myself went to request our elder brothers, the governors or *mamos* of the indigenous peoples, to allow me to do so.

We have made a great deal of progress in all of these areas, but I will be the first to admit that much remains to be done.

One achievement that is particularly important for me is our success in narrowing the gap between rich and poor, the so-called "Gini coefficient" – in other words, inequality – more than any other Latin American country. It is not the Government that makes this claim; it is the Economic Commission for Latin America and the Caribbean (ECLAC), although there are a few points on which we and the Commission still have embarrassing differences of opinion.

Nevertheless, in recent years the income of the poorest 20 per cent of the population has grown five times faster than that of the richest 20 per cent.

A fundamental pillar of this entire effort has been employment, decent employment. Over the past eight years, 3.5 million jobs have been created, 70 per cent of them in the formal sector, and, as we promised eight years ago during my first presidential campaign, we have achieved a single-digit unemployment rate.

Within the framework of our National Development Plan, which is the law of the Republic, we have adopted a National Decent Work Policy that includes strategies for job creation and formalization and for the protection of public and private sector workers.

The ILO's support has been essential in helping us to achieve the good results that we can now share with you, the international community. In particular, both personally and on behalf of the Colombian people, I would like to thank Mr Ryder and his team for their invaluable support and ongoing advice in the effort to strengthen our labour policies in line with the high standards required, for example, for our accession to the Organisation for Economic Co-operation and Development (OECD), an event that occurred in Paris two days ago.

My country has ratified 61 ILO Conventions, including those related to the core labour rights: freedom of association, the right to bargain collectively, non-discriminatory employment, the prohibition of forced labour and the effective abolition of child labour.

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For decades, the ILO rightly called into question the labour situation in Colombia, particularly with regard to violence against trade unionists and failure to convict the perpetrators. At the end of the previous century, in 1998, a complaint was lodged against Colombia in connection with its application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Collective Bargaining Convention, 1981 (No. 154). My country was on the point of having a commission of inquiry imposed on it although, fortunately, this did not occur. Since 2010, Colombia has only once (in 2014) been requested to submit to the Committee on the Application of Standards a report on its application of the Labour Inspection Convention, 1947 (No. 81), after having been requested to submit reports annually for over 20 years.

Thanks to our efforts as a State and to technical assistance from the ILO, the situation in my country is now different and we have a better tale to tell. And here again, I must pay tribute to our tripartite committee, in which we engage in a dialogue between the Government, trade unions and employers.

Two years ago, the Office of the Attorney-General established an elite group to launch and monitor criminal investigations into crimes against trade unionists. Recent years have seen a total of 34 convictions for the murder of trade unionists and some 350 convictions for crimes committed prior to this period. The other trials for offences committed between 2011 and 2017 are proceeding apace and 120 people are in custody in that connection. But as I always say, this is NOT enough. Just one death, one murder, is too much; just one crime undermines all of our efforts to write a new chapter in our history as a nation.

We are also making significant progress in protecting the right to freedom of assembly and of association. To date, 88 per cent of the cases involving violations of these rights have been closed. And we have supported all of this work with an institution-building effort; in 2011, we re-established the Ministry of Labour, which had ceased to exist, and this allowed us to double the number of inspectors and to establish a governmental employment service. We also made significant changes in our legislation as requested by the ILO by, for example, establishing that only the courts – not the Government – can declare that a strike is illegal.

We have also made a great effort to combat undue labour intermediation; since 2014, we have imposed fines amounting to nearly 96 million dollars.

Over the past eight years, 2,950 collective agreements have been deposited with the Ministry of Labour. In order to give you an idea of the magnitude of this number, we went from 184 such agreements in 2010 to 576 in 2017. In addition, three collective bargaining processes have been carried out in the public sector, benefiting more than 1.2 million public servants.

In Colombia, we are also continuing to establish trade union organizations; since 2010, 2,500 trade unions, 59 trade union federations and four trade union confederations have been established. Colombia currently has 10,900 such organizations.

Furthermore, we are firmly committed to eliminating child labour. The national child labour rate, which stood at 13 per cent in 2011, had fallen to 7.3 per cent by last year but the target – the goal – is to bring it to zero.

Our aim is to continue to make the right to decent work – good jobs – a reality for all Colombians. This is one of the main drivers of development and prosperity. However, unemployment in Colombia is still too high and a far greater effort is needed. In the meantime, enrolment in comprehensive occupational training has increased by almost 1 million since 2010 and enrolment in supplementary classroom training has risen from 3.3 million to nearly 5 million.

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Decent, high-quality jobs are, of course, also formal-sector jobs and this has been reflected in the increased number of working members of the pension scheme; their numbers have risen by half, from 6.9 million in 2010 to 10.6 million in 2017. Let me repeat that all of this progress has been made possible by generous assistance from the ILO.

I consider it a great honour to be here; it is the first time that a Colombian President has addressed this plenary. The path that we have been taking in Colombia is part of the work that the international community is carrying out within the framework of this Organization – the ILO – in an effort to make workers’ jobs more decent and ensure the effective protection of their rights.

Ultimately, as I have said, this lasting peace that we are seeking, that we are building for the world, is only possible if we ensure that there is social justice. It is an immense challenge, towards which we must work in a global context that is, unfortunately, characterized by uncertainty.

Paradoxically, the extraordinary progress in terms of production and economic growth at the global level, which should allow us to make great strides in eliminating poverty and addressing the needs of the most vulnerable members of society, has instead generated unemployment and massive underemployment in various parts of the world. According to the ILO itself, 66 million young people around the world are unemployed and 145 million young workers are still living in poverty. This means that we are facing an enormous challenge, a historic challenge that will determine the future of our societies. We must ensure that the great social progress achieved and the prosperity promoted are genuinely effective ways of closing gaps and do not ultimately lead to exclusion and tension within our societies.

In order to evolve – to be effective – we need to adapt to new labour dynamics. We need to bring our own institutions, standards and procedures into line with this new reality, which is changing very rapidly from day to day. Throughout the world, relationships are changing because of globalization and because of technology, which is also changing every day at a pace that makes it difficult for States to keep up with it. We have new types of businesses; we have climate change, which some people continue to deny but which is battering the entire planet unceasingly; and, of course, we have new economic models.

Forms are changing but principles are not. Goals such as closing social gaps and promoting greater justice, guided by principles such as gender equality and the elimination of child labour, should continue to guide our work now and always.

Colombia has much to learn from many of you, but it also has much to share with you in this respect. The road to peace in my country is something that many people considered impossible just a few years ago. This achievement was catalysed in part by the social progress that I have already mentioned and shows that it is possible to open a new chapter in history and leave behind us decades of suffering, backwardness and violence.

The history of the ILO is proof of this; a quarter of a century ago, no one would have imagined that employers’ and workers’ representatives could be members of the ILO Governing Body or hold high-level posts in the supervisory bodies of this house.

Today, these are realities that are a source of pride for me, as the President of Colombia, and for all Colombians. We are still finding a balance between these realities and the multilateral systems that we need to defend. Many people are attacking these multilateral systems but we, the nations of the world, must defend them with vital support from the international community in order to leave behind war – which, in Colombia’s case, has caused so much suffering.

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Moving forward, improving, ensuring the enjoyment of rights, meeting our commitments to the international community, proving to ourselves as Colombians and to the world that we are not condemned to be left behind or to despair – these are the goals that, as President, I have undertaken to achieve. I have also undertaken to maintain a good relationship with the ILO and to observe the highest standards of trust and learning. A relationship that could almost have been called adversarial is now one of cooperation as we endeavour to ensure that our relations with each other, and the relations between employers and workers, are increasingly constructive.

Last Wednesday, as I have mentioned, Colombia officially joined the OECD. This has strengthened our commitment to continue to apply, with ongoing oversight, the best public economic, social and, of course, labour policies.

I am deeply grateful for this opportunity to come before you to reiterate that dialogue and action are the key to building – in a peaceful, efficient and unified way – the relationships that must govern the future of work because those who want peace must work for justice.

## **The President**

Let me express our sincere appreciation, President Santos Calderón, for your inspiring words, which will certainly enrich our proceedings over the next few days and beyond. On behalf of my fellow Officers and of the delegates to the 107th Session of the Conference, we wish for a healthy birth for your grandchild and thank you again for coming to address our assembly today.

*(The Conference adjourned at 12.25 p.m.)*



## **World of Work Summit**

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Thursday, 7 June 2018, 10.15 a.m.

*Moderator: Ms Robino*

## High-level panel discussion

### **Employment and decent work for peace and resilience: How we make it happen**

The President of the 107th Session of the Conference, Ms Majali, Ambassador of the Hashemite Kingdom of Jordan, welcomed the participants to the World of Work Summit. She provided an overview of the programme for the day, with particular reference to the morning's high-level interactive panel on the theme of "Employment and decent work for peace and resilience: How we make it happen".

Subsequently, she introduced the distinguished panellists: Mr Filippo Grandi, High Commissioner, Office of the United Nations High Commissioner for Refugees (UNHCR); Mr Helder Da Costa, General Secretary, G7+; Ms Lucija Ljubić-Lepine, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Bosnia and Herzegovina; Ms Rokia Traoré, Ambassador for the Fondation Passerelle, Mali; Ms Sylvia Escovar, President, Terpel, Colombia; and Ms Rosa Helena Flerez González, General Secretary, Confederación de Trabajadores de Colombia (CTC), Colombia. The moderator of the panel was to be Ms Carolina Robino, Director of BBC Mundo.

The President highlighted the central role of employment and decent work in addressing situations of conflict and disaster, especially for refugees. The importance of this topic led to the adoption of the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), at the 106th Session of the Conference in June 2017. Recommendation No. 205 should guide the panel discussion and inform the work in member States towards the achievement of social justice and lasting peace.

In his opening remarks, Mr Ryder, the Secretary-General of the Conference, underscored the importance of the theme of the Summit. The need for the ILO's presence was demonstrated by the plea of the hundreds of millions of women and men living in conflict-affected fragile countries and disaster situations for jobs, social justice, livelihood, freedom and dignity. The wish of those displaced was to educate their children and to go home to jobs and security as had been voiced repeatedly in refugee camps. All participants had a stake in securing peace and resilience. The Secretary-General of the Conference confirmed the ILO's engagement and echoed the Constitution of the ILO, that poverty anywhere is a threat to prosperity everywhere.

The Secretary-General of the Conference highlighted an emerging new global consensus to address the root causes of conflicts and crises. There was a convergence between the 2030 Agenda for Sustainable Development (2030 Agenda) and the United Nations Secretary-General's "Peacebuilding and Sustaining Peace" agenda. It provided a momentum for inclusive growth, employment generation and decent work, core components for sustaining peace and addressing inequality and the violation of human rights. He reminded the participants of the speech of President Franklin D. Roosevelt in his address to the delegates of the International Labour Conference in 1941 and cited that: "the International Labour Organisation, with its representation of labour and management, its technical knowledge and experience, will be an invaluable instrument for peace".

Decent jobs were part of a better world, as Mr Juan Manuel Santos Calderón, President of the Republic of Colombia, had reminded the 107th Session of the Conference in his

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address. The ILO had put its expertise and knowledge at the service of the most vulnerable populations with an approach deriving from the founding values and principles of the Organization. Recommendation No. 205 constituted a landmark instrument in addressing concerns that were at the crossroads of humanitarian and development assistance. It provided guiding principles and policy guidelines to member States and called for coherent and integrated strategies to prevent and deal with crises, facilitate post-conflict recovery and sustain peace and resilience.

The opportunities of the new humanitarian and development architecture needed to be seized to sustain peace, to do more to respond to conflicts and in their prevention. This called for more strategic and operational partnerships and enhanced coherence of international efforts in support of national governments and their people. The Secretary-General of the Conference therefore welcomed the presence of Mr Grandi representing the UNHCR and Mr Da Costa, representing the g7+.

That objective had been essential when the ILO launched the Jobs for Peace and Resilience (JPR) Flagship Programme. With a strong focus on youth and women, it provided a multi-track approach based on social dialogue bringing together relevant employment and local economic development actors in a coherent, comprehensive, and context-specific manner in fragile and conflict-affected countries. Such initiatives needed to be part of a larger endeavour for peace based on committed, inclusive national ownership that integrated the needs of the most marginalized, including women, young people, minorities and people with disabilities.

The Secretary-General of the Conference concluded by stressing that the ideas coming from the panel would contribute to such collaboration and would take the ILO on a path to better fulfil its mandate for promoting lasting peace through decent work.

An ILO video was projected illustrating the role played by the ILO in building peace and resilience, highlighting the challenges faced by hundreds of millions of people affected by crisis and the importance of promoting employment and decent work to alleviate their suffering. Recalling the century-long engagement of the ILO for sustainable peace, which was explicitly acknowledged through the awarding of the Nobel Peace Prize in 1969, the video presented two recent milestones: the adoption of Recommendation No. 205, and the launch of the JPR Flagship Programme. The video introduced the main elements of the JPR Flagship Programme, namely employment-intensive investments and local economic development; skills development; enhancing of employment services; and entrepreneurship training and enterprise development. It ended by noting the current global consensus for tackling the root causes of conflicts and by emphasizing the momentum for a growing role of the ILO in building peace.

The moderator introduced the first round of questions centring the role of employment generation and decent work in sustaining peace.

A Worker member from Ireland made reference to the role of employers' and workers' organizations and the importance of social dialogue, and in particular the contribution of decent work in addressing the needs of people affected by precarious work, especially women and young workers. She asked panellists to highlight challenges faced by youth in finding decent work and how best to assist them in realizing their ambitions.

An Employer member from Guatemala raised the example of his country, emerging from a long conflict, to illustrate that peace alone was not sufficient. He mentioned the various initiatives taken by the Government from the signature of peace agreements to the recent creation of a national commission for labour relations and freedom of association to the launch of a Decent Work Country Programme. However, he noted, violence and organized crime had grown, along with an increase in informality and migration. He asked

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how post-conflict conditions could be changed to generate favourable conditions for sustainable enterprises and decent job creation.

A Government member of Turkey, speaking on behalf of the Western European group, stated that the EU was currently facing the worst forced displacement crisis in history due to people fleeing conflicts, human rights violations and natural disasters. Between 2015 and 2017, 3.1 million forcibly displaced persons had sought asylum in the EU, of which 1.4 million had been awarded refugee status and protection, including with support from Turkey. Continued cooperation was crucial to overcome the challenges posed especially for front line EU Member States. One example was the support programme launched by the EU in cooperation with affected countries and other international organizations. Equitable burden-sharing was needed.

The basic needs of refugees should be at the centre of any initiative, with focus on humanitarian assistance, education and health services, municipal infrastructure, social protection, public services, socio-economic support and decent work. The ILO was urged to use its resources effectively to assist member States to promote employment, labour market integration, capacity development of local constituents and institution building, in cooperation with relevant stakeholders. He asked the panellists for their expectations of the Global Compact on Refugees, in particular if they could share views on the role the ILO and tripartite constituents could play in ensuring burden-sharing of international responsibilities, and on how the ILO could contribute to strengthening the response to large numbers of refugees.

A Government member of Lebanon spoke on behalf of his Ambassador and of the Asia and Pacific group (ASPAG). He underscored the importance of employment generation to support different interventions in fragile countries to sustain peace, restore decent work and find durable solutions for refugees, including repatriation and sustainable reintegration. Many developing countries in the region were assuming the burden of extending protection to large numbers of refugees despite their limited national resources and capacities.

He believed in the need to increase international cooperation, solidarity and responsibility-sharing to strengthen assistance and protection to both refugees and host communities. He asked the panellists how the ILO could combine efforts with development partners and the private sector to support and sustain decent work in order to reduce fragility in countries of origin as well as to address economic factors triggering displacement. He further questioned how developing countries could address their own market failures while supporting the transition for refugees.

Mr Da Costa stressed the importance of decent work in conflict-affected States. A Memorandum of Understanding between the g7+ Secretariat and the ILO had been signed in 2014 promoting Jobs for Peace. Young people in fragile States lived in poverty and violence, and he mentioned that the main root causes were either natural disaster or man-made politics which created suffering and triggered massive forced displacement. Decent work was an imperative: jobs for peace were important for both peace and state building. The g7+ with international partners embraced the first framework for international dialogue by signing up to the “New Deal for Engagement in Fragile States” in 2011. The New Deal included several peace- and state-building goals, including one dealing with the “generation of employment and improved livelihoods”. Goals 8 and 16 of the 2030 Agenda reaffirmed the same principles, that development was impossible without jobs and security. He stressed that strong institutions were needed in order to deliver services to people.

Ms Ljubić-Lepine noted that although the conflict in Bosnia and Herzegovina dated back to the 1990s, the country still faced serious challenges, such as ensuring employment opportunities for ex-combatants, women and young persons. National capacity development

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was important to ensure resilience and recovery from conflict, and in order not to depend on external resources.

Ms Escovar highlighted that private actors could contribute to employment and peace. She remarked that ex-combatants should have confidence in the transition to peace, but also, more broadly, should have hope in the future. They must be able to strive for peace, with confidence and dignity, and decent work that allows for a better future.

Ms Traoré noted that although the arts may not typically be perceived as a resource for peace and resilience, art can be an important economic sector and serve as a social vector in post-conflict situations. The arts often vanish during conflict, and their re-establishment can be a way to support people in work and to live together in harmony.

Ms Flerez González noted that although Colombia was striving for peace, much remained to be done. There were great expectations to improve and achieve decent work. She stressed, however, that an active dialogue between social partners and the Government on the way forward was missing. It was essential that social dialogue be strengthened and that trade unions continued to remain involved.

Mr Grandi remarked that forced displacement of individuals represented a challenge for their survival, sustainability, dignity, identity and their reintegration. With approximately 70 million displaced persons, access to gainful employment was critical. Without such opportunities displaced persons would continue to be a factor of instability. Referring to the crises in Jordan, Lebanon and Turkey, he noted that access to jobs in those countries was important and contributed to peace. He stressed the importance of building safe and dignified means for refugees' return, addressing the root causes, and making decent work available in their countries of origin, in order to find sustainable solutions for forced displacement.

The moderator opened the second round of questions on recent experiences regarding the contribution of decent work to address the needs of the people affected by fragility, particularly women and young workers.

A Government member of Paraguay, speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), indicated that in order to achieve decent work, Governments needed to take necessary measures to build appropriate social security systems including functional institutions with support from the ILO. Already vulnerable groups affected by crises had more difficulties to find decent work. This was especially true for youth who represented one third of the population in fragile States as the result of them not having access to formal education and skills development. Without a decent job, young people had no alternative but to do nothing which in turn led to frustration. Governments needed to adopt a special policy for young people especially, to avoid them ending up in informality. The ILO should focus on global experiences to be able to provide advice. He asked how countries could create decent work for young people for the consolidation of peace.

An Employer member from Tunisia noted the importance of all stakeholders in contributing to the process of democratic transition and the important role of job creation for young people during the transition. He thanked the ILO for its support to emergency employment programmes including social measures for young people. However, he pointed to the limits of these measures and the challenge of sustainability of programmes. Sustainable creation of decent jobs needed the promotion of investment and an enabling environment for sustainable enterprises. Investment needed to go hand in hand with an inclusive economic growth strategy. He asked what would be the basic measures at the regional, national and international levels in order to ensure peace, and what would be needed for tripartite constituents to create a model for more inclusive growth and investment to ensure job creation and the transition to formality.

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A Worker member from Senegal stressed the need for proper implementation of Recommendation No. 205. He highlighted the need to not only focus on those people affected by crises but also on prevention measures and post-crisis management. Given the importance of social dialogue for decent work, he asked how Governments, Workers and Employers could be better involved in the overall process and what strategy could ensure a higher degree of effectiveness.

A Government member of Liberia, speaking on behalf of the Africa group, stressed that women and children were particularly vulnerable and asked about the role of the ILO and social partners to ensure women's empowerment at local and national levels in order to decrease their vulnerability.

Ms Escovar highlighted that Terpel, an oil and gas company in Colombia, contributed considerably to peace building, for example through working with women in rural areas, who faced more difficulties than men in reintegration after the war. Society and even families rejected many women who had been among the guerrillas. The key point in the process of reintegration was to recognize the problems, identify the changes required and create job opportunities.

Ms Traoré explained the importance of identifying sectors with opportunities for organized work. Social work, arts and culture provided potential for employment. She highlighted her experience in supporting young people in the transition to formality and in encouraging employers to hire young people from rural areas. She stressed that country-level context mattered to identify suitable solutions. It was important to involve social partners to provide adequate analysis and advice, and in order to be able to participate meaningfully in the process of social dialogue they needed capacity building.

Mr Da Costa shared three practical examples from the work of g7+ in situations of conflict and preventing refugee crises. He first referred to refugees at the airport in Bangui, Central African Republic. After discussions with the Government and the United Nations, a safe environment had been provided, and resources and building trust had been central to identifying a solution. He then mentioned the internally displaced persons in Timor-Leste, where the solution included providing resources for each person to return home and to ensure their livelihood. And finally, he emphasized the role of support for livelihoods to promote recovery in Afghanistan. Local solutions and building trust were at the core of g7+.

Mr Grandi stated that 70 million people were refugees or internally displaced, with a large proportion being young people and women and almost 90 per cent found in countries with very limited resources. Failure to create decent job opportunities carried enormous risks of exploitation, marginalization, exclusion and radicalization. He stressed the need to make a shift in the culture of response, from purely humanitarian to developmental long-term solutions and emphasized the importance of Recommendation No. 205 in this shift. He expressed appreciation to the ILO and the Conference for their work on that issue. The Recommendation would also prove helpful for the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Refugees. He referred to a new approach tested by the UNHCR together with the World Bank, local civil society and the private sector in 14 countries around the world.

The moderator opened the floor for the third round of questions on the contribution of employment promotion programmes.

An Employer member from Rwanda described the journey from experiencing conflict and crisis leading to the genocide in 1994 to emerging as one of the most highly performing African countries with considerable achievements in poverty reduction. He stressed the important role of the private sector in contributing to high-quality jobs, in particular for youth

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and women. He asked the panellists what was the main role of international cooperation and the private sector for countries emerging from conflict.

A Government member of Latvia emphasized that comprehensive employment strategies were critical for recovering from conflict and fragility. He stressed that they must include employment-intensive investment programmes and income-generation opportunities, combined with training and the involvement of local communities. Structural transformation, labour market participation and an enabling environment for the private sector were key. He asked panellists to elaborate on their experience with employment-intensive investments in recovering from crisis situations.

A Government member of Papua New Guinea, speaking on behalf of ASPAG, commended the ILO's efforts in aiming to break the vicious cycle of conflict and disaster, particularly through its JPR Flagship Programme. It was meant to address root causes of economic, social and environmental vulnerability by providing employment and income opportunities with adequate protection of labour rights to reduce tensions, facilitate social cohesion and build resilience to future shocks.

He asked what type of interventions the ILO and its member States could propose to businesses and multinational enterprises for their active role in rebuilding, reconstructing and providing social protection after disaster and conflict, with reference to the particular challenges for small economies.

Ms Ljubić-Lepine agreed that the ILO's guiding principles were a backbone for work in crisis prevention and response. She emphasized the relevance of local solutions for communities and of adopting holistic approaches, as envisaged in the 2030 Agenda, noting that sustainable development was key to sustaining peace, and vice versa. She affirmed that cooperation of all stakeholders was vital at all levels within a country as well as at the international level.

Ms Flerez González stated that Recommendation No. 205 provided elements to generate decent work. However, only with the political will of Governments to implement the Recommendation would decent jobs become a reality. Informality in her country was considerable and problems of inequality, poverty and marginalization persisted. She added that women were most affected by conflict, oftentimes covering expanded roles in their families.

Ms Traoré said that, even though there was agreement that decent work was a solution for all, solutions needed to be contextualized. She added that young people were required to have work experience in order to find a first job which was logically impossible. She gave an example of a project in the hotel and restaurant industry which consisted of inspiring young women to acquire innovative professional skills to increase their employability. She added that all jobs were equal and deserved respect, regardless of their status.

Mr Grandi reflected on the role of the private sector in humanitarian assistance. In light of the shifts of our response from purely humanitarian to developmental objectives he hoped that a different approach would be adopted to channel the philanthropic aspirations of the private sector in different ways to become real partners in development. For instance, to attract private investment the UNHCR, with the help of the International Finance Corporation (IFC), had trained South Sudanese refugees in a region of northern Kenya to gain relevant skills. He stressed the need to focus specifically on women in fragile situations, who were carrying the weight of resilience. He added that there was a need to reinforce the linkage between education outcomes and labour market needs.

The moderator opened the last round of questions on strategic partnerships.

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A Government member of Botswana, speaking on behalf of the Africa group, stressed the importance of the ILO in the current peace agenda to address the root causes of conflict and wished to know how those could best be addressed.

An Employer member of the Philippines remarked that crisis conditions required strong and specific policy responses. Recognizing the policy constraints in such situations he asked whether the ILO should concentrate initially on generating employment opportunities and skills development. He suggested that given the demand for technical assistance, the ILO needed to carefully consider diverse funding opportunities.

A Worker member of Pakistan stressed that action should be focused on the most vulnerable segments of the population, including ex-combatants, and that the development of their skills was key for their employability. He remarked that military spending could be frozen to tackle the root causes of conflicts. Core international labour standards and global social dialogue were critical factors in ensuring peace and resilience.

A Government member of Paraguay noted that the vulnerabilities of a wide range of people including people with disabilities and refugees, needed to be addressed to promote peace and resilience. He questioned how international organizations could best pool their resources to tackle disasters and conflicts.

Mr Da Costa responded that it was important to attract private sector investment, especially in energy, infrastructure and telecommunication sectors. He added that employment-intensive investments could boost gains in decent work creation. Strategic partnerships needed to be established, including between UN agencies. There was no peace without development and no development without peace. He stressed the importance of young people and women in these processes.

Ms Escovar stated that the end of an armed conflict could take countries out of hell but that it did not lead directly to heaven. She noted that 47 per cent of ex-guerrillas had practically no education at all, and it was therefore important to support education and training as a pathway to employment. She stressed the importance of education and skills for businesses and women in rural areas.

Ms Ljubić-Lepine remarked that a strong education system was crucial for peace and resilience, as was working with international partners such as the World Trade Organization and the EU to assist in raising national employment levels and incomes. Decent work played a central role in ensuring the survival and growth of her country but also in keeping people's dignity.

Ms Flerez González stressed the importance of social dialogue, freedom of association and labour rights in general, noting in particular the lack of rights of women. Recommendation No. 205 was an important tool to ensure peace and resilience. She pointed to a natural disaster in the making in her country that would cause the forced displacement of many people as a result of a geographic change of three national waterways, a challenge that urgently needed to be addressed.

Ms Traoré emphasized that the cultural and artistic sector in Africa could contribute to job creation. However, the ILO and other international organizations needed to recognize and better support this sector in Africa. It needed to be treated as a proper economic sector that contributed to development if sufficiently supported by policies.

Mr Grandi thanked the Secretary-General of the Conference for being a fundamental partner and for sharing the responsibility of development. He emphasized the importance of not only the normative work of the ILO but also its practical operations. Through the UN reform and the Global Compacts, the UN entities were increasing their capacity to work

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together. He appealed to all Governments, the business community and workers' organizations to reach out and engage in finding solutions.

In closing, the Secretary-General of the Conference thanked all the panellists for the excellent interaction. He noted how far and quickly the debate on jobs for peace and resilience had progressed within the ILO, given that there had been doubt at the outset of recent events about whether the ILO had a relevant mandate and would not duplicate the work of other UN agencies. With the change in paradigm, the ILO within the international system and led by the Secretary-General of the United Nations together with member States, including Governments, Workers and Employers, stood at the intersection between humanitarian and development assistance and was taking its responsibilities through its JPR Flagship Programme. He confirmed that the ILO would take Recommendation No. 205 as the guiding framework to move forward.

The Secretary-General of the Conference reminded the audience that displacement increases the fragility of any individual, which has repercussions. Jobs for peace and resilience was not a distraction from the ILO's normal business, but should be an integral part of the ILO's regular work. Finding solutions to the challenge was everyone's responsibility.

The President closed the session by thanking all the participants for their important contributions and Ms Carolina Robino for the moderation.

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Thursday, 7 June 2018, 12.35 p.m.

*President: Ms Majali*

## **Special sitting**

### **High-level visit by His Excellency Michael D. Higgins, President of Ireland**

#### **The President**

The 107th Session of the International Labour Conference is honoured to receive the visit of a most distinguished guest, His Excellency Michael D. Higgins, President of Ireland.

Your Excellency, on behalf of the Conference, please allow me to extend a very warm welcome and to express our gratitude to you for coming to address our assembly.

I now give the floor to Mr. Ryder, the Secretary-General of the Conference.

#### **The Secretary-General of the Conference**

Your Excellency, President Higgins, this 107th Session of the International Labour Conference is honoured to receive you today. It is truly a pleasure to welcome you back to Geneva, to the ILO and to our Conference.

Mr President, as you know well, through much of its history Ireland has been no stranger to conflict, but at the same time it has amply demonstrated its vocation for peace and its capacities for resilience, both at home and abroad.

We are particularly pleased, therefore, that you visit us today as our Conference focuses on employment and decent work for peace and resilience. I think it is also most fitting that you visit us in the year of the twentieth anniversary of the signing of the historic Good Friday peace agreement that has provided the foundation for a better and peaceful future throughout Ireland.

President Higgins, as many of us know well, you are a man of many dimensions: president, but also poet, writer, philosopher, linguist, sociologist and statesman. First and foremost, we know you as a tireless and a most passionate advocate for social justice – the vocation of this house – for human rights, for equality and for human dignity, both in your own country and globally. These concerns are at the heart of your vision for the future of Europe and for the international community, a vision built on peace, solidarity and sustainability.

We have seen many times your boundless energy in applying these convictions to the cause of peace and democracy, not only in Ireland but elsewhere, from Nicaragua and Chile to Cambodia, Iraq and Somalia and, more recently, in Colombia and in the Syrian Arab Republic. You have become a part of Ireland's long and proud tradition of commitment to peace and security around the world through its peace-making and peace-building activities – a tradition, I hasten to say, from which this Organization has itself benefited very significantly. Your own work for peace and social justice has been recognized, including when you became the very first recipient of the Seán MacBride Peace Prize in Helsinki in 1992.

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Mr President, you have given some cautionary advice, if I might call it that, to a world in which a new brutalism, as I described it at the beginning of our Conference, prevails ever more widely. You have pointed to the absence of adequate and inclusive discourse, and to the consequent “rise of an ever more rancorous rhetoric often sourced in despair, alienation, anomie and exclusion”. To counter this, you seek understanding from the past to make a better future, one whose ethical core is shaped by a vision that reconnects society, economy and ethics. And here I find that you echo William Faulkner, who said that the past is not dead, it is not even past, but merely an aspect of the present. This is to say that whatever our past has been, it has to serve and inform us in our construction of a better future. With that inclusive vision, it comes as no surprise that in 2011, when you took office as the ninth President of Ireland, you undertook to be a president for all the people.

Mr President, we were honoured that you delivered the ILO’s Edward Phelan lecture in Dublin in 2015 on the theme of the future of work, a theme which is always in our thoughts as we move towards our centenary at the ILO. You have stressed that the challenges of the future can only be met by a strong narrative of hope, and that we can change our destinies and societies to shape an inclusive future. That is a message, Mr President, that resonates with all of us at the ILO. We thank you once more for being with us and look forward to hearing from you now.

## **The President**

Thank you Secretary-General of the Conference.

It is now my honour to invite His Excellency Mr Michael Higgins, President of Ireland, to take the floor.

## **Mr Higgins** President of Ireland

I am deeply honoured to be here to join and speak to many distinguished delegates from so many nations. May I begin then by thanking the Director-General of the International Labour Organization, Guy Ryder, for his generous and indeed gracious comments and for his invitation to address this plenary sitting of the 107th Session of the International Labour Conference.

I am very conscious that I am addressing the longest-established, and one of the most important, institutions in the conduct of international relations, one that gives voice not only to governments but to the representatives of workers and employers, one that attempts a partnership, one that was born of the collision of empires – the collapse in human solidarity – that we now know as the First World War.

This year, of course, on 11 November, many of the nations of the world shall commemorate the conclusion of that war, and it is my hope that they will do so not as a celebration of militarism or as a valorization of martial spirit, but as a recognition of the wasted promise and potential of the millions who lost their lives during that conflict, of the lasting damage to further millions who were wounded and maimed, and of the countless others who suffered mental anguish as a consequence of bearing witness to the horrors of war.

Is it not one of the great tragedies in human history that such a global consciousness as might privilege cooperation rather than aggression, conflict, domination, exploitation or insatiable accumulation has not emerged, established itself, sustained itself, but rather – in so many places in modern times – has been dismissed, devalued, even abandoned?

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Of all the institutions established by the international community in the wake of that cataclysm that was the First World War, only one has endured to this day: the International Labour Organization with its affiliation of 189 peoples. That it has done so is testament to the moral vision and indomitable hope that is contained within the Preamble to the Constitution of the Organization, which reads: “[U]niversal and lasting peace can be established only if it is based upon social justice”. In our present circumstances, 99 years after that Constitution was first proclaimed, that spirit of idealism and vital moral purpose are surely more urgently required than ever.

Today, as we reflect on the adoption of the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), by this Conference last year, let us seek to draw more from those foundational moments in this Organization’s history, such as in 1919 and again in 1944, when the community of nations was, for a moment, resolved to build from those ashes of war – a war that had brought human behaviour to the nadir of cruelty and abuse of the most basic human instincts – a more just and equal economic order, one built on the dignity of labour, one in which all those involved in economic and social organization recognized their duties to the common good. There was then a certain urgency, even desperation, to move to a new place in human experience.

The precursor to the 2017 Recommendation, the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71), was, let us recall, adopted on 12 May 1944, only two days after the adoption of the Declaration of Philadelphia. To read it today is a reminder of the enormous challenges that were then confronting a world which sought to meet the needs of a great variety of diverse populations: refugees fleeing persecution; invading armies; demobilizing soldiers; workers with disabilities; and, of course, women, who had entered the industrial labour force in huge numbers.

The Declaration of 1944 has an engaged intellectual and moral background that ensured that it would not simply descend to the level of a set of rhetorical flourishes to be recalled in the future. It was followed – implemented – by a defined role for the State; and, as for the accepted role of the market, recalling the devastating impact of wild speculative tendencies in 1929, there was an acceptance of the need for regulatory mechanisms if social cohesion was to be achieved. In so many States and societies, the wars had thrown people against each other and the Welfare State, with its project of shared citizenship, was bringing them together, seeking to lift them off the social floor, offering some guarantee as to basic dignity in citizenship, encouraging political participation as a space for discourse on options for the connection between economy and society.

More than 60 years later, the task before us, of building and sustaining a peace based on social justice, is as daunting as – and perhaps even more so than – the task that the 26th Session of this Conference faced in 1944. For we, in these first decades of the twenty-first century, again live in a world marked by war and the rumour of war, preparations for war that will absorb not only the muscle and sinew of our physical labour but the creativity of our intellectual labour, war built on fear of the other, ignorance and impatience as to different forms of economy presented and, too often, perceived as inevitable even if they are sustained by continuing injustice and deepening inequality. The burdens of war – famine, atrocity, starvation, displacement, forced migrations – now fall ever more upon those least able to bear them, upon women, children, and older people.

We too, in the new conditions of our time, must take stock of the challenges we face and our capacity for response. Are we to allow a role for the State as partner in constructing an emancipatory and more inclusive citizenship? Given, in particular, the challenges of climate change and sustainability issues, can we bring an institutional and policy architecture into being, one that not only envisages partnership but allows for an entrepreneurial State and for entrepreneurial state institutions, as has been suggested by intellectuals such as Professor Mariana Mazzucato of the University of London?

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What serious scholarship supports the view, for example, that a mere adjustment of our present practices will suffice for any of these challenges?

Inequalities in wealth, income and power – both a cause and a consequence of war – are widening both between and within nations, excluding hundreds of millions on the basis of the intersecting lines of class, nationality, ethnicity and gender.

The unprecedented accumulation of greenhouse gases in the Earth’s atmosphere, the legacy of two centuries of industrial civilization, now threatens a planet most vulnerable to, and as yet unprepared for, the catastrophic consequences of climate change with all of its devastating implications for the displacement of people, involuntary migration, the degradation of the environment and the eruption of new conflicts over diminishing natural resources.

Yet, at the very same time that we as an international community hold within our collective grasp the capacity to organize our labour within a framework of irreducible and indivisible dignity of work, whether by hand or brain, and when the resources, whether material or intellectual, to abolish all forms of human poverty exist and could ensure that in the words of the Declaration of Philadelphia, “all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity”, in terms of those aims are we not drifting towards failure? In affirming that principle I have just quoted, we the Members of the International Labour Organization accept a moral, political, social and economic responsibility, not only to the peoples of our own nations but to the peoples of other nations and indeed, may I emphasize, to future generations as well, for there can be no social justice that is not unlimited, no peace that is not universal and no solidarity that is not open to all.

Two months ago, I addressed the United Nations General Assembly as part of the High-Level Meeting on Peace-building and Sustaining Peace. It is very clear that Secretary-General Guterres is seeking to meet the aspirations outlined in the resolutions on peace-building adopted by the Security Council and the General Assembly in 2016.

The report of the Secretary-General on those resolutions has outlined an ambitious plan of action for the United Nations and its agencies. It presents a vision of, and relies upon, the member States and agencies of the United Nations, working cohesively across the pillars of peace and security, human rights and development to address the root causes of conflict so that we are not merely responding.

Yet the activities of the United Nations have been fractured by the actions of the most powerful. If our predecessors of 1944 saw how global accountability in international capital flows was necessary, a fact that led to the establishment of the Bretton Woods institutions, we in our time have failed to secure even a space for the discourse of accountability. Future history will contrast the moral urgency of the discourse of 1944 with the contemporary spectacle that is Davos, and they will draw the inevitable moral conclusions.

Ever since its inception, the International Labour Organization has been dedicated to the proposition that peace can only be built, and can only be sustained, when it is founded on a just and equal economic order, one capable of meeting the needs and aspirations of all people in their diversity.

In the words of the Declaration of Philadelphia, which still ring through the decades to us today, “poverty anywhere constitutes a danger to prosperity everywhere”. The International Labour Organization draws for its ideas, for its inspiration and for its decisions, upon States themselves, upon workers and employers, and, in short, upon nearly 100 years of social dialogue that has been seeking consensus and partnership. By placing decent work

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and social justice at the very heart of its approach, the International Labour Organization has not only secured a mandate but achieved credibility, and it still retains the potential to be one of the international organizations best equipped to assist nations and their peoples to build resilience and prevent conflict.

Ireland, as the Director-General has said, has been a part of the transformative work of the International Labour Organization since 1923. It was the first international organization that our newly-independent State joined and one of our most distinguished international civil servants in those early years of our independence, Edward Phelan, devoted his career to this Organization and was instrumental in the drafting and preparation of the Declaration of Philadelphia. As Director-General, he championed and pursued the spirit of diplomacy and dialogue that has been, and continues to be, so characteristic of this Organization – a diplomacy of the common good, a diplomacy informed by deliberation, courtesy and respect, rather than any cynical and narrow diplomacy of transaction derived from an immiserated and, at best, insufficient and narrow theory of interests or threatened disadvantage.

Ireland, the country I represent, knows from our own peace process, to which you have referred, that a diplomacy of mutual respect, of plural and shared narratives can succeed if it is practised with consistency and transparency of purpose. The Northern Ireland Peace Agreement of 20 years ago, signed on Good Friday, represents and remains a profound achievement, one that is underpinned by many of the guiding principles recognized by the Recommendation of 2017: the importance of reconciliation; the need for international solidarity; the need to combat discrimination in all its forms; and the imperative of recognizing fundamental human rights, whether they be civil, social, economic, cultural or political.

Support for decent work, for social protection and for fundamental rights may not remove or supplant what are – as in the case of Northern Ireland, of course – deeply held views regarding the constitutional arrangements under which people wish to live or the legitimate national aspirations that many of the peoples of the world hold. Yet the Peace Agreement in Northern Ireland does demonstrate that when all parties to a conflict respect and commit to those fundamental principles of decent work, security to participate in the public world, security from fear of insufficient provision in health, housing or education, it is possible to create a shared space capable of accommodating different aspirations, one in which it is possible to imagine a shared future of hope and possibility.

It is also important to emphasize that our peace could not have been achieved, nor could it have been sustained, without the persistent and courageous activism of civic organizations campaigning for a more equal and peaceful society. The trade union movement, on an all-Ireland basis, has been the greatest, most consistent and most courageous opponent of sectarianism. Many of those campaigns against sectarianism and for the welfare of citizens and workers were led by the women of Ireland, North and South. Their campaigns demonstrate that gender equality can never be simply residual to peace-building; it must be placed at its very heart.

One of the most critical components of the peace process, and of the process of peace-building in Northern Ireland, has of course also been the sustained financing for peace undertaken by the Governments of Ireland and of the United Kingdom, and through the European Union Programme for Peace and Reconciliation in Northern Ireland and the Border Region of Ireland (2000–04) (PEACE II).

Indeed, European Union investment is of such material and symbolic importance that it is embedded within the Peace Agreement itself through a special European Union programmes body which coordinates funding for Northern Ireland, the border region, and the west of Scotland. That funding is directed towards training young people, creating shared spaces for education and meeting the needs of victims of the conflict.

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These initiatives were, and are, appropriate in a very specific regional context, one which is not necessarily reproducible in other parts of our planet and, indeed, one which is subject to some uncertainty at present. And so, as President of Ireland, I welcome the commitment of the International Labour Organization to its programme on Jobs for Peace and Resilience.

Expanding economic opportunities; ensuring the recognition of fundamental social and economic rights; advocating, advancing and achieving decent work; and facilitating social dialogue between workers, employers and civic organizations are critical components of recovery from conflict and the prevention of any return to war.

I therefore welcome the ambition to place the International Labour Organization at the centre of our efforts to create a new global architecture for sustaining peace; sufficient and effective investment in rights-based peace-building programmes will not only save lives but offer the peoples of the world all of the possibilities for development and human flourishing that peace can bring.

This will be necessary if we are to accomplish the goals of that most remarkable declaration of shared global solidarity, the 2030 Agenda for Sustainable Development, to which we committed ourselves in New York two and a half years ago.

The message of the International Labour Organization must be brought to the attention of the world. How much better it would be if the necessary elements of what constituted social cohesion were the discourse that prevailed on the streets of the world, rather than the excluded being abandoned to become the prey of xenophobes, homophobes and racists?

In our present circumstances, none of what I have described will be easy. The diplomacy of the global common good, exemplified by this Organization, is giving way to a recurrence of the kind of diplomacy practised in the worst moments of the past century, one characterized by narrow self-interest and, at its worst, a disdain for those hard-fought and hard-won basic rights that stand at the centre of international law, whether it is encoded in the Refugee Conventions, the Universal Declaration of Human Rights or, indeed, the Conventions governing the most foundational rights at work.

When I spoke to the United Nations General Assembly two months ago, I said that so many of our global citizens, and particularly the young of the world, are so often appalled by the suggestion that where the United Nations is concerned, what is normative or based on values is for the General Assembly but that the strut of the powerful and the wielders of power must prevail in the Security Council. What is normative is now regarded as something that, as it were, can be parked on a siding. And thus, a false dichotomy between what is theoretically normative and valuable and what can be empirically validated simply becomes the work of lazy commentary.

May I suggest today that this Organization itself has too often and for too many years been treated as if it were simply normative, as some kind of advisory body or some echo of conscience, to be acknowledged, and then disregarded.

I say this not to diminish in any way the work that has been carried out by the International Labour Organization. Indeed, the intellectual agenda forged by this Organization through the rigorous and critically engaged intellectual work of its Research Department has been instrumental in equipping nations and people to understand the far-reaching impact of the liberalization of finance and trade on employment rights, labour markets, the new international division of labour and the increasing power and reach of global value chains, controlled and organized by transnational corporations that often offer no transparency to the global community.

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However, I would challenge some of our member governments to show evidence that they took as a primary source the commitments made to the Constitution and Conventions of the International Labour Organization, or indeed any account of the United Nations Commissions for the different regions of the world. These reports are evidence-based, rigorous and relevant in their policy recommendations but are rarely quoted by governments or government agencies. For too many governments, the reports of ideologically predictable consultancy bodies, not research-based and rarely referred to by peers, are far more comfortable reading.

This Conference has itself been the site of so many important interventions as to rights. The Declaration on Fundamental Principles and Rights at Work adopted by the 86th Session, has provided a shared and universal framework in which to achieve dignity at work, in a world in which regions and nations are experiencing all of the differential effects of globalization, expansion and recession, development and underdevelopment.

The Declaration on Social Justice for a Fair Globalization, adopted in 2008, advocated an alternative to the simple deregulatory nostrums of the now-discredited Washington Consensus based on a vision of decent work for all, one that promised a globalization of the social floor rather than the social ceiling, a globalization based on employment, social protection, social dialogue and rights at work.

This should amount to more than one voice from a discordant chorus of silos. Too often, the international financial institutions, the World Trade Organization and member States have turned their face away from the fundamental principles promulgated by the International Labour Organization and have not merely been seduced, but have become proponents of a theory of government and governance now popularly known as neo-liberalism, which is really an ideology that need not declare its name. Its policy agenda is now familiar to us all: the removal of constraints on the growth, use and flow of capital and wealth; the privatization of state assets; sharp reductions in the taxation of capital; the curtailment of social protection; neglect of the public realm; the dismantlement of collective bargaining in so many States and, in its most extreme variant, of the very concept of social dialogue. It is based on, draws on and stands for the radical experience of an exclusive private existence that is perceived as being under threat from any concept of the public world, the citizens of a shared public space, publics that might be served by democratically accountable institutions.

I believe that all of these contemporary difficulties can be overcome. For let us recall that in the difficult climate of the Cold War this Conference struggled, understandably, to reach a consensus. Though every national delegation, whether representing the State, workers or employers, shared the same faith in that immortal precept – that universal and lasting peace can be established only if it is based upon social justice – they disagreed, often profoundly, on the manner in which social justice was to be expressed. Their arguments were legitimate; it was to be expected that what were then termed the East and the West would offer alternative visions based on their strengths and their erroneous, even violent, assumptions. It was also to be expected that the heralds of the newly free nations of the world would bring their own conception of social justice and of the role of labour.

For all that debate and disputation, what was never in doubt was the shared conception that social justice was to be the organizing principle upon which the actions of the Organization and its Members would be based, and it was regarded as possible. Yet, ever since the end of the Cold War, the very idea that social justice is an end of policy, whether in itself or as the buttress upon which all peace – industrial peace, social peace, peace between nations, peace in its widest sense – rests has come to be disputed and even dismissed by many, replaced by an ideology which sanctions poverty amidst plenty and places private desire over the public good, insatiable consumption over sustainability, unrestricted accumulation over diversity of competition and the freedoms of the market over the rights

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and dignity of labour. Indeed, I have been introduced as someone with an interest in philosophy and if ever a concept was robbed of moral content in philosophical terms in these decades, it was “freedom”.

This Conference and this Organization, along with other agencies of the United Nations, have often been lonely advocates for a much-needed alternative vision of globalization, particularly in an international environment where the self-assured and, indeed, often self-promoting voices at Davos and elsewhere have, at times, resounded louder in the halls of power than any voice of labour or, indeed, the voice of so many small and medium-sized businesses.

The rigidity of these ideological positions and their substitution for empirically testable theories is, I think, giving ground. And, surely, that is welcome. What I have described is now – albeit slowly – beginning to change, and may I commend Director-General Ryder and the staff of the International Labour Organization for their recent productive collaboration with some of the international financial institutions and the World Trade Organization.

This is an indication not only of institutional success, but of a gradual and necessary shift in the intellectual climate. Agencies which once advocated, with more than a tinge of hubris and intoning the mantra of inevitability, characteristic neo-liberal policies such as the universal liberalization of capital flows and the deregulation and creation of financial markets have now begun to question what were once their sacrosanct and unchanging policy prescriptions.

Such institutions, when confronted with the prospects of the consequences of a lost social cohesion, now speak of the need for “inclusive growth” and of policies which can address the vast inequalities that exist within and between countries in terms of income, opportunity and wealth, recognizing – however late – that more equal societies are healthier societies.

But they also realize that the space of the lost mediating institutions is a dangerous space in which to be, one without a future for jobs or employment. And, frankly, the roar from the street without mediating institutions will be threatening. Indeed, the recent arrival of “behavioural economics” perspectives in international reports may herald more than merely a lifeboat launched from a sinking ship; it may be a tentative recognition that restoring social cohesion is the alternative to facing the inchoate anger of the “global street”.

More importantly, after many years of critique from within and without, those organizations are now beginning to question some of their long-held a priori assumptions. I have been most impressed by the capacity of the International Labour Organization to place some of the most basic questions of distribution of income on the agenda.

Its recent work on the relative proportion of gross national income accruing to labour and capital under the current conditions has been a valuable contribution to responsible discourse. That work, carried out in concert with the International Monetary Fund, shows that the labour share of gross national income has been declining in most countries since 1980.

When we speak of labour, the fruits of labour and the distribution of the gains and losses of globalization, the question that this work poses is a fundamental one. For if the overwhelming gains of globalization accrue only to the few and are predicted to continue for the few while the losses are imposed and pushed down upon the many, can we truly envision a peaceful world?

So I want to congratulate those who are working on the theme of “the future of work”. I am most acutely aware of the danger of confining our vision of the economy to that which

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is measured by conventional methods of national income, output and expenditure. In doing so, we lose sight of so much of that which is of substance in the world of work. Envisioning the future of work is inescapably an interdisciplinary exercise. Our citizens, all of us, have related, relate, and will relate to work from different perspectives, and all of these differences are important.

Work as a human activity is the experience of living in the fullness of lived experience within a society and a culture. It is irreducibly social and inextricably linked to citizenship. Yet much of the essential work carried out by women – caring for the family, the sick and the elderly, sustaining and educating the household – is not measured if it is not carried out in the marketplace.

Development economists such as Ester Boserup have reminded us that this so often amounts to nothing less than masking a double workload as women are so often condemned to perpetual work – work that is not emancipatory, as I described it, but is often long, unremitting and exhausting. Many working in Europe are reporting levels of stress at work and there are meaningful differences between countries that are associated with levels of social protection, provision for inclusion and adequacy of public provision in the public world in relation to these reported levels of stress.

On every continent, too many women are living in precarious conditions, with limited economic power, and are also most vulnerable in relation to household provision and the rapid movement of commodity prices which are such a structural feature of the present era of globalization.

Within the internationally traded economy, there is scant consideration for such women. Transnational corporations are permitted to transfer risk down through the global supply and value chains, often to those who can bear it least – farm or factory workers – often compounding the gender pay gap even further.

So I warmly commend the Report on the Women at Work Initiative presented to this Conference by the Director-General and its proposal to establish new forms of statistical measurement that will have the capacity to value the totality of women's work: to ensure, for example, that the growing care economy is grounded on decent work and that measures to strengthen women's control over their own work time are introduced.

Above all, on a day in which we speak of conflict and peace-building, I would like to commend the commitment to put an end, not in a decade's time but now, to violence and harassment against women in the workplace. These daily acts of aggression against women are a global outrage and know no national barriers. At times they occur within the context of slavery, indentured labour, or physical abduction and abuse. This must be ended and it requires a global response, one which begins in our own workplaces, whether in the agencies of the United Nations, in our public administrations, in factories, on farms or in offices, and let us say it clearly and unequivocally that no invocation of culture must be given the credence it seeks to block or impede any basic human right.

When he received the Nobel Prize in 1974, one of my fellow countrymen, Seán MacBride, spoke of the imperatives of survival in the twentieth century, which he believed could only be achieved through the fulfilment of the Charter of the United Nations – nothing less than a universal peace. With our planet now bearing the ravages of climate change, the imperatives of survival will rest on our capacity to fulfil the promise of the Constitution of this Organization and to meet the contemporary demands of global social justice.

We will need to move the discourse on work beyond the atmosphere of the labour market. Work has to be discussed within a model of human capacity, of human flourishing within a participatory society inextricably linked to citizenship. This challenges, I suggest –

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with not a little sadness and with respect – a rather collapsed contemporary scholarship in economic theory and policy. We do so need an adequate reinvigorated social economics that can integrate with ecological realities and an inclusive global ethics, and we need an intellectual integrity that will privilege, make possible, pluralist scholarship and thinking. So much of that work is being undertaken by this Organization, whether through the Global Commission on the Future of Work or in the intellectual labour that it has provoked.

Given the diversity of our human history, of our philosophical, ethical and faith traditions and of our respective economies and societies, there has never been, nor will there ever be, a single definition of work or labour or a single expression of work as a human experience. And it would be a fallacy to simply assume that our contemporary institutions – institutions that we have the power to shape – will remain unchanged as labour-saving technology, owned and applied by the few, shapes the lives of the many.

I so welcome the work of those intellectuals who are engaging with these challenges of change. For example, in a paper published in 2016 by the International Labour Organization, Professor Dominique Méda has proposed that rather than accepting any inevitable future, be it utopian, benign or malign as to the impact of technology, public policy could be a choice between options, be directed to ensure an ecological conversion in conditions that protect, and even expand, decent work. This paper represents the type of bold, ambitious and ethically informed thinking that we require at this time in this century, one that places work, as with all human activities, within the context of global citizenship itself, and one that established a link between work, citizenship and the adequacy of ecological response.

We must be more than hopeful; we must be committed to action. After all, through those two vital moral achievements of the diplomacy of the common good, the Paris Climate Accord and the Sustainable Development Goals, we now have vehicles through which we can focus, organize and measure our efforts in a way that will enable us to meet the challenges of our century and build a lasting peace. Decent work, gender equality and climate justice are, after all, at their very core.

Secretary-General Guterres has proposed bold and necessary reforms to the United Nations system to prepare all its constituent parts for the enormous tasks ahead, the accomplishment of which will require the best of our courage and our energy, tasks to which this Organization will be central. The United Nations needs all of our support now. It is our United Nations and in too many of its parts, it is under siege from within and without.

In these times, the need for the International Labour Organization, and the rights to which it is devoted, has never been more urgent. If we are to achieve the necessary decarbonization of our economies, if we are to rise to the actions demanded of us, we must rediscover a moral courage equivalent to that which this Conference displayed in 1944 when it declared that peace could only rest upon international policies and measures which promote the attainment of social justice. This will require a convergence of vision between the institutions of the United Nations, a unified voice from the silos, the member States, organizations of regional cooperation and, if we are to be serious, the Bretton Woods institutions.

There are warning signs of which we should take note. A surge in world conflict that we have witnessed, and from which so many peoples have suffered in the last two decades alone, has occurred at the very moment that we, as a planet, have reached the highest point of the internationalization of capital, goods and markets in our history.

The great conflagration of the First World War that consumed a generation of the young and the old and gave birth to this Organization broke out during the previous high point of globalization. Despite the warnings that have issued from this Conference in previous times, a social globalization, a globalization of ethical interdependence, has in too many places

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been eschewed to make way for an uncritical pursuit of a globalization of trade and of finance, a single version of globalization, one that has abused its authority to sustain an ignorance of those forms of intellectual inquiry sourced in humanism. This hegemony of intellectual thought is not an accidental phenomenon. It has been in gestation since the first reflections of von Mises and von Hayek just four years after that meeting of 1944. It has colonized universities and places of learning, bonded foundations and thought centres and served this hegemony as they eschew or devalue even pluralist scholarship.

So let us heed once again the lesson of a century ago: that peace does not simply rest on common markets or as a residue or a facilitating condition for markets, but rather upon a global solidarity, intellectually powerful and built on adequate literacy of the economic and the fiscal, one dedicated to the realization of social justice and equality for all our peoples, equality in all its forms, gender equality, economic equality, social equality and equality of opportunity. That is how peace will be built and maintained in this century, a century that must, in new and ever-changing conditions, craft the experience of work within a sustainable, ethical global citizenship.

May we succeed together. *Beir Beannacht.*

## **The President**

Thank you, President Higgins, for your words, which will certainly inform our proceedings today, tomorrow and beyond. Once again, on behalf of my fellow Conference Officers and the delegates to this 107th Session of the International Labour Conference, I thank you for coming to address us today. We are most grateful for your visit and inspiring message.

*(The special sitting is suspended at 1.30 p.m. and resumes at 3.15 p.m.)*

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**High-level visit by His Excellency,  
Mr Faustin-Archange Touadéra,  
President of the Central African Republic**

**The President**

I call to order this special sitting of the International Labour Conference. As you all know, as part of the 2018 World of Work Summit, His Excellency, Mr Faustin-Archange Touadéra, President of the Central African Republic, is honouring us with his presence this afternoon.

Excellency, on behalf of the Conference, please allow me to extend a very warm welcome to you and express our gratitude to you for coming to address our assembly. We appreciate that you are taking time out of your busy schedule to join us today and look forward to your address.

I now give the floor to Mr Ryder, Secretary-General of the Conference.

**The Secretary-General of the Conference**  
*(Original French)*

Mr President, it is a great honour to receive you here today to the 107th Session of the International Labour Conference and to welcome you here to the Palais des Nations.

You are a brilliant mathematician with an exceptional academic career behind you. You decided to place yourself at the service of your country, the Central African Republic, and its people.

Mr President, we are very pleased to hear you talk today about how you have responded to the challenges in the world of work in your country and about how you are seizing the opportunities that arise.

The Central African Republic, as we know, occupies a strategic position in a complex subregion. It is facing economic and social challenges as well as humanitarian and security crises, not to mention refugee flows from neighbouring countries and an internally displaced population.

Mr President, we recognize your commitment to peace and reconciliation, which will contribute, we are convinced, to rebuilding hope among your country's population, in particular among the young.

In recognition of the link between peace and work, your major priority is to address the need of your country's population for jobs that provide a decent standard of living. In so doing, you are maintaining the hope of social and economic progress for everyone.

With this in mind, your Government has placed employment, decent work and investment in the population at the heart of its political objectives, thus building a secure foundation for inclusive growth. Your Government is also working to balance reforms and to exercise budgetary discipline while respecting social justice.

Mr President, allow me to recall here our very constructive dialogue during your visit to Geneva in September 2017. This was an excellent opportunity to appreciate fully your personal vision of the ILO's mandate and your commitment to promoting the work of our Organization.

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We are working with your Government to make social protection a priority area so that the population of your country can receive basic support, enabling it to make use of opportunities that arise and build decent lives.

Today I would also like to take this opportunity to thank you for your interest in promoting the strategic partnership between the ILO and the Central African Republic and your personal role in that regard.

Mr President, we see your presence here as the expression of your renewed commitment to the ILO and of the furthering of our solid tradition of cooperation.

I would like to thank you once again for the honour that you have bestowed on us by speaking here today.

## **The President**

Thank you Secretary-General of the Conference. It is now my honour to invite His Excellency Mr Faustin-Archange Touadéra, President of the Central African Republic, to take the floor.

### **Mr Faustin-Archange Touadéra** President of the Central African Republic (*Original French*)

It is an honour for me to take the floor before this assembly of distinguished representatives from the world of work. My delegation and I have come to share with you the realities of the lives of the Central African workers for whom we are endeavouring to provide the best possible working conditions in an environment that carries the scars of a violent conflict. Our basic assumption is that having the opportunity to gain access to jobs that generate income and wealth is fundamental to peace-building and the strengthening of resilience in the Central African Republic.

The conflict that has cast a shadow over the Central African Republic since 2013 has considerably reduced the State's capacity to reach people in all parts of the country in order to provide them with the basic services they need for their well-being. Indeed, since 2013, roughly a third of inhabitants have been displaced. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), 582,377 Central Africans are currently registered abroad and 687,398 have been internally displaced.

This crisis has weakened the State's ability to meet the people's urgent needs. It is estimated that, owing to insecurity and to the collapse of the public payment system, just 5 per cent of public officials remained in their posts outside of Bangui during the crisis. This has had genuinely disastrous consequences for the country because sectors of essential importance such as health care and education were paralysed.

Our first priority is to overcome all of these challenges so that the perpetrators of violence can no longer take hostage the legitimate ambitions of an entire population that is striving for development and well-being.

Employment is therefore one of our primary focus areas. In this regard, we deplore the worsening of the situation owing to the drastic slowdown in several areas with a high potential for growth and job creation. This amounts to a slowdown of 35–40 per cent, including in the mining, forestry, agriculture, telecommunications and rural development sectors. The loss of income for the State in terms of tax revenue, and for many households as well, is enormous. Many of our compatriots have lost their jobs, a fact that poses a serious threat to their well-being.

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While unemployment is a tragedy for the individual, it places a serious burden on future generations when it affects young people. Unemployment has a three-fold impact. From the social point of view, it increases poverty, undermines education and weakens the social and cultural structures that are the basis of social cohesion, since young people who cannot find a job are far less inclined to start a family. From the economic point of view, youth unemployment takes a toll, because young people who are unemployed make up the largest part of the population that is consuming without producing. In a country where the savings rate is almost zero, this constitutes an obstacle to investment. From the political point of view, unemployment in general, and more particularly youth unemployment, is a source of social unrest and political instability. The recurring crises that have undermined the foundations of production and economic growth in the Central African Republic have reduced the State's ability to hire. Similarly, the private sector has seen the resources available to support its production and growth reduced and this has had a serious impact on its hiring capacity. One of the indicators of this high unemployment rate is the fact that over 80 per cent of jobseekers are under 35 years of age.

Thus, the survival economy has outpaced the formal economy. Today, the informal economy accounts for three quarters of the country's economic activity. In this situation of precariousness and little prospect of decent work, young people have become a valuable workforce for the perpetrators of violence. Unemployment exposes young people to all kinds of manipulation, substance abuse and radicalization. We must all act.

In order to reverse this negative trend, we have to overcome a triple challenge. We will continue to endeavour to advance the peace process, achieve the reconciliation of our people and re-establish the foundations of a functioning state. We will work to improve the business climate to pave the way for the active re-engagement of investors. The resumption of economic production, like the revival of the public administration, requires us to develop a training provision that enables our young people to acquire the skills needed for a changing labour market and job opportunities.

We would like to transform this force bent on destruction into a valuable asset for national reconstruction. In order to do this, I will commit my Government to the implementation of the Employment and Decent Work for Peace and Reconciliation Recommendation, 2017 (No. 205), which was adopted on 16 June 2017 during the 106th Session of the International Labour Conference.

In analysing this Recommendation, it is clear that it is an appropriate instrument for the Central African Republic, whose workers and jobseekers, as well as employers in every sector of the economy, have been affected by the long conflict that has weakened the wealth-creating structures in my country. I would like to take this opportunity to appeal to the International Labour Organization to give special support to the Central African Republic with a view to making it a pilot country for the implementation of Recommendation No. 205.

One way to achieve sustainable peace in the Central African Republic is to provide the means to improve labour supply so as to increase productivity and the capacity to create jobs and wealth. Furthermore, we must ensure that work is properly remunerated to make it possible for people to meet their basic needs and to create the right conditions to ensure an equitable redistribution of wealth through a fair remuneration mechanism.

Better still, our aim is to ensure that work can be carried out in a safe environment and provides social protection for families in order to preserve and increase worker dignity. Our strong belief is that decent work by its very nature is also closely linked to job satisfaction.

For the Central African Republic, the battle for the promotion of employment and decent work for peace and resilience is a daily challenge. In spite of the difficulties that my country is experiencing, I have come here to tell you of our determination to overcome the

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obstacles encountered on the road to peace. I have also come to share our vision to improve the situation of Central African workers, who continue to demonstrate their unique ability to be resilient. They have dealt with the horrors of an abject war; they have sometimes faced a subhuman existence; they continue to fight with dignity so as not to be drowned forever in the ocean of blood promised by those who would sabotage peace. It is these workers, challenged by adversity but remaining dignified, who have sent me to make their voices heard, to make known their struggle for survival, to reiterate their call for the world to continue supporting them.

As I have already underlined, now, more than ever before, employment is imperative to firmly anchor social cohesion. It is a determining factor for lasting peace. Endemic poverty, fuelled by a lack of training, unemployment and underemployment, is a huge challenge.

I therefore call for the strengthening of all aspects of cooperation between the Central African Republic and the International Labour Organization. I would like to suggest that a high-level technical mission should visit Bangui as soon as possible, so that together we can analyse what the response should be to the issue of employment and decent work, with emphasis on the following.

First: strengthening the capacities of public officials so that, despite the meagre resources available to the State, the best possible quality of services is provided to citizens. In response, and aware that no major programme can succeed without human resources equipped with the most up-to-date knowledge, we launched an initial training programme targeting 200 public officials from the Central African administration. We intend to roll out a second round of training courses for a further 200 public officials in the near future. Our objective is to provide updating sessions and continuous professional development programmes for Central African public officials to ensure the highest level of service quality for citizens.

Second: establishing an effective social protection mechanism. With the crisis, health-care costs have led to a large proportion of the population being excluded, and Central African workers have been particularly affected. The idea is to improve working conditions by putting in place a health insurance scheme for public officials with a view to achieving universal coverage fairly quickly. Initial contacts have been established with the ILO Director-General, and we would like to take this opportunity to call for a speeding up of this process, which is part of efforts towards creating a social protection mechanism for workers.

Third: promoting active social dialogue, based on ongoing consultations, with the participation of the pillars of tripartism, namely the Government, employers and trade unions. This dialogue framework, which needs improvement, should lead to appropriate mechanisms being determined to avoid social crises. This dialogue must also lead to a response to the legitimate demands for worker well-being, in a context where the scarcity of resources is forcing us to increase production and carefully manage costs to better ensure the inclusive redistribution of results achieved.

Fourth: promoting decent work for women and young people. Against the background of the prevailing crisis in the Central African Republic, productive forces have been weakened. Job creation requires the establishment of a mechanism to ensure its long-term sustainability. In this respect, the Central African Republic needs support in the form of more labour-intensive projects that must be accompanied by savings plans. This mechanism should create social safety nets and strengthen the capacity to retrain people. Furthermore, dual-system vocational training options (training in educational establishments and on-the-job training) should be given priority in the Central African Republic, the aim being to have an up-and-running workforce entering the labour market very quickly.

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Fifth: establishing an innovative partnership to promote the employment of internally displaced persons and refugees. In the Central African Republic, around 20 per cent of inhabitants are either refugees or internally displaced persons. The resources available to respond to the needs of these long-suffering population groups are becoming increasingly rare. I therefore call on all friends of the Central African Republic to be innovative in their approaches to finding a solution and to come up with a formula for repatriation and reintegration into the labour market by developing the productive sectors in order to generate jobs and income. My Government would be delighted to further develop this concept in a partnership with the ILO and the UNHCR.

In view of the immensity of the challenge and the fact that the situation in the country remains fragile, but also acknowledging the solidarity shown by the international community – which I always welcome – there is a constant need to improve quality. That is why I am seeking the support of the International Labour Office in undertaking the research and resource mobilization needed to implement the Decent Work Agenda in the Central African Republic.

This is the information that I wanted to share with you on behalf of my people. These are the foundations that we would like to strengthen to lift the Central African Republic out of the abyssal depths of a crisis that has gone on for too long. This is our idea of building a future on the virtuous foundations of work that will relieve people from unbearable pressures. That is why I have come to Geneva – to a meeting where giving and receiving is the order of the day – to advocate for the interests of Central African workers.

## **The President**

Many thanks, Your Excellency, for your words, which are extremely relevant to our proceedings. Once again on behalf of my fellow Officers and of the delegates to the 107th Session of the International Labour Conference, I thank you for coming to address our assembly today.

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## **Commemoration of the 20th anniversary of the ILO Declaration on Fundamental Principles and Rights at Work**

### **The President**

We now move on to the commemoration of the 20th anniversary of the ILO Declaration on Fundamental Principles and Rights at Work, which was adopted by the International Labour Conference in 1998.

The 1998 Declaration commits member States, regardless of whether they have ratified the relevant Conventions, to respect, to promote and to realize the principles embodied in the international labour Conventions on the four categories of fundamental rights at work, which are: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation.

For the ILO and its constituents, this Declaration provides a bedrock of mutually supportive commitments that underpin the pursuit of decent work and ILO development cooperation to support those efforts.

I now give the floor to Mr Ryder, Secretary-General of the Conference, to give his opening remarks.

### **The Secretary-General of the Conference**

Today we celebrate the 20th anniversary of the adoption of the 1998 Declaration on Fundamental Principles and Rights at Work. I believe that the Declaration stands as one of the historic achievements of the ILO, and I think it more than appropriate that our Conference take the time to reflect on what its practical impact has been and where we stand today in respect of human rights in the world of work.

This year, of course, we also commemorate the 70th anniversary of the Universal Declaration of Human Rights and I am truly delighted that the High Commissioner for Human Rights, Mr Zeid Ra'ad Al Hussein, is here today. I hope that he will remind us of the organic links between these two declarations.

As the world emerged from the Cold War and faced up to the challenges of a new era of globalization, the 1998 Declaration sought to create a level playing field between member States and to define the rights and principles that were necessary to it, and the responsibilities of all countries in respect of them. I recall that the Declaration was greatly influenced by the growing momentum of the fight against child labour at that time. And, as Nobel Laureate Kailash Satyarthi reminded us last week, this year is also the 20th anniversary of the Global March Against Child Labour.

So, 20 years later, can we celebrate the achievements of this Declaration? Well, despite the very great challenges that we face today, despite the many and serious violations that persist and, I am afraid, the new ones which have appeared, I believe that we can. We can, so long as we continue to be moved by the imperatives of unfinished business, and that unfinished business means those continuing violations.

Why do I speak of these achievements? First because, as you have said, President, the Declaration, which is applicable to both ratifying and non-ratifying States, has quickly become what Bill Brett, the Worker spokesperson in 1998, called a “searchlight which will

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illuminate those areas that have previously remained in darkness”. Global reports, including new statistics, have provided regular updates and spurred action in many parts of the world.

Second, the Declaration is embedded in many international agreements and that includes the UN 2030 Sustainable Development Agenda, where it figures most prominently in SDG 8.

Third, over these 20 years the fundamental Conventions have continued on their path towards universal ratification, which, I want to recall, remains a key objective for our Organization. Can I just say how delighted I was to receive, in the course of this Conference session, the ratification by Iraq of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

Fourth, despite the many remaining challenges I have referred to, there has been real and concrete progress: the number of children in child labour today, still 152 million, has fallen by almost 100 million since the beginning of this century. Many today might not be aware of the magnitude of the challenge that we and others faced 20 years ago, simply to raise awareness and put the issues of child labour on national and international agendas.

On forced labour, there is renewed recognition of embedded patterns of bonded labour and chattel slavery and of the nature of trafficking for forced labour in the modern economy. Many countries have strengthened legislation for enforcement, protection and remedy.

In addition, many countries have extended anti-discrimination laws to cover, inter alia, age, HIV status, disability, and sexual orientation and identity. Yet the pervasive gender wage gap persists and there is so much more to do to protect migrant workers and those fleeing persecution.

President Santos Calderón’s address to the International Labour Conference last week was, I believe, powerful testimony to the progress made in realizing freedom of association and the right to collective bargaining. Nevertheless, half of the world’s working people still remain outside the purview of these Conventions; their countries have not ratified them. There is much more to do to enable rights-holders to, in the words of the Declaration, “claim ... their fair share of the wealth which they have helped to generate”.

In 1998 sceptics, and there were quite a few of them, called the Declaration “soft law”, powerless against globalization and, indeed, with a potential to undermine the ILO’s hard-law instruments. But the record shows that this has not happened. The record shows that our Declaration has had a “hard impact”.

As Ed Potter, the Employer spokesperson in 1998, said: “the Declaration is a universal recognition of fundamental human decency below which no civilized nation in the ILO should fall”.

And so, as we celebrate today the 20th anniversary of our Declaration, we must at the same time place centre stage the millions who do not enjoy the fundamental freedoms that the Declaration proclaims. Let us renew our resolve to end child labour, to end forced labour, to bring an end to discrimination and violations of the rights to freedom of association and collective bargaining. Universal ratification and implementation of the fundamental Conventions and of our Protocol of 2014 to the Forced Labour Convention, 1930, would be, I believe, the most powerful expression of such renewed commitment.

## **The President**

Thank you, Secretary-General of the Conference.

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I now give the floor to a most distinguished guest, the United Nations High Commissioner for Human Rights, His Royal Highness Prince Zeid Ra'ad Al Hussein.

I should add that the High Commissioner had a long-standing commitment this afternoon and has made great efforts to be with us today but unfortunately will have to leave after he makes his remarks.

**Mr Al Hussein**  
United Nations High Commissioner  
for Human Rights

It is a great pleasure to be with you to mark the 20th anniversary of the ILO Declaration on Fundamental Principles and Rights at Work, which coincides with the year-long celebration at the Office of the High Commissioner for Human Rights of the 70th anniversary of the Universal Declaration of Human Rights.

At a time of growing turbulence in the world, with the resurgence of blind nationalism and the backlash against progress in many rights agendas, I also take this opportunity to celebrate the tremendous synergies between our two organizations' mandates.

Almost a century ago, in the wake of the First World War, the ILO was created in the conviction that social justice is essential to universal and lasting peace.

The Universal Declaration of Human Rights was drawn up amid the devastation of the Second World War and many of its articles are clearly inspired by the international standards and common values that the ILO had developed. Article 22, on the right to social security, builds on the ILO's social security Conventions and was further developed in the International Covenant on Economic, Social and Cultural Rights adopted in 1966.

Article 23, on the right to work, draws deeply from the ILO's endeavours on workers' rights, including the rights to equal pay and freedom of association. Together our offices stand for the same goal: to ensure that all women and men can claim and exercise the full range of rights to which they are entitled, in the workplace as in life, with dignity and without discrimination or fear.

These principles and rights have been expressed and developed in eight ILO Conventions and are anchored in the Universal Declaration and in nine core international human rights treaties. They are also embodied in the Declaration on Fundamental Principles and Rights at Work that we commemorate today. The Declaration stands for freedom of association and the right to collective bargaining; for the elimination of all forms of forced or compulsory labour; for the abolition of child labour; and for the elimination of discrimination. It commits every member State to uphold and realize rights and freedoms which are fundamental to human dignity, and it provides a foundation for our common vision of decent work for all.

Anniversaries are an occasion to take stock and look to the future. As we mark the 20th anniversary and look forward to your centenary next year we can confidently state that the ILO's tripartite approach has effectively promoted labour and human rights standards, through a combination of standard setting, technical cooperation and monitoring. This has been most evident in child labour, which has seen, as the Director-General just said, a total reduction of almost one third, with the worst forms reduced by half.

What can the Declaration on Fundamental Principles and Rights at Work contribute in the next 20 years, as we struggle to combat trafficking, modern slavery and forced labour, and as digital tools generate rapid transformations to our ways of working in a world still deeply challenged by issues of inequality, discrimination and sustainability? With young

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people struggling to achieve a foothold in the world of decent work, can the Declaration still have meaning? Can it still guide us?

It can and must, because, like the Universal Declaration of Human Rights, it is a living document that speaks not only to principle but also to the effectiveness and accountability of our actions.

Justice and social justice build peace. If we are to maintain peace and sustainable development on this small planet, it is essential that human rights and fundamental freedoms be placed at the core of the economic and social policies of States, businesses and international groups.

All of us who are engaged in working towards implementation of the 2030 Agenda know that it is a manifesto for human rights and labour rights. The Sustainable Development Goals are sustainable precisely because they are grounded in universal norms and principles, and we know that the Agenda constitutes a vital plan for action and change that is essential for sustaining humanity's future.

A rights-based approach is fundamental to addressing the challenges of achieving decent work and to keeping the promise of "leaving no one behind". I am confident that, no matter what the difficulties, we will work in close partnership to overcome them.

## **The President**

Thank you very much, High Commissioner. We are extremely grateful that you have been able to make some time to be with us today on a very important occasion.

I now pass the floor to Mr Botora, Mr Mdwaba and Ms Passchier, who will speak on behalf of their respective groups.

## **Mr Botora**

Government (Ethiopia), speaking on behalf of the Government group

It is indeed a great pleasure for me to address such a distinguished gathering at this special event to commemorate the 20th anniversary of the 1998 ILO Declaration on Fundamental Principles and Rights at Work at the 107th Session of the International Labour Conference.

Allow me to begin by thanking the Office for organizing this important and historic event, attended by high dignitaries and delegates from ministries of labour, workers' and employers' organizations, United Nations (UN) agencies and civil society.

The Declaration has not only laid a solid foundation for the promotion of social justice and internationally recognized human and labour rights; it also represents the ILO's core global mandate: a global social justice where a multilateral and collaborative approach among governments, workers and employers will be able to provide the required support to fully realize it. This commemoration, I believe, provides the opportunity to think back on the universality and value of these rights and helps remind us that their overriding significance remains highly relevant in today's world of work.

As the Organization approaches its centenary and significant changes are being experienced in the world of work, it is timely to look at the global progress on fundamental principles and rights at work. It is also important to note here that the 1998 ILO Declaration on Fundamental Principles and Rights at Work is the ILO's most widely referenced instrument to eliminate all forms and manifestations of exploitation and discrimination in

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the world of work. The 1998 Declaration has indeed provided a strong foundation for decent work for all, and urges all member States, regardless of their level of development, to respect, promote and realize the principles embodied in the international labour Conventions on: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation.

These four core principles are universal, indisputable, indivisible and interrelated human rights. Therefore, we are of the view that adherence to the values of fundamental principles and rights at work is critical to achieving decent work and the other goals of the 2030 Agenda.

Countries that have taken measures to implement these fundamental principles and rights have benefited economically and politically. As a result, millions of men, women and children have been lifted out of poverty. As the Director-General already indicated, significant progress has been made in ratifying the eight fundamental Conventions among member States. Their implementation, however, remains a challenge in the context of the informal and rural economy, global supply chains and export processing zones, and in situations of fragility and conflict.

There are also opportunities for the ILO and its constituents to mainstream the fundamental principles and rights at work into existing and new partnerships with the UN agencies and with global and regional economic institutions. We encourage the Office to step up its efforts to promote the universal ratification of the fundamental Conventions in the light of the commemoration of the ILO centenary, and member States to redouble their implementation efforts. That could be done through ensuring respect for all fundamental principles and rights at work through the ILO's operations, including forging new partnerships with the public and private sectors.

Member States should strive for more political coherence in promoting the regulation of labour markets as part of their economic policies. The Sustainable Development Goals, particularly Goal 8 (promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all), represent an opportunity for the ILO to promote such coherence and an integrated approach. The specific role of the ILO should be in the promotion and monitoring of freedom of association and collective bargaining, social dialogue, and tripartism as an effective means to achieve sustainable development.

The commemoration of the 20th anniversary of the 1998 ILO Declaration on Fundamental Principles and Rights at Work at the 107th Session of the International Labour Conference is not just a coincidence. It takes place against the backdrop of intense debates on the future of social dialogue and development cooperation, as well as increasing awareness of the issues of violence and harassment in the world of work. The 1998 Declaration is the bedrock upon which future standards and policies will lie.

In this regard I wish to take this opportunity to call upon all member States of the ILO to renew their commitment to the universal ratification and implementation of the ILO fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930, towards advancing decent work for all.

In closing, let me recall that ensuring fully the respect, promotion and protection of the fundamental, human and labour rights enshrined in the Declaration is the shared and collective responsibility of all of us: governments, workers, employers and other stakeholders. This is because the dignity of the human person, not only at work but in all places, is supreme and indisputable and that must be upheld by all and translated by our actions. I am confident that these lofty human and labour principles will be clearly reaffirmed in the outcome document of our historic centenary session of the Conference next year.

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**Mr Mdwaba**

Employer (South Africa), Chairperson  
of the Employers' group

First of all, I would like to take this opportunity to compliment the President on her appointment.

The 1998 Declaration on Fundamental Principles and Rights at Work has been a game changer. Since June 1998, no country can hide behind non-ratification when it comes to freedom of association and recognition of the right to collective bargaining or to forced labour, child labour and non-discrimination.

The Declaration reflects constitutional obligations that Members incur by virtue of membership of the ILO and constitutes a universal recognition of fundamental human decency below which no civilized nation should fall. This celebration, of course, coincides with the tenth anniversary of the Declaration on Social Justice for a Fair Globalization as well.

The Declaration on Fundamental Principles and Rights at Work does not impose on member States the detailed obligations of Conventions that they have not ratified, nor does it impose on countries that have not ratified the fundamental Conventions the applicable supervisory mechanisms.

The principles and rights of the Declaration encompass the essential essence – the goals, objectives and aims – of the fundamental Conventions. When we speak of fundamental principles and rights at work, we are concerned to know whether member nations are working towards and achieving the policy objectives and goals inherent in the fundamental Conventions; we are focusing on what is happening on the ground.

With the adoption of the Declaration, the ILO proved that the Organization can respond to a changing world of work. The 1990s saw the rise of global trade; the emergence and rapid growth of the global economy was regarded as the most significant change in the world that had affected the ILO since its creation.

In Africa we say when the music changes, you must change the dance. In 1998, the ILO took a pragmatic approach to the changes which were affecting the world most at that time. We who are involved today in the Global Commission on the Future of Work and look to the impact of artificial intelligence, digitization and robotics can certainly learn from this pragmatism.

The tasks present in 1998 and today are the same: we want to make a difference on the ground. We want to ensure that the ILO responds to the developments and trends that the world of work is undergoing and to achieve social justice for all in an unbureaucratic and practical way. As the Honourable Minister of Employment, Workforce Development and Labour of Canada, Ms Hajdu, said yesterday in a different discussion, “let us do away with scripts and have honest conversations”. Indeed, maybe we need to reflect together honestly on how we can bring this Declaration into even more prominence going forward rather than adopting new parallel declarations.

The 1998 Declaration has had a tremendous impact far beyond the walls of this house. The UN's Global Compact and 2030 Agenda adopted the principles of the Declaration – nearly all of its initiatives on responsible business conduct – and companies' codes of conduct and statements refer to them in one way or another. Government-backed frameworks such as the United Nations Guiding Principles on Business and Human Rights have integrated them as well.

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The 1998 Declaration has become the internationally- and fully-accepted benchmark for rights at work. This is a major sign of the impact the ILO can have when we all work together with a common purpose and understanding. However, equally true is that we have not yet fully achieved our aims. There is still too wide a gap between the Declaration's aspirations and the reality on the ground.

The numbers for forced labour and child labour are still painfully high. Freedom of association and the effective recognition of the right to collective bargaining are restricted in too many parts of the world and too many groups still suffer from discrimination. This does not mean that the 1998 Declaration has been a failure, but we must find better ways and make more effective and efficient efforts to promote and realize its objectives. Violations of the fundamental principles and rights at work are human rights violations and are unacceptable.

In his just-released book on the impact of the 1998 Declaration, Mr Tapiola gives a number of success stories where important improvements have been achieved. It is important that we are aware of these successes and that we celebrate our wins. We must analyse what have been the success factors to get us there. We must scrutinize the way we work through rigorous evaluations to ensure that the ILO does the best that it can to help States to respect, promote and realize the fundamental principles and rights at work.

As for the future, the 1998 Declaration has not lost its relevance in the past 20 years. Fundamental principles and rights at work remain the essential values, principles and rights which we aim to achieve universally. The pragmatic approach of the Declaration and its follow-up procedure is still valid today.

I do promise that the Director-General and I never compared notes before quoting Ed Potter, the Employer spokesperson during the negotiation of the 1998 Declaration: in his plenary speech 20 years ago, he stressed that “[t]he reaffirmation of the fundamental principles and rights of the ILO in this Declaration and follow-up is the single most important undertaking in which any of us have engaged or will ever engage in this Organization. With this Declaration, the ILO is holding out to the world as we approach the morning of the twenty-first century that we hold these truths to be self-evident, that all working men and women and their employers from all regions of this earth in freedom of association should be free from forced labour and discrimination and that their children should be free from inappropriate child labour. By virtue of their membership in the ILO, member States and their constituents in the pursuit of social justice believe that these are the essential values, principles and rights to which they hold themselves and each other accountable now and in the global economy of the twenty-first century.”

There is not much to add. Before ending, however, I would like to pay tribute to my predecessors in the Employers' group, who were strong supporters and change agents in ensuring that the Declaration saw the light of day, and in particular to my predecessor as Employer Vice-Chairperson of the Governing Body, Jean-Jacques Oechslin, who was President of the Conference at its 86th Session (1998) and who passed away last year. His commitment to ensuring that this Organization is at the forefront of the defence of human rights in the workplace is an example to us all.

**Ms Passchier**  
Worker (Netherlands), Chairperson of  
the Workers' group

My message today is that we need to go from “Declaration” to “action”. I could stop there, but I have a few more things to say.

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Today, we are celebrating the 20th anniversary of this famous Declaration and, the Workers' group would certainly add, the tenth anniversary of the 2008 Declaration on Social Justice for a Fair Globalization. These two landmark declarations represent major developments in the history of the ILO, after its foundation in 1919 and the adoption of the Declaration of Philadelphia in 1944.

As Mr Tapiola – and here again, we did not compare notes – recalls in his recent book, *The teeth of the ILO: The impact of the 1998 ILO Declaration on Fundamental Principles and Rights at Work*, this Declaration emerged from the often heated and controversial debate on the inclusion of a social clause in World Trade Organization (WTO) agreements and the need to condition trade to respect for international labour standards and to recognize the ILO as the Organization competent to set and deal with recognized core labour standards in a globalized world.

The 1998 Declaration states that all Members of this Organization, even if they have not ratified the fundamental Conventions, have an obligation to respect, promote and realize freedom of association and collective bargaining, the elimination of forced labour, the abolition of child labour and the elimination of discrimination.

Let me say loud and clear that the fundamental Conventions cover all workers, regardless of the status of their employment relationship. In 1999, the Worst Forms of Child Labour Convention, 1999 (No. 182), became another core Convention, and in 2014, the ILO adopted the Protocol to the Forced Labour Convention, 1930, demonstrating the Organization's capacity to update its standards to make them more effective.

The fundamental Conventions also became an essential pillar of the 2008 Social Justice Declaration, which reiterates the words of the 1998 Declaration – “labour standards should not be used for protectionist trade purposes” – and adds another very important notion: “the violation of fundamental principles and rights at work cannot be invoked or otherwise used as a legitimate comparative advantage”.

There have been many achievements over the past 20 years and I want to congratulate the many governments that have strongly endorsed the ratification and implementation of the core labour standards, understanding their key importance for the well-being and sustainable development of their economies and societies.

However, much remains to be done to achieve the goal of universal ratification, which was initially set for 1995. Too many countries still deny workers' fundamental rights. Recent and shocking figures from the ILO and elsewhere tell us that today 40 million people are still living under modern forms of slavery, 152 million children are subject to child labour, and more than 15 million women and girls are trapped in forced marriages, while women continue to be paid on average 23 per cent less than their male colleagues.

Freedom of association and collective bargaining are not only fundamental rights; as recognized in the Social Justice Declaration, they are also of key importance as enabling rights, providing workers with the means to play an active role in improving their own living and working conditions. It is therefore especially worrying that more than 50 per cent of all workers in the world are still living in countries that have not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and are not properly covered by the fundamental standards that they contain. Many of those workers are in non-standard forms of employment, old and new, and many of them are women and young workers.

This is why the Workers' group expects the upcoming centenary celebration to provide a means to reiterate and reinforce the ILO's commitment to the ratification and

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implementation of all core labour standards, but especially Conventions Nos 87 and 98. The participants in the most recent session of the Committee for Fundamental Principles and Rights at Work agreed to strengthen the Committee's Annual Follow-up to the 1998 Declaration concerning non-ratified fundamental Conventions. We now need to follow up with action in order to enhance ratification rates.

We need to use the principles contained in both the 1998 and the 2008 Declarations to create the level playing field that is needed in a globalized world marked by the internationalization of production and services in global supply chains and by the mobility of capital. We also need to create better synergies between them and the newly revised Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy in order to strengthen company–union dialogue, as well as tripartite dialogue at the national level with regard to investments.

Finally, as mandated by the Social Justice Declaration, we need to strengthen policy coherence with other international and regional organizations with mandates in fields closely related to the ILO in order to ensure that economic progress goes hand in hand with social progress.

Twenty years after the adoption of the 1998 Declaration and ten years after the adoption of the Social Justice Declaration, the ILO's constituents must strengthen their commitment to these fundamental values and give effect to them. This is the mandate of the ILO, and the Workers' group is ready to join forces to achieve a future of work in which core labour standards are ratified and implemented to the benefit of our economies and societies.

As I said at the beginning, we need to move from “Declaration” to “action”.

## **The President**

We have now reached the end of our special sitting. Thank you again to all of you for your participation.

*(The special sitting closed at 4.35 p.m.)*

# ***Provisional Record***

107th Session, Geneva, May–June 2018

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# 11D



Date: Thursday, 5 July 2018

## **Plenary sitting**

### **Closing of the 107th Session of the International Labour Conference**

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Friday, 8 June 2018, 0.00 p.m.

*President: Ms Majali*

## **Closing statements**

### **The President**

The Conference has now concluded its business and achieved its goals, and the time has come for our closing ceremony. I shall call on each of my fellow Officers to make their concluding remarks to our assembly. I shall begin by inviting the Employer Vice-President, Mr Mattar, to take the floor.

### **Mr Mattar**

Employer Vice-President of the Conference  
(*Original Arabic*)

I would like to take this opportunity and to use my closing remarks to express to you our satisfaction with the outcomes that we have achieved during this session of the Conference. This two-week format has, despite all the difficulties faced, reinforced our credibility and efficiency.

This year, the Committee on the Application of Standards has demonstrated yet again its ability to lead a meaningful and results-oriented tripartite dialogue. It has thus reaffirmed its role at the core of ILO standards supervision, providing the forum in which tripartite constituents from all ILO member States can discuss issues relating to the application of ratified Conventions and propose meaningful steps for sustainable compliance. Though significant divergences continue to exist among the tripartite constituents, these were voiced in a spirit of mutual respect. During the discussion of the General Report of the Committee of Experts on the Application of Conventions and Recommendations, the Employers highlighted a number of positive elements in the report. In addition, they made a number of proposals on how to continue to improve the regular supervision of standards, and highlighted a number of issues of concern.

The General Survey concerning 16 working-time instruments provided an opportunity to highlight the Employers' views that, as the world of work becomes more dynamic, so too must working-time regulation. Making working-time regulation more dynamic would balance both the protection needs of workers and the evolving needs of enterprises. During the General Survey discussion, Employers noted the general lack of flexibility and the unduly restrictive nature of many ILO Conventions on working time, which do not reflect the modern realities of the world of work. Also, 24 individual cases were discussed and conclusions adopted. We highlighted again this year the way in which conclusions were drafted, because we saw real tripartite ownership of the outcomes of the Committee on the Application of Standards.

The recurrent discussion on social dialogue and tripartism took place – appropriately – in an open, free and frank manner. Social dialogue and tripartism are part of the DNA of this house and they are fundamental to fulfilling the ILO's mandate. They are also at the core of a number of international labour standards and are an essential element of ILO research, capacity-building and knowledge-sharing programmes. The Recurrent Discussion Committee also discussed the diverse realities and needs of ILO constituents with regard to social dialogue and tripartism and the different challenges and opportunities that existed between them. The Committee also reflected upon future ILO actions to better respond to constituents' needs. The proposed framework for action contained in the conclusions that

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have been adopted by the Conference will help guide ILO member States and the Office, with the support of the constituents, in the strengthening of social dialogue and tripartism at the relevant levels.

Let me now turn to the standard-setting discussion on violence and harassment. We, the Employers, have been consistent in our desire to achieve an outcome that has a real impact, because it is an important topic. We have made a global commitment to prevent and protect workers from unacceptable behaviours of violence or harassment within our sphere of influence. However, we had serious difficulties in achieving consensus because of the complexity of this matter on the one hand and the weak basis for our discussion on the other. The ILO report that was submitted to the Conference did not take into consideration important and legitimate business concerns. As a result, key definitions approved in the conclusions are still highly problematic.

These definitions do not help us to focus the scope of the instruments or to set key parameters to effectively prevent and eradicate violence and harassment. For example, the lack of differentiation between the concepts of violence and harassment will lead to huge challenges when it comes to practical implementation. Defining legal liability requires clear concepts and clear boundaries. We will take a constructive approach in the next stages and we really hope that the process that we will implement from now and until the publication of the proposal for the 2019 discussion will lead to substantial changes, so that in 2019 we can unanimously adopt a meaningful instrument to coincide with the ILO centenary. This will demonstrate the power of tripartism in the face of fundamental problems at the workplace.

Development cooperation was an item that was brought by the Employers to the agenda of the Conference. The general discussion on this topic has been a success, despite some tensions. The conclusions renew the constituents' guidance on a future development cooperation strategy for the ILO in the light of the Sustainable Development Goals and the changing world of work and the United Nations (UN) reform. They stress the need for a demand-driven strategy that responds to the real needs of the constituents, with responses that are tailored to on-the-ground realities. The role of public-private partnerships will also be key in the future strategy and Employers will help to make it effective.

Our discussions in the plenary regarding the Women at Work Initiative have served to strengthen our commitment towards effective action on gender equality. As we have stated before, it is not just the right thing to do, it is a powerful step to improving productivity. The International Organisation of Employers and the Employers' group, together with our colleagues in the ILO Bureau for Employers' Activities, are committed to working on this issue, first, to track progress on how the momentum is gaining ground but also to provide tools and good practices to our company members who are looking for help and advice on how to move ahead in this field and regarding this matter.

Finally, I need to refer to the situation of workers of the occupied Arab territories, which is of great concern to the entire Employers' group. I want to remind everyone what the Employers have already said in the past on the need for an ambitious and concerted effort from the ILO and from the international community so as to embark on large-scale technical assistance programme that would be conducive to job creation in these territories.

## **Ms Gono**

Worker Vice-President of the Conference

It has been a great pleasure and honour for me to be elected as Vice-President of the 107th Session of the International Labour Conference. I would like to express my sincere thanks to the Workers' delegates for the trust they have placed in me.

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I would also like to thank the Presidents of the Conference, Mr Murad and Ms Majali; the Government Vice-President, Mr Elmiger; and the Employer Vice-President, Mr Mattar, for their excellent cooperation. Let me also thank the ILO staff for their support and assistance.

Allow me now to briefly address the various subjects discussed during the Conference.

This year, the Committee on the Application of Standards was again able to examine the application of international labour standards in 24 country cases. The Committee discussed six “double-footnoted” cases in relation to which the Committee of Experts requested governments to supply full particulars to the Conference. These countries include the following:

Plurinational State of Bolivia concerning the Minimum Age Convention, 1973 (No. 138);

Cambodia concerning the Abolition of Forced Labour Convention, 1957 (No. 105);

Eritrea concerning the Forced Labour Convention, 1930 (No. 29);

Haiti concerning several Conventions relating to working time;

Honduras concerning the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);

Republic of Moldova concerning the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129).

A consensual list of 18 additional countries had been previously agreed upon, in relation to fundamental, governance and technical Conventions. The Workers’ group regrets that a number of countries with serious violations of fundamental rights were not examined by the Committee. These countries include Bangladesh, Turkey, Indonesia, Egypt and Guatemala.

Our group welcomes the clear and straightforward conclusions adopted by the Committee in order to provide recommendations to Governments in relation to their obligations under the relevant ratified Conventions.

This year’s conclusions include requests for a high-level mission to Algeria and direct contacts missions to Bahrain, the Plurinational State of Bolivia, Malaysia, Myanmar and Nigeria.

The Standard-Setting Committee on Violence and Harassment in the World of Work has been able to agree that a Convention, supplemented by a Recommendation, will be essential in order to signal without ambiguity that violence and harassment are unacceptable and the antithesis of decent work. The Committee recognized that particular attention must be paid to those who are most vulnerable, and that certain working situations pose a particularly high risk in terms of violence and harassment. The Committee also broke new ground in acknowledging the impact of domestic violence on the world of work.

The Workers’ group looks forward to returning next year to complete its work. We want to ensure that we have succeeded in discharging the heavy responsibility entrusted to us: to adopt a standard that will make a real difference to the millions of workers for whom violence and harassment are a constant feature of their working lives. Next year, the centenary session of the Conference has an historic opportunity to shape a future of work that no longer tolerates violence and harassment.

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Let me now turn to the Recurrent Discussion Committee on social dialogue and tripartism. The evaluation of the Social Justice Declaration in 2016 showed that major challenges remain to ensure that globalization benefits all. Ten years after its adoption, we all have to recognize that we have failed to deliver. It is therefore important to see renewed political commitment to social dialogue and tripartism with collective bargaining at its heart, as the ILO governance paradigm to promote social justice. We are particularly pleased to see an intensified campaign for the universal ratification of Convention No. 87, the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and a high-level event during the centenary session of the Conference, to highlight the importance of freedom of association and collective bargaining.

We also welcome the decision on the publication of an ILO flagship report focusing on the important role that collective bargaining can play in reducing inequality. We are pleased to see an acknowledgement of the importance of cross-border social dialogue to address decent work deficits in global supply chains and a call for the ILO to play a bigger role in that regard. We expect the proposed policy coherence initiatives in pilot countries will help promote policy coherence for decent work and social justice and prevent austerity measures and blind deregulation. We are looking forward to research on access to freedom of association and collective bargaining for gig economy and platform workers followed by a possible experts' meeting to identify areas for further action. We also welcome the focus on gender equality and the strengthening of women's participation in social dialogue. One year before the centenary session of the Conference, we need a strong commitment to action in order to turn the tide on rising inequality and make social justice a reality.

Let me also say a few words on the work of the General Discussion Committee on effective development cooperation in support of the Sustainable Development Goals. We welcome the adopted conclusions. The preamble puts forward key principles governing ILO development cooperation. We welcome in particular the reference to the ILO normative mandate. The promotion of the ratification and implementation of international labour standards, taking into account the comments of the ILO supervisory system, needs to be at the core of ILO development cooperation. Transparency and accountability have been recognized as fundamental criteria to be respected, in particular when talking about innovative finance instruments and the role of the private sector in development. The ILO's role in promoting decent work in supply chains has been reaffirmed.

Lastly, the conclusions highlight the need to uphold a more balanced approach among the four strategic pillars of the Decent Work Agenda and the importance of supporting the organizational capacity of constituents. The conclusions also provide a solid and clear-cut positioning of constituents with regard to the UN reform, preserving the unique character of the ILO based on its normative mandate, supervisory system and tripartite governance.

Next year we will all meet again to celebrate the centenary of the ILO. This will be an historic event. The Workers' group stands ready to work with governments and employers to demonstrate the relevance of the ILO's mandate in shaping a world of work that delivers on the promises of the Declaration of Philadelphia to realize social justice for all.

**Mr Elmiger**  
Government Vice-President of the Conference  
(*Original French*)

The Conference appointed me Government Vice-President of its 107th Session. Thank you for the honour you bestowed on me and on my country, Switzerland.

It has been a pleasure working with the Officers of the Conference, who formed a close-knit and effective team. I wish to thank the Presidents, Mr Murad and Ms Majali, and also

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the other Vice-Presidents, Ms Gono and Mr Mattar. The Conference could not function without the leadership of its Secretary-General, Mr Guy Ryder, and I offer him my congratulations and thanks. There are also a great many people who work very hard during the two weeks of the Conference in various roles: administration, interpreting, translation, official relations, protocol, security, technical services, documentation – the list goes on. I would like to express my profound gratitude to all these collaborators, women and men, at ILO headquarters and the Palais des Nations. Do not forget that you, too, play a part in ensuring the success of the Conference in the smoothest possible way.

The various committees have brought their work to a successful conclusion which I am confident will reshape the future of our Organization. Guidance has been provided in the areas of effective development cooperation and the promotion of social dialogue and tripartism. The foundations have been laid for new instruments to combat violence and harassment in the world of work. Let us hope that the second discussion in 2019 will resolve existing differences and set a dignified mark on the centenary of our Organization.

The Committee on the Application of Standards dealt with 24 cases, focusing on a range of different standards while ensuring a balanced geographical distribution. A very large number of plenary statements looked ahead to the centenary of the ILO in 2019. They called for stronger action to promote decent work, especially in connection with the discussion of the report of the Director-General, *The Women at Work Initiative: The push for equality*. One thing is absolutely certain for all ILO member States: without women, there is no future for work.

As we all know, 2019 is the centenary year of the ILO and the June 2019 session of the Conference will celebrate this historic event. My country, Switzerland, has officially announced its intention to preside over the Conference in 2019, and has therefore noted with satisfaction the commitment of the Western European group of governments to entrust the 2019 Conference presidency to the country of origin of the 2018 Government Vice-President. Rest assured that my country and I will spare no efforts to contribute to the success of next year's session of the Conference.

## **The Secretary-General of the Conference**

Our Conference is coming to an end. As we all knew it would be, it has been intense, it has been challenging on occasions, but it has been productive as well.

You may remember that on the first day of this session, I appealed to all participants to work constructively in a spirit of tripartism, in the search for consensus, and showing respect for the diversity of views and perspectives. All of this in pursuit of the shared objectives of the International Labour Organization. And that is what you have done. The results are there to prove it and they would not, and they could not, have been achieved in any other way. And so I want to begin by congratulating and thanking you all for this.

Your work over the last two weeks has been, once again, the most concrete demonstration possible that tripartism works. It is not without difficulties, but it works. It not only adds value in the world of work but it is a most potent antidote to some of those negative trends that we are observing in public and political discourse. And that is just one reason why we must nurture, protect and practice it.

A considerable part of the business of this Conference has been focused directly or indirectly on gender issues, so let me start there and talk about how we have done in terms of gender in participation at this session.

We had 5,238 participants at this Conference. And in the national tripartite delegations, as we have heard from the Credentials Committee, 32.7 per cent of the total number of

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ministers, delegates and advisers were women. This is progress of a sort. It marks a slight improvement on 2017 but with significant differences between groups and regions, and I am going to leave it to you to judge its significance, because my Report to the Conference, *The Women at Work Initiative: The push for equality*, was felt by some speakers in the plenary debate to have not said enough and not focused enough on the progress that has already been made. But despite that, I think that we all agreed that business as usual will not suffice and that the five building blocks for this new push for equality were of major importance in terms of accelerating progress, so we need to give greater substance to them and we will do that as the Women at Work Initiative moves to its culmination next year. I believe that this, in turn, must feed into the outcome of the Future of Work Initiative for the very simple reason that the future of work that we want is, of course, one with full equality.

In this context, the start made this year in the negotiation of standards on violence and harassment at work has been of great and obvious significance. We heard this morning that this work was challenging. Unsurprisingly, because what really matters is rarely easy. Yes, there are a range of fundamental issues that will need to be resolved over the next year but, for my part, I have the fullest confidence that they will be resolved. Confident, because our tripartism will continue to deliver, as it has over the last two weeks, and confident too because of the sheer importance of what is at stake. Truly this issue is too big for us to fail.

This standard-setting process is, of course, at the heart of the ILO's mandate and functioning and it is particularly demanding in our shorter two-week Conference arrangements.

In addition, our two general discussions have equally addressed one of the ILO's strategic objectives, social dialogue, and one of its key means of action, development cooperation.

Now, with respect to the first, I think it is important that the ILO continue to be vigilant in ensuring that the recurrent discussions which have now become a permanent fixture of our Conference do indeed fulfil the functions that the Conference has so recently fixed for them, and I think that this was indeed the case this year.

I find it important as well that the conclusions that have been adopted do a great deal more than simply occupy the familiar terrain of principled commitment to tripartism – important as that may be. Rather, they have taken on as well the challenges and opportunities for social dialogue presented by transformative change at work. And that has been a more demanding task, but one that is absolutely necessary to take on. Why? Because it helps us to grasp the reality, as we head for our centenary, that while tripartism will of course be fundamental to the future of the ILO and the future of the world of work, the instruments and the substance and scope of tripartism will need to adapt and to evolve, as they always have done, if they are to serve their purpose fully in the future.

The conclusions on effective development cooperation could hardly be more timely. The fact that the General Assembly adopted a resolution on the reform of the UN development system in the middle of our Conference might look symbolic, but I think it is much more than that. It is a critical political step and one that confirms that there is an urgent need for the ILO – a committed UN team player – to trace out the future path of its development cooperation work in these changing circumstances. The guiding principles and the roadmap adopted by this Conference really answer that need. They do so promptly and they do so concretely. And they will be critically important in guiding the ILO's contribution to the operationalization of the decisions that the General Assembly has taken.

Let me just say in addition that I have heard from delegates here at the Conference and from members of the Governing Body about the concern and the absolute determination of constituents that new UN development cooperation arrangements should in no manner

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impair the role and the practice of tripartism at the ILO but should instead help propagate and amplify tripartism across the UN system. In this context, let me recall the truly extraordinary opportunity for us that derives from the fact that UN system reform is consciously designed to improve the delivery of the 2030 Agenda for Sustainable Development, and that the 2030 Agenda, in turn, has decent work at its heart. So if we are good enough, we really can reap the harvest from the seeds that we sowed in the Agenda back in 2015.

At the opening sitting, I described the Committee on the Application of Standards as the permanent vertebral column of our Conference, and it is deeply satisfying that this year – once again – it has completed its work successfully. This matters a great deal. It matters to the specific responsibilities of this Conference, but also for the ongoing Standards Initiative which will take us up to, and considerably beyond, our centenary next year. Let me note that the discussion on the General Survey concerning working-time instruments cast light on one of the key challenges of that initiative, which is ensuring the full relevance and effectiveness of ILO standards in these conditions of transformative change. As always, the examination of individual cases and the adoption of conclusions on them were crucially important, if sometimes difficult and even controversial.

In this context, it is instructive to recall the message that President Santos Calderón, of Colombia delivered when he honoured our Conference with his presence last week. He recalled, and some here will remember, Colombia's difficult relationship with the ILO supervisory system over very many years. That included the Government's rejection of ILO conclusions and even, as he recalled, had taken his country to the brink of a Commission of Inquiry. And yet today that system's contribution to paving the way to peace and to social justice in his country was evident and was recognized by him.

And so, as we join together to ensure full tripartite support for an authoritative supervisory system, let us do so mindful of and instructed by, the lessons of history and not just by the heat generated in any specific conjuncture. This is truly about being on the right side of history.

In addition to the visit of President Santos Calderón, yesterday's World of Work Summit on employment and decent work for peace and resilience was honoured to receive President Higgins of Ireland and President Touadéra of the Central African Republic. Theirs were powerful testimonies to the concrete realities underlying the enduring proposition that social justice is the necessary guarantee of the building and preservation of permanent peace. They conveyed to us echoes from the past, pointers for the future, and reminders of the pressing responsibilities of the present. We owe them our gratitude but, more than that, we owe them our action.

One of these responsibilities is to do all that is within our power and our mandate to bring concrete improvement to the situation of workers of the occupied Arab territories. There are real opportunities to do that and I intend to pursue them – but we will need your active support if we are to have a chance of real and significant success.

That brings me to the end of my thoughts about what has been done at this year's session of the Conference. I have the impression that quite a few of you here are now a bit worried that I am going to inflict upon you a lengthy, rhetorical, unnecessary and probably unwelcome reminder and pep talk about next year's centenary session of the Conference. So, let me reassure you, I will not do that; not because it is late and because you are tired, but because I know that you know what will be at stake when we gather here again next year for the 108th Session of our Conference. Nothing less than the future of work that we want and the future of the ILO.

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So let me close with thanks. We started this Conference with one President, Minister Murad of Jordan, and we finished with another – you, Madam Ambassador Majali, also of Jordan. You have both led us brilliantly and we thank you and congratulate ourselves on the wisdom of our choices. You have been ably, and collegially, supported by your excellent Vice-Presidents, Mr Elmiger for the Government group, Ms Gono for the Workers' group, and Mr Mattar for the Employers' group – so thanks also to them for the shared responsibilities that they have taken on.

I have said that more than 5,000 Government, Worker and Employer representatives have been here at the Conference these last two weeks. And you have come from across the globe and you have worked long and you have worked hard and you have worked productively. And so you too are to be thanked for your dedication, for your resolve, your persistence and, as I have said, for that spirit of tripartism.

Many of you have been generous in your appreciation of those who have serviced and supported your activities: my colleagues in the ILO secretariat, interpreters, technicians, those who have fed you, those who have kept you safe, those young colleagues who have given you access to the meeting rooms – or occasionally prevented you from getting into the meeting rooms – and all of us who I hope have made you feel comfortable and welcome here. So let me add my thanks to all of my own colleagues for their hard work and commitment. They are an enormous credit, too, to our International Labour Organization. I thank you and I wish you safe journeys to your homes.

### **Ms Majali**

President of the Conference

Thank you very much, Secretary-General, for your excellent speech, which was inspiring and detailed. Now, with your permission, I shall make a few closing remarks myself.

*(The speaker continues in Arabic.)*

First, allow me to convey to you the salutation of His Excellency Mr Samir Murad, who had to leave Geneva for reasons beyond his control. At the same time, I would like to extend my thanks and appreciation once again to the Governments, Employers and Workers who have reiterated their trust in Jordan to continue presiding over the remaining sittings of the 107th Session of the International Labour Conference. I would like to reaffirm that my country, Jordan, under the aegis of His Majesty King Abdullah II bin Al-Hussein, is always bound by the noble principles of our Organization.

With my colleagues, the elected officers, as well as with the secretariat of the Conference, I have had the honour to contribute with them all to the smooth running of our Conference this year and to serving our noble objectives.

The Organization will embark on its second century at this time next year. We will all have to prepare fully for this great centenary event that will give fresh impetus so that our Organization can enjoy another 100 years of successful work in the upholding of rights, the application of social justice and the achievement of the goals and principles of our Organization. This requires us, as we look to the future, to intensify our efforts to make sure that the standards and programmes of our Organization are still valid, strong and sufficient and that we will prepare well for this second century too. The old and new challenges are still there ahead of us; we need to commit ourselves to addressing them and finding the right solutions.

Our Conference this year has had the honour to listen to statements from high-level guests. Most of their messages and statements included important and valuable information,

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a vision of what the future of work will be and how we have to address gender equality, the way to increase the participation of women in the labour market, the mechanisms for addressing the issues of violence and harassment and for eliminating child labour, and also other topics that have been raised during the Conference.

The Director-General, Mr Guy Ryder, submitted his Report, *The Women at Work Initiative: The push for equality*. Everyone has highly appreciated the Report of the Director-General and has considered it a roadmap that can be used as a basis for setting our plans and strategies, according to the nature and conditions of each State. Mr Ryder also said that it is through social dialogue alone that we will be able to listen and talk to each other, whether in the ranks of governments, employers or workers.

During our Conference, we have been honoured to have the presence of Heads of State who have a clear vision. For instance, the Colombian President, Mr Juan Manuel Santos Calderón, who holds the Nobel Peace Prize for reaching an agreement relating to the longest-running conflict in the Americas, stressed the importance of peace in achieving more equal opportunities, gender equality and decent work. We listened to him carefully when he said that peace is about more than just silencing the guns. It is a process that involves political, economic and social policy. It has to do with ensuring good jobs and reducing poverty and inequality.

The World of Work Summit also discussed the opportunities for decent work to ensure and achieve peace and stability. It addressed a number of topics, such as the challenges for peacekeeping through ensuring job opportunities for young people. In particular, it highlighted the need for good partnerships.

At the Summit, we had the honour to organize a panel discussion where high-level speakers took the floor, including the United Nations High Commissioner for Refugees. He spoke of the different challenges that many countries, such as Lebanon, Jordan and Turkey, are faced with and identified a number of possible solutions.

At the Summit we were also honoured to listen to the President of Ireland, Mr Michael Higgins. In his speech, he said that the whole world needs to listen to the message of the ILO. He commended the ILO's ambition to be part of efforts to establish a new world covenant to preserve peace at all levels. He said that investing in rights-based peacebuilding programmes will not only save lives but will also provide the world with all possible opportunities and chances for human development and prosperity. This in turn can achieve peace based on international human solidarity, which also relies on sufficient economic and social knowledge, as well as equality in terms of gender, economic status, social status and opportunities.

We also had the honour to have the visit of the President of the Central African Republic, Mr Faustin-Archange Touadéra. He addressed our Conference by referring to the different challenges faced in his country and the ways they were overcome, including with sufficient support from the Organization.

Various events took place, including the World Day against Child Labour, which coincided with the 20th anniversary of the Global March against Child Labour. All the different speakers, including Nobel Peace Prize winner Mr Kailash Satyarthi, said that efforts will continue in order to face the various challenges related to child labour with a view to eliminating it.

It is worth mentioning here that the Arab Labour Organization also organized a very important event to support employers and workers in the occupied Arab territories (including the Occupied Palestinian Territory). This event was a gesture of solidarity and it reiterated, as the Report of the Director-General recalled, that occupation is a major reason behind the

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deterioration of the economic situation in the occupied Arab territories, that dialogue will lead to improving the situation and creating decent jobs there, and that all organizations and States need to pursue their efforts towards this goal.

Most of our work has been conducted, of course, in technical committees. We have all looked closely at the different discussions and statements that took place in the technical committees, which worked very long hours, sometimes until midnight and even later.

I will start with the Recurrent Discussion Committee on social dialogue and tripartism, which adopted very important and fruitful conclusions to reinforce social dialogue among partners so that they can continue to make progress towards the most efficient future. The results of the Committee and the work of the recurrent discussion cannot only be considered as tools to address the current challenges in the world of work. They are vital for facing a very important phenomenon that was highlighted by the Director-General in his opening speech, namely that it is very difficult to talk to each other at times but we have to listen carefully to each other. In the end, the Committee agreed upon practical and consensual conclusions and the partners reiterated their commitments to the principles of social dialogue and tripartism in policy setting. The mandate given to the ILO is very important, especially in the light of the centenary that we will celebrate soon, and this is in line with the 2030 Agenda and the relevant Sustainable Development Goals.

The Standard-Setting Committee on violence and harassment in the world of work held its first discussion. As the Director-General said in his opening speech, the opportunities that lie ahead for the ILO to negotiate with regard to a new standard are few and far between. We all know that this topic is very timely and important. This is why all the different groups need to agree on the steps to take in order to arrive at a new Convention on violence and harassment against men and women in the world of work, and this is a significant task in itself.

The Committee reached a conviction that violence and harassment are universal and have highly disruptive impacts and consequences on families and individuals. The discussions were wide-ranging and at times even emotional. This is not surprising, especially as this was the first time that the ILO was negotiating labour standards on this very complicated and multidimensional topic.

Some participants considered that the definitions were very vague at times. Others saw that this will provide flexibility so that these definitions can be applied to different national contexts. There is still a long road ahead of us before we can arrive at a standard or an instrument but at least we have established a strong basis for continuing the discussion next year.

As for the Committee on the Application of Standards, this Committee is a cornerstone of the international labour standards mechanism, an efficient and unique system that seeks to ensure countries' compliance with ILO standards. The Committee actually discussed 23 individual country cases and we all listened to the adoption of its report and conclusions.

Regarding the General Discussion Committee on effective development cooperation, the Committee held intensive discussions on the future of ILO development cooperation. Some members of the Committee identified not only major challenges but also major opportunities that can arise in the light of the different social, economic and environmental changes occurring in the world of work. Others talked about the consequences and aftermath of conflicts and disasters that have resulted in loss and displacement, and they also highlighted the fact that some countries have had to deal with a huge influx of refugees. These burdens need to be shared in a more predictable and equitable manner. The Committee also adopted some very good conclusions.

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Here I would like to reiterate my thanks and appreciation to all who have worked in the committees, to the delegates who have participated in the discussions, and also to the technical and administrative teams who have done everything they could to facilitate the committees' work.

At another level, the amendments to the Code of the Maritime Labour Convention, 2006, as amended (MLC, 2006), which had been adopted further to submission by the group of Seafarer representatives, were approved. In addition, six Conventions were abrogated and three Recommendations were withdrawn.

The whole world today is facing huge challenges and difficult circumstances at the economic and social level. Some countries are also faced with political crises. All these circumstances have increased unemployment rates, especially among women. This is why, with the ILO leading the way, we need to work together to ensure sufficient funding to allow the Organization in cooperation with its partners to deal effectively with these challenges.

I would like to thank the Government Vice-President, Mr Elmiger; the Employer Vice-President, Mr Mattar; and the Worker Vice-President, Ms Gono. They have shown great solidarity, I am very proud to have worked with them all, and I would like to thank them with all respect.

I would also like to address my thanks and appreciation to Mr Guy Ryder for all that he has achieved in his first term of office. I am confident that we are in safe hands with him as Director-General of our noble Organization, and that with him we will be able to move ahead and overcome new challenges in the future.

*(The speaker continues in English.)*

Before finishing, I would also like to thank a number of people for their assistance: Mr Llobera, Director of Secretariat Services; Ms Dimitrova, Clerk of the Conference and her team, including Ms Peniche, Ms Ontal and Ms Mbinkar-Gondo; Ms Juvet-Mir, Chief of Protocol and her team; and also my own team, who have helped me and the Minister before me, including Ms Hamed and Ms Zayed.

*(The speaker continues in Arabic.)*

I would also like to say a big thank you to all the technical, administrative and logistical staff, all who have contributed to the success of the Conference, including the interpreters who facilitated our work, and all who participated in our proceedings.

In finishing, I would like to go back to a speech that was delivered by His Majesty King Abdullah II bin Al-Hussein when he addressed the 91st Session of the Conference. He said that by our work, the future will know our generation; that by working for peace, equality and justice, we can achieve what we think is right for us, and that by working together as partners with mutual respect, we can and will achieve that goal.

## **The Secretary-General of the Conference**

Before the President brings this 107th Session of the Conference to a close, we have one very important piece of business to conclude. For as long as I can recall, it has been the tradition of this Conference to present its President with the engraved gavel. It is a symbol of authority, of course, but much more than that it is a symbol of our appreciation for the wonderful job that you have done in leading this session. So allow me to present the President with the gavel of the Conference.

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**The President**

I would like to thank the Secretary-General. I now use this gavel to declare the 107th Session of the International Labour Conference closed.

*(The Conference adjourned sine die at 5.35 p.m.)*