



Governing Body

343rd Session, Geneva, November 2021

Minutes of the 343rd Session of the Governing Body of the International Labour Office

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► Abbreviations

ACT/EMP	Bureau for Employers' Activities
ACTRAV	Bureau for Workers' Activities
ASEAN	Association of Southeast Asian Nations
ASPAG	Asia and Pacific group
CEACR	Committee of Experts on the Application of Conventions and Recommendations
COVID-19	coronavirus disease
DWCP	Decent Work Country Programme
EU	European Union
GRULAC	group of Latin American and Caribbean countries
ILO	International Labour Organization or International Labour Office
IMEC	group of industrialized market economy countries
IMF	International Monetary Fund
IOAC	Independent Oversight Advisory Committee
MNE Declaration	Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy
OSH	occupational safety and health
RBSA	Regular Budget Supplementary Account
SDG	Sustainable Development Goal
SME	small and medium-sized enterprise
SRM TWG	Standards Review Mechanism Tripartite Working Group
UN	United Nations
WTO	World Trade Organization

► Introduction

1. The 343rd Session of the Governing Body of the International Labour Office was held in Geneva, from 1 to 13 November 2021. Owing to the exceptional circumstances of the coronavirus (COVID-19) pandemic, the session was conducted online in accordance with the special arrangements described in document [GB/Special arrangements \(Rev.1\)](#).
2. To ensure that members from different time zones could participate, only one sitting was held each day and not all items on the agenda were considered during the sittings. For a number of items, decisions were made by correspondence in October 2021.
3. This document contains the minutes of the 12 sittings held, alongside a description of the process that led to each decision adopted by correspondence, including summaries of the comments received from Governing Body members during that process.

Officers of the Governing Body

Chairperson:	Ms Anna JARDFELT (Government, Sweden)
Employer Vice-Chairperson:	Ms Renate HORNUNG-DRAUS (Germany)
Worker Vice-Chairperson:	Ms Catelene PASSCHIER (Netherlands)

Chairing and speaking responsibilities by section

Institutional Section (INS)

Chairperson: Ms Anna JARDFELT (Sweden)

Item	Employer spokesperson	Worker spokesperson
	Ms Renate HORNUNG-DRAUS (Germany)	Ms Catelene PASSCHIER (Netherlands)
3/1	Mr Guido RICCI (Guatemala)	Mr Magnús NORDDAHL (Iceland)
4	Mr El Mahfoudh MEGATELI (Algeria)	Ms Amal EL AMRI (Morocco)
7	Mr Alberto ECHAVARRÍA (Colombia)	
8	Mr Scott BARKLAMB (Australia)	
9	Mr Alberto ECHAVARRÍA (Colombia)	
10	Mr Scott BARKLAMB (Australia)	
11	Mr Thomas MACKALL (United States)	
12	Mr Harry KYRIAZIS (Greece)	

Policy Development Section (POL)

Employment and Social Protection Segment

Chairperson:¹ Ms Grata E. WERDANINGTYAS (Indonesia)

Item	Employer spokesperson	Worker spokesperson
1	Mr Kris DE MEESTER (Belgium)	Mr Andreas BOTSCH (Germany)

Development Cooperation Segment

Chairperson: Ms Grata E. WERDANINGTYAS (Indonesia)

Item	Employer spokesperson	Worker spokesperson
3	Ms Jacqueline MUGO (Kenya)	Ms Amal EL AMRI (Morocco)

Legal Issues and International Labour Standards Section (LILS)

International Labour Standards and Human Rights Segment

Chairperson:¹ Mr Gerardo CORRES (Argentina)

Item	Employer spokesperson	Worker spokesperson
1	Mr Alberto ECHAVARRÍA (Colombia)	Ms Catelene PASSCHIER (Netherlands)
2	Mr Hamidou DIOP (Senegal)	Ms Amanda BROWN (United Kingdom)
3	Ms Renate HORNUNG-DRAUS (Germany)	Ms Catelene PASSCHIER (Netherlands)

Programme, Financial and Administrative Section (PFA)

Chairperson: Ms Anna JARDFELT (Sweden)

Programme, Financial and Administrative Segment

Item	Employer spokesperson	Worker spokesperson
4	Mr Blaise MATTHEY (Switzerland)	Mr Plamen DIMITROV (Bulgaria)

Audit and Oversight Segment

9	Mr Pablo DRAGÚN (Argentina)	Ms Annette CHIPELEME (Zambia)
10	Mr Khelil GHARIANI (Tunisia)	Ms Annette CHIPELEME (Zambia)

Personnel Segment

14	Ms Renate HORNUNG-DRAUS (Germany)	Mr Magnús Norddahl (Iceland)
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¹ Delegation of authority from the Chairperson (see paragraph 2.2.5 of the Standing Orders of the Governing Body).

► Institutional Section

Opening remarks

4. **The Chairperson** welcomed participants to the 343rd Session of the Governing Body, which was being held in a hybrid in-person and remote format due to the COVID-19 pandemic. All 17 agenda items that had been put to a decision by correspondence in advance of the session had been approved by consensus; the relevant comments and decisions had been published online. She drew attention to document *Special arrangements and rules of procedure for virtual sessions of the Governing Body of the ILO*, which detailed the special measures adopted for the session. Participants in the Governing Body's deliberations must respect parliamentary language, and she urged them to exercise caution when using social media so as to prevent outside interference in the Governing Body's discussions and negotiations.
5. **The Employer Vice-Chairperson** said that although in-person exchanges were vital to achieving consensus, virtual interactions ensured the continuity of multilateral institutions by facilitating important decisions; those decisions must be supported by all constituents. A number of developments since the Governing Body's previous session had increased the pressure on the world of work, not least the economic consequences of the COVID-19 pandemic, which in some countries had decreased private sector activity by 25 per cent, with small and medium-sized enterprises (SMEs) the hardest hit. The crisis had thrown into sharp relief the strengths and weaknesses of labour markets and institutions. The cooperation that had so far successfully guided the ILO's response to the pandemic must continue, and balanced decisions were required to ensure that all needs were met, particularly those of employers and workers in enterprises of all sizes and those in the real economy.
6. Turning to the agenda for the session, she highlighted the importance of the discussions on the ILO's response to the pandemic and the ILO Centenary Declaration for the Future of Work (Centenary Declaration). They would help ensure the Organization's continued leading role in labour standards, employment, social dialogue, skills anticipation and improvements to productivity, a role that also depended on support from the Office and constituents for the creation of sustainable enterprises and the business environments necessary for sustainable employment. The matter of occupational safety and health was a priority for her group, and in-depth analysis and discussion were required to assess how its inclusion among the fundamental principles and rights at work would impact trade and ensure that the related Conventions were fit for purpose.
7. A number of short-term measures must be adopted to increase ownership, transparency and tripartite governance within the ILO, including in relation to discussions on the procedure to appoint members of the Committee of Experts on the Application of Conventions and Recommendations (CEACR). Particular attention should be paid to the Human Resources Strategy for 2022–25, which involved the implementation of previous Governing Body decisions on diversity. The Governing Body would discuss several important country cases, and she drew its attention to the recent arbitrary detention of the President and Vice-President of the Higher Council for Private Enterprise (COSEP) by the Nicaraguan authorities and expressed her group's concern for the safety of that organization's staff.
8. The forthcoming election of a new Director-General would influence many of the discussions and decisions on the Governing Body's agenda. Her group would continue to advocate for a transparent recruitment process that involved all constituents, and it had called for the application of appropriate integrity standards. While her proposals for integrity assessments

for all candidates had not been accepted by the other Officers of the Governing Body, she hoped that procedures relating to integrity would be improved in future elections.

9. **The Worker Vice-Chairperson**, welcoming the steps taken to allow a degree of in-person participation at the session, said she hoped that it would be possible for the Employer Vice-Chairperson to attend the following Governing Body session in person. Rising inequality in the distribution of COVID-19 vaccines posed a major obstacle for many workers, businesses and governments, and job losses and precarity were also increasing. She would continue to work with the other Officers of the Governing Body to promote integrity in election procedures, to which she was fully committed.
10. **A Government representative of the Philippines**, speaking with the approval of the Officers in his capacity as Chairperson of the Government group, underlined the critical role of the ILO in assisting its constituents to achieve an inclusive, sustainable and resilient recovery from the COVID-19 crisis and promoting decent work and equal employment opportunities for all.
11. **The Director-General** recognized the constraints imposed on Governing Body members by the virtual format of its 343rd Session, made necessary by the ongoing COVID-19 pandemic, and thanked them for their commitment, resilience and patience. The effects of the crisis continued to take their toll on labour markets; the eighth edition of the *ILO Monitor* showed that the recovery was fragile, incomplete and uneven. In 2021 globally, labour market recovery had stalled, hours worked were stabilizing considerably below pre-pandemic levels and the robust recovery trajectories of the advanced economies and China diverged significantly from those of developing and emerging economies, which were hardly growing. The follow-up to the global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient (global call to action) adopted by the International Labour Conference in June 2021, to be decided by the Governing Body, was therefore of immediate and strategic importance for the contribution of the ILO and its constituents to fostering a human-centred, inclusive, sustainable and resilient recovery from the crisis. The four proposed areas of follow-up action were: continued tracking of the impact of the pandemic and the recovery process; the convening by Member States of tripartite national dialogues for human-centred recovery strategies; the involvement of the ILO in issues and processes relating to financing recovery; and a major Multilateral Policy Forum, the modalities of which were to be decided upon by the Governing Body. That Forum should be approached with real ambition targeting representation at the highest level from Member States and international organizations in order to marshal international coherence and strong political will to the cause of human-centred recovery. In addition, as requested by the 108th Session of the International Labour Conference, the Governing Body would consider proposals for including safe working conditions in the ILO's framework of fundamental principles and rights at work. The document presented would enable the Governing Body to deliberate on the relevant issues and take a fully informed decision on that highly significant topic.
12. In recent years, the Governing Body had dealt with several country situations emanating from complaints submitted under article 26 of the ILO Constitution. In each instance, the Director-General had called for them to be dealt with in strict adherence to established process and for the principles contained in the Conventions under consideration to be upheld; the purpose of going through the process was to secure the full application of the ratified Conventions which were the object of the complaints concerned. He expressed confidence in the Governing Body's understanding of its responsibilities in examining the cases of Bangladesh, Guatemala, Myanmar and the Bolivarian Republic of Venezuela. The examination of such complaints acted as a test of the strength of the ILO's tripartism and the effectiveness of its normative system; in view of the major disagreements that had arisen in the Organization

over the setting and supervision of standards, he called on the Governing Body to act conscientiously to avoid aggravating such disagreements and to move towards their resolution.

13. Turning to the procedure for the appointment of the members of the CEACR, he encouraged the Governing Body to focus on common values and areas of agreement and stressed the absolute need to safeguard the independence and authority of the experts. The appointment process could be made more open and participatory, but a situation whereby experts became the nominees of one group or another would undermine those very considerations of independence and authority.
14. Emphasizing the invaluable nature of the mandate and work of the Standards Review Mechanism Tripartite Working Group (SRM TWG), he urged the Governing Body in its consideration of the sixth report of the Working Group, in which the Group was unable for the first time to present consensus recommendations, to exert its full efforts to avoid a further blockage in the ILO's normative activities and processes.
15. The Governing Body would also consider the Human Resources Strategy for 2022–25, designed to ensure a secretariat fully equipped to discharge its responsibilities, embodying diversity and operating in a respectful environment, as a precondition for an organization that was fit for purpose. The recently concluded third ILO staff survey had given positive feedback on the progress made in the organizational health index and also pointers on areas still needing improvement. He paid tribute to the fortitude, resilience and dedication of ILO colleagues in countries facing challenges in connection with acute political or social instability.
16. A second precondition of an ILO fully fit for purpose was full, equal and democratic participation in the ILO's tripartite governance, and the Governing Body would be updated on progress made by the SRM TWG on that subject and on ratification of the 1986 Instrument for the Amendment of the Constitution of the International Labour Organisation (the 1986 Amendment).
17. The 343rd Session was taking place against a backdrop of intense multilateral activity intended to address global challenges. The need for greater social justice permeated all of those challenges and must be the shared motivation with which the ILO approached the present session and all else that would follow from it.
18. Regarding the election of the 11th Director-General of the ILO, he mentioned the view of several Governing Body members that the vote should take place in the physical presence of voters and said that the Office would try to prepare with that consideration in mind. He emphasized the Office's responsibility to arrange for a fair, transparent process with neutrality and impartiality, and above all to ensure the continuity of the Office's activities at a time when they were so badly needed.

1. Approval of the minutes of the 342nd Session of the Governing Body (GB.343/INS/1)

Decision

19. **The Governing Body approved the minutes of its 342nd Session, as amended.**
(GB.343/INS/1, paragraph 2)

2. Agenda of future sessions of the International Labour Conference (GB.343/INS/2(Rev.1))

20. The Governing Body had before it an amended version of the draft decision in paragraph 45, which had been proposed by the Employers' group and circulated by the Office, which read:

The Governing Body decided:

- (a) to place on the agenda of the 111th Session of the Conference (2023) an item on just transition for general discussion; ~~standard-setting on the basis of a single discussion and approved a programme of reduced intervals for the preparatory stages as follows:~~
 - ~~(i) summary report and questionnaire sent out by the Office by 30 March 2022;~~
 - ~~(ii) replies from governments reach the office by 31 October 2022;~~
 - ~~(iii) final report by the Office sent to governments by 28 February 2023;~~
 - ~~(iv) single discussion at the 111th Session of the Conference in June 2023;~~

OR

- ~~(b) to place on the agenda of the 112th and 113th Sessions of the Conference (2024 and 2025) an item on just transition for standard-setting on the basis of a double discussion;~~
- ~~(c)~~ (b) to request the Office to take into account the guidance provided, ~~including with regard to its discussion on a possible standard-setting item on just transition,~~ in preparing the document concerning the agenda of future sessions of the Conference for the 344th Session (March 2022) of the Governing Body;
- ~~(d)~~ (c) to place on the agenda of the 111th Session (2023) of the Conference an item on the abrogation of Convention No. 163 and the withdrawal of Conventions Nos 70, 75, 165, 178 and of the Protocol to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), as well as of Recommendations Nos 9, 10, 20, 28, 48, 75, 76, 78, 105, 106, 108, 138, 140, 141, 142, 155, 173 and 185;
- ~~(e)~~ (d) to place confirm on the agenda of the 112³th Session of the Conference (2024⁵) the item on the abrogation of Conventions Nos 45, 62, 63 and 85; ~~which had been included in the agenda of the 2024 session of the Conference; and~~
- ~~(f)~~ (e) to place on the agenda of the 118th Session (2030) of the Conference an item on the abrogation of Conventions Nos 22, 23, 55, 56, 58, 68, 69, 92, 133, 134, 146, 164 and 166.

21. **The Chairperson** noted that, should the Governing Body decide in favour of a standard-setting discussion on a just transition of the world of work towards environmentally sustainable economies and societies for all in 2023, along the lines proposed by the Office in paragraph 45(a) of the document, a single standard-setting discussion must be included as an item on the agenda of the 111th Session (2023) of the International Labour Conference at its current session and, in addition, the Governing Body would have to approve a programme of reduced intervals to prepare for that discussion. The Governing Body was also encouraged to take a decision on the Conventions and Recommendations proposed for abrogation or withdrawal by the Conference at its 111th Session, in accordance with paragraph 45(d). If the Governing Body was not ready to take a decision on any of the other matters raised in the document, it may still wish to provide guidance to inform discussions at its future sessions.
22. **The Worker spokesperson** expressed the strong hope that the 110th Session (2022) of the Conference would be held in person, circumstances permitting.
23. Her group agreed with the proposal to include the withdrawal of the Labour Inspection Recommendation, 1923 (No. 20), and the abrogation and withdrawal of maritime instruments, on the agenda of the 111th Session (2023), and agreed to the proposal to place the abrogation of the Underground Work (Women) Convention, 1935 (No. 45), the Safety Provisions (Building) Convention, 1937 (No. 62), the Convention concerning Statistics of Wages and Hours of Work,

1938 (No. 63), and the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85), on the agenda of the 112th Session (2024).

24. Her group supported the initiation of a new cycle of recurrent discussions as of 2025, and saw no need for a prior evaluation. However, it would be interesting to hear the views of other groups on that matter. In reference to paragraph 12, she recalled that the recurrent discussions under the ILO Declaration on Social Justice for a Fair Globalization, 2008 (Social Justice Declaration) and the linkages between them and the General Surveys should also be used as tools to identify regulatory gaps and areas for future standard-setting.
25. Her group supported a standard-setting discussion on a just transition towards environmental sustainability, on the basis of a double discussion, so as to allow sufficient time to prepare. However, it reserved the right to return to that issue once the other groups had expressed their views. It did not support another general discussion on the item. Such discussions had already been held, in 2007 and 2013, leading to the adoption in 2015 of the *Guidelines for a just transition towards environmentally sustainable economies and societies for all*, and the Governing Body had discussed the subject at its 340th Session (November 2020). Furthermore, governments were currently meeting at the United Nations (UN) Climate Change Conference (COP 26) in Glasgow and the hope was that they would increase the level of ambition needed to tackle climate change. Until a standard recognizing the common but differentiated responsibilities in relation to climate change had been set, the ILO had to give priority to redoubling its efforts to promote and implement the aforementioned guidelines, in order to assist governments in implementing their nationally determined contributions under the Paris Agreement of the UN Framework Convention on Climate Change and to support a transition to a low-carbon economy centred on social and environmental justice.
26. Her group supported a general discussion on decent work and the care economy for 2023, and welcomed the scope outlined in Appendix I. Such a discussion would be timely in view of the numerous important developments in the care economy since the onset of the COVID-19 crisis, particularly in relation to gender inequality and the central importance of the care economy to women's opportunities in the labour market.
27. Subject to the views on the proposal to hold a standard-setting discussion on a just transition, her group would support the setting of a standard on decent work in the platform economy; the new universe of online work required global regulation to ensure a level playing field and the conditions for decent work. The tripartite meeting of experts on the issue, scheduled for 2022, may recommend setting a standard. Accordingly, space should be allocated in the agenda of the Conference for such a discussion.
28. Regarding the follow-up envisaged in relation to subjects currently under preparation, her group took note of the research undertaken by the Office in respect of the prevention and resolution of labour disputes, and looked forward to its findings, which would be particularly relevant to the work of the SRM TWG. However, her group was not convinced of the added value of scheduling a meeting of experts in the 2022–23 biennium without yet knowing when the corresponding instruments would be reviewed by the SRM TWG. Her group welcomed the decision made by the Governing Body at its 341st Session (March 2021) to hold a technical meeting on the protection of whistle-blowers in the public sector during the 2022–23 biennium and looked forward to the outcome of that meeting. Her group supported the proposed tripartite meeting of experts to be held in the first quarter of 2023 on the protection of workers' personal data in the digital era, as the ILO code of practice required updating.
29. Turning to the follow-up to the recommendations of the SRM TWG, her group welcomed the decision made by the Governing Body at its 341st Session to include a standard-setting item

on biological hazards on the agenda of the Conference in 2024 and 2025. However, it noted that the recommendations submitted by the Governing Body in November 2017 concerning chemical hazards, ergonomics and the manual handling and guarding of machinery had not yet been followed up. Those recommendations should be considered as a matter of institutional priority. Considering the high degree of technical expertise required for standard-setting discussions, her group could exceptionally support the proposal to convene three separate preparatory technical conferences, possibly in 2023, 2024 and 2025, followed by a single discussion by the Conference, possibly in 2026, 2027 and 2028. However, her group asked the Office to clarify the logic behind that proposal.

30. Her group did not support the amended version of the draft decision submitted by the Employers' group, because another general discussion on a just transition was superfluous.
31. **The Employer spokesperson** said that, while her group was keen to continue the practice of recurrent discussions beyond 2025, an evaluation of their impact, including on the implementation of the Social Justice Declaration, would help the Governing Body make an informed decision. Her group agreed that the process of setting the Conference agenda should be guided by the Centenary Declaration and the global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient (global call to action), but recalled that those instruments went beyond reaffirming the importance of ILO standards and reinvigorated in a holistic manner the mandate of the ILO. With reference to paragraph 12 of the document, General Surveys and recurrent discussions often addressed policy matters that went beyond the mandate of the SRM TWG. Agenda-setting discussions should therefore be conducted independently and not be dictated by the work of the SRM TWG. The SRM TWG and the Governing Body were separate and independent bodies, as demonstrated by the fact that not all SRM TWG members were members of the Governing Body. That view should be consistently reflected in future documents on the topic.
32. In line with the ILO's priority to have an up-to-date body of international labour standards, she was in favour of retaining the withdrawals and abrogations of Conventions and Recommendations on the agenda of future sessions of the Conference as initially scheduled, including for the upcoming sessions in 2022 and 2024, rather than as proposed in paragraph 19 of the document. There was no need to defer those items, since no additional technical committee was required. She recalled that the Fee-Charging Employment Agencies Convention, 1933 (No. 34), had been withdrawn at the 109th Session (2021).
33. Regarding possible items for the agenda of future sessions of the Conference, a general discussion on a just transition in 2023 would be timely and useful, but a just transition should not be made a standard-setting item. The ILO had adopted guidelines for a just transition in 2015 and there was no expectation that a standard would be developed. Climate change and a just transition were evolving topics and a static standard could easily be overtaken by rapid developments. In addition, it would not be practical to address two standard-setting items in parallel. It would be prudent to wait for the outcome of the meeting on the platform economy, scheduled for October 2022, before considering the harnessing of the potential of technology as a possible agenda item. A general discussion on decent work and the care economy would be timely, in the light of the COVID-19 crisis. Her group stood ready to support the inclusion of that item on the agenda in 2023.
34. More time was needed to consider when the three remaining items relating to occupational safety and health should be included on the agenda. Nonetheless, in view of the complexity of the topics, her group preferred the first option, set out in paragraph 37, of maintaining the double-discussion procedure for each item and scheduling them consecutively. That would be

consistent with the approach taken to the item on biological hazards. The scope for the standard-setting item on ergonomics and manual handling must be revised to ensure that ergonomics was discussed only in the context of manual handling, in line with the recommendation by the SRM TWG. Her group maintained the view that all occupational safety and health standards should be consolidated in an integrated instrument, similar to the Maritime Labour Convention, 2006, as amended.

35. On the prevention and resolution of labour disputes, no action should be envisaged before the results of the Office's research on the subject had been published and submitted to the Governing Body for consideration. It was surprising that work on the subject of workers' personal data had been progressing, given slower progress on topics that had been submitted earlier. Her group called on the Office to prepare proposals on the topics of ensuring that education and training systems were responsive to labour market needs and the role of sustainable enterprises as the principal source of full and productive employment and decent work.
36. The options set out in the draft decision gave the impression that a standard-setting item on a just transition was the only item under consideration, when in fact the Governing Body was being asked to consider three proposals for the agenda of the 111th Session (2023) of the Conference, including the option of holding a general discussion on a just transition. The Employers' group had therefore proposed a revised version of the draft decision providing for a general discussion on a just transition in 2023, and removing all references to standard-setting on that item. In addition, her group proposed that subparagraph (d) of the draft decision should be amended to confirm the placement of the item on the abrogation of Conventions on the agenda of the 112th Session (2024) of the Conference.
37. **Speaking on behalf of the Africa group**, a Government representative of Niger noted that, in a context of global economic and labour recovery that was dominated by information technology and the need to adapt to climate change and preserve the environment, agenda items should correspond to the achievement of the Sustainable Development Goals (SDGs) and decent work for all. The momentum of instruments such as the Centenary Declaration and the global call to action should be maintained and special attention should also be paid to social justice, training and development at work, labour protection and a just transition. Serious discussion was needed on topics of concern that had already been the subject of past sessions, such as access to labour justice, individual labour disputes, and decent work in the platform economy. His group proposed that two topics should be combined to form a single theme: a just transition of the world of work through environmentally sustainable economies and societies that took into account the potential of technology, in order to achieve decent work for all. His group supported the draft decision contained in the document.
38. **Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)**, a Government representative of Chile said that he agreed that the Organization must have a clear, solid and up-to-date corpus of international labour standards. The inclusion on the agenda of the 111th Session of the Conference of a general discussion on either the care economy or a just transition was therefore appropriate. He concurred with the view, expressed in the document, that a general discussion on the care economy would provide an opportunity for the timely and integrated review of the evolution of care work, and noted that a just transition was essential to generating prosperity in response to climate change. GRULAC supported the draft decision, as set out in the document, particularly with regard to the abrogation and withdrawal of Conventions and Recommendations at the 111th, 113th and 118th Sessions of the Conference, as suggested by the SRM TWG.

39. **Speaking on behalf of the Asia and Pacific group (ASPAG)**, a Government representative of Australia expressed her support for the inclusion of a general discussion on the agenda of the 111th Session of the Conference, with a preference for a discussion on a just transition, as one of the most fundamental changes in the world of work. The tripartite nature of the ILO meant that it was well placed to contribute to the global conversation on that matter and a general discussion would ensure that all perspectives were heard and the needs of all constituents addressed. Although her group remained open to the possibility of a standard-setting item on a just transition, more detail was needed on that proposal.
40. Given that a standard-setting discussion on apprenticeships had been scheduled for the 111th Session (2023) of the Conference, any standard-setting discussion on a just transition should be held at the 112th Session (2024), at the earliest, and based on a double discussion. Her group would also support a general discussion on decent work and the care economy at a future session of the Conference, since decent work deficits in that area had been highlighted and further entrenched by the COVID-19 pandemic and a gender-responsive recovery would be indispensable to ensuring decent work for all. With regard to the three remaining standard-setting items on occupational safety and health, she expressed support for the second option, of convening three separate preparatory technical conferences, and asked the Office to provide further information on the required financial resources. ASPAG supported the action on the abrogation of Conventions and Recommendations outlined in subparagraphs (d) to (f) of the draft decision.
41. **Speaking on behalf of the group of industrialized market economy countries (IMEC)**, a Government representative of Sweden, emphasizing the importance of a strategic and coherent approach to setting the agenda of the Conference, said that the follow-up to the recommendations of the SRM TWG was a vital and integral part of that approach, including when considering standard-setting agenda items, to ensure a robust and up-to-date body of international labour standards. He therefore welcomed the preparation of proposals on three further standard-setting items relating to occupational safety and health, guided by the SRM TWG's recommendation. IMEC was ready to explore the second option, subject to clarification of the preparatory conferences and the cost implications.
42. In a context of international efforts to combat climate change and strengthen the labour market and employment, a just transition was a topical subject for discussion. The ILO played an important role in the international system, as a just transition was strongly aligned with the ILO's mandate and ambitions on decent work. IMEC supported the inclusion on the agenda of an item on decent work in the platform economy, possibly at the 113th Session (2025) of the Conference, contingent on the outcome of the meeting of experts on that topic scheduled for 2022.
43. The group was not yet in a position to offer guidance on the options concerning the future agenda of the Conference. He requested more information on a possible standard on a just transition: whether the Governing Body could decide on the form of the instrument, what added value a standard or a general discussion would provide to constituents, and what the possible content of a standard would be. He suggested that further discussion on subparagraphs (a), (b) and (c) of the draft decision should be deferred, pending further information from the Office. IMEC accepted subparagraphs (d), (e) and (f) of the draft decision, but did not support the amendment proposed by the Employers' group.
44. **Speaking on behalf of the European Union (EU) and its Member States**, a Government representative of Slovenia said that Montenegro, Serbia and Norway aligned themselves with the statement. The EU and its Member States supported retaining the items on both decent

work and the care economy and harnessing the fullest potential of technology for discussion of the Conference agenda at the next session of the Governing Body.

45. The EU and its Member States had long supported elevating safe and healthy working conditions to a fundamental principle and right at work, especially in the light of the COVID-19 pandemic, and therefore supported its inclusion in the agenda of the 110th Session of the Conference. She reiterated the importance of integrating the follow-up of the SRM TWG into ILO activities, including when setting the Conference agenda, as a matter of institutional priority, and welcomed the three standard-setting items on occupational safety and health. The arrangements for the standard-setting discussions should be flexible, innovative, and time- and cost-efficient. The EU and its Member States were open to exploring the option of convening three separate preparatory technical conferences, subject to clarification regarding the preparatory conferences and their cost implications. Such conferences could be designed in a manner similar to tripartite technical meetings, where the Office bore the costs of the participation of the social partners, and interested governments attended at their own expense. Three separate preparatory conferences in 2023, 2024 and 2025 followed by three single discussions in 2026, 2027 and 2028 would recognize the complexity of the items under discussion, but the group remained open to further discussions on the timing.
46. An inclusive and constructive discussion on the topic of a just transition of the world of work, especially one leading to environmentally sustainable economies and societies for all, would provide a positive impetus towards achieving a just transition for all. In view of the current global situation and the ongoing discussions across the UN system, the ILO should place itself at the heart of any deliberations. She requested the Office to provide further details on a possible standard on a just transition and its added value, and suggested that the Governing Body would need more time to discuss subparagraphs (a), (b) and (c) of the draft decision. She supported subparagraphs (d), (e) and (f) of the draft decision, but did not support the Employers' group's proposed amendment.
47. **Speaking on behalf of Barbados, Canada, Israel and the United Kingdom of Great Britain and Northern Ireland**, a Government representative of the United Kingdom said that the ILO, with its unique tripartite structure and with a mandate central to the issue of climate change, was the appropriate organization to drive implementation of the declaration of COP 26 on supporting the conditions for a just transition internationally. He strongly supported the development of a standard on a just transition, preferably in a double discussion, which could be based on the ILO's 2015 *Guidelines for a just transition*. It was imperative for the ILO constituents to show unity by agreeing to place an item on a just transition on the agenda of the Conference as soon as possible. He asked the Office whether the Standing Orders would allow for a double discussion in 2023 and 2024. The ILO constituents should not wait any longer to take forward their responsibilities on climate action. If the ILO did not act, there was a risk that another international organization would pursue an international standard that would not be negotiated on a tripartite basis. He therefore did not support the amendment proposed by the Employers.
48. **A Government representative of Barbados** emphasized the fact that climate change was threatening the very existence of small island developing States; thus the matter of a just transition was vital and urgent for them. The ILO was well placed to play an integral role, including the provision of technical expertise, as countries sought to transition to environmentally and socially sustainable economies, while contributing to the goals of decent work, social inclusion and the eradication of poverty. The world of work was central to achieving sustainable development. He therefore urged the Governing Body to place the

matter of a just transition on the agenda of the Conference for discussion and possible standard-setting as soon as possible.

49. **A representative of the Director-General** (Director, International Labour Standards Department) acknowledged the unanimity in favour of subparagraphs (d) and (f) of the draft decision. The reason for the proposal in subparagraph (e) was that the Governing Body had previously decided to discuss the abrogation of Conventions Nos 45, 62, 63 and 85 at the session of the Conference to be held in 2024, which had subsequently been deferred to 2025. She noted that the governments that had spoken had supported placing the abrogation of those instruments on the agenda of the deferred session, in 2025, while the Employers' group preferred to place it on the agenda of the 112th Session (2024) and the Workers' group was open to joining the consensus.
50. The rationale behind the proposal to have three separate preparatory meetings on the instruments on occupational safety and health in 2023, 2024 and 2025, followed by single discussions in 2026, 2027 and 2028, had been to begin the standard-setting discussion at a time where there was not yet a standard-setting item on the Conference agenda. However, the sequencing of the discussions could be discussed and all options were open. Regarding the financial implications for the different options, the Office had put forward the three proposals to see which option the Governing Body wanted to be developed further; it would then provide more details at the March 2022 session. Responding to the Employers' group's comment concerning the item on a just transition in the draft decision, she said that the intention had been to highlight the fact that, if the Governing Body wished to consider a single standard-setting discussion on a just transition in 2023, it would need to take a decision at its current session. Any other decision of the Governing Body with respect to a Conference discussion item on just transition could wait until March 2022. In response to a question from IMEC, she explained that, under article 19(1) of the ILO Constitution, the Governing Body could place a standard-setting item on the agenda of the Conference, but only the Conference could decide on the form of the instrument. As to the added value of a possible standard on a just transition, it would ensure that the imperative of decent work creation was at the centre of all global and national responses to climate change and would provide an internationally recognized and agreed definition of a just transition. As the ILO's 2015 *Guidelines for a just transition* had been agreed by the tripartite constituents, they could form a basis on which to develop a potential standard. It would be possible to place a standard-setting item on a just transition on the agenda for 2023 only if it was a single discussion; under the Standing Orders, a double discussion could be placed on the agenda for 2024 and 2025 at the earliest.
51. **The Worker spokesperson** underscored that the Governing Body had considered the recommendations of the SRM TWG to be an institutional priority. She welcomed the fact that the Employers' group and several government groups considered the item on the care economy as a serious option for a general discussion in 2023, especially if the just transition was to be a standard-setting item in the future. She clarified that it had never been the intention of the SRM TWG to address an update of manual handling issues only under the topic of ergonomics; rather, it had had a broad discussion on the fact that ergonomics was a new issue that needed to be addressed. The Workers were in favour of further exploring the possibilities of standard-setting on the matter of a just transition, with the ILO at the core of the action. However, having only one standard-setting item on the agenda of each session of the Conference meant that the ILO would never be able to overcome all of the challenges it faced. That was also why the SRM TWG had recommended that the Office should consider innovative approaches, such as holding technical conferences to prepare for a standard-setting discussion, which the Governing Body should take into account.

52. **The Employer spokesperson** reiterated that a just transition was not a matter for standard-setting, as it was too complex; it touched on many other issues outside the scope of the ILO and the challenges could not be overcome through a standard. It would therefore be advisable for the ILO to hold a general discussion on a just transition in 2023. That would mean that the topic could be discussed as soon as possible, which would be in tune with the other discussions currently being held in other international organizations.

(The Governing Body resumed its consideration of the item at a later sitting.)

53. **The Chairperson** announced that, after several rounds of consultations, the consultative group had endorsed a revised draft decision, which had been circulated to the Governing Body.
54. **The Employer spokesperson** expressed her group's regret that a just transition had not been included on the agenda of the 111th Session (2023) for a general discussion, in spite of the broad agreement on its urgency and relevance and the need for the ILO to take a leadership role. She reiterated that a standard-setting discussion was not appropriate, as there was a risk that any ILO standard would quickly become outdated owing to developments linked to environmental sustainability. A resolution at the 110th Session (2022), as suggested by the Workers' group, would fail to capture all of the nuances and would produce no added value. Her group would continue to advocate for a general discussion on a just transition at the 344th Session of the Governing Body.
55. The Employers' group considered the issue of the care economy to be of great relevance and was willing to consider its inclusion as a general discussion at the 113th Session (2024) of the Conference). As many groups had supported both a just transition and the care economy, a decision on them should be taken at the same time.
56. Regarding the abrogation of Conventions Nos 45, 62, 63 and 85, she welcomed the support from all Governing Body members for discussing the item at the 113th Session (2024). Abrogation represented an important step towards ensuring the ILO had a clear, robust and up-to-date body of standards, as called for in the Centenary Declaration.
57. **The Worker spokesperson** expressed her group's strong concern at the lack of consensus on setting a bold and ambitious agenda for the future. Given the broad agreement on the importance of addressing the care economy, a decision could have been reached on including it on the agenda of the 111th Session (2023) of the Conference. Similarly, given the general agreement on the urgency of addressing a just transition, it was unclear why the International Labour Conference would not be in a position to address a just transition in a resolution tabled at its 110th Session, as doing so would enhance the relevance of the Organization without precluding the possibility of placing a technical item on the agenda of a future session of the Conference. Further general discussions on climate change and a just transition would produce no added value; a more binding commitment was required.
58. It was regrettable that the Governing Body had reached decisions only on the withdrawal and abrogation of standards, which did not reflect the high level of ambition, also expressed by the SRM TWG, that the ILO should work towards having an up-to-date and robust body of standards. In addition, important discussions were yet to be held on the setting of occupational safety and health standards as decided by the Governing Body in the context of the Standards Review Mechanism. On the understanding that the Workers' group would not always agree to such decisions on future sessions of the Conference, she supported the draft decision.
59. **Speaking on behalf of IMEC**, a Government representative of Sweden supported a standard-setting discussion on a just transition beginning in 2024, but noted that views differed within the group on the appropriate form of a standard. He expressed disappointment that the

Governing Body had been unable to come to a decision to include it in the agenda of the 112th Session (2024) of the Conference, as the issue was urgent. IMEC therefore supported the Workers' group's proposal to include a resolution on a just transition on the agenda of the 110th Session (2022). He asked the Office to prepare comprehensive background papers and to engage in informal tripartite discussions to inform members of the impact and added value of each option, which could allow the Governing Body to reach a consensus-based decision at its 344th Session (March 2022). His group would have preferred to have a reference to standard-setting included in the decision. However, as no options had been ruled out, his group could support the draft decision.

- 60. Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia said that North Macedonia, Montenegro, Albania, Iceland and Norway aligned themselves with the statement. She reiterated that the ILO must place itself at the heart of any deliberations on a just transition, and advocated a standard-setting discussion as soon as possible. It was regrettable that the Governing Body had been unable to agree on how to address it; an opportunity to make a clear statement on the ILO's commitment to a just transition had been lost. In the hope that further tripartite consultations would facilitate consensus, she accepted the Office's proposal to postpone discussions on a just transition until the next session. As that would mean that the first opportunity to hold a standard-setting discussion would be in 2024, the intervening time must be used effectively to make preparations and secure wide support for ILO leadership. The information provided by the Office on a just transition would be useful to help the Governing Body understand the implications and added value of the various options, and should constitute a significant part of the document submitted to the next session, which the Office should provide as soon as possible. On the understanding that the 344th Session would include the urgent consideration of a standard-setting or general discussion on a just transition, she could accept the amended draft decision. Furthermore, in view of the postponement of the decision, she was willing to consider the Worker's group's proposal to produce a resolution during the 110th Session (2022) of the Conference, pending further details.
- 61. A Government representative of the United States of America** supported the inclusion of decent work in the care economy in the agenda of the 111th Session (2023) of the Conference. Care workers had proven to be vital in the response to and recovery from the COVID-19 pandemic and the work-related challenges that they continued to face must be addressed by the ILO.

Decision

- 62. The Governing Body decided:**
- (a) **to request the Office to take into account the guidance provided, in particular its resolve to urgently address the item on just transition, and the views expressed in relation to the item on decent work and the care economy, in preparing the document concerning the agenda of future sessions of the Conference for the 344th Session (March 2022) of the Governing Body;**
 - (b) **to place on the agenda of the 111th Session (2023) of the Conference an item on the abrogation of Convention No. 163 and the withdrawal of Conventions Nos 70, 75, 165, 178 and of the Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), as well as of Recommendations Nos 9, 10, 20, 28, 48, 75, 76, 78, 105, 106, 108, 138, 140, 141, 142, 155, 173 and 185;**

- (c) to place on the agenda of the 112th Session of the Conference (2024) the item on the abrogation of Conventions Nos 45, 62, 63 and 85, which had been initially included in the agenda of the 113th Session of the Conference; and
- (d) to place on the agenda of the 118th Session (2030) of the Conference an item on the abrogation of Conventions Nos 22, 23, 55, 56, 58, 68, 69, 92, 133, 134, 146, 164 and 166.

(GB.343/INS/2(Rev.1), paragraph 45, as amended by the Governing Body)

3. Matters arising out of the work of the 109th Session (2021) of the International Labour Conference

3.1. Follow-up to the resolution concerning the recurrent discussion on the strategic objective of social protection (social security) (GB.343/INS/3/1)

- 63. **The Employer spokesperson** said that the five components outlined in document GB.343/INS/3/1 were appropriate frameworks for ILO action to give effect to the conclusions adopted by the International Labour Conference on social protection.
- 64. Under component 1, particular attention should be paid to fostering a propitious environment for the growth of businesses, which constituted a cornerstone of sustainable social protection systems. Supporting the transition to the formal economy was of prime importance; over 60 per cent of the global workforce was still operating in the informal economy. At the same time, care should be taken in relation to emergency social protection measures adopted as part of crisis response and recovery strategies, as they may not be sustainable in the medium and long term. The progressive establishment of rights-based social protection systems, to avoid the poverty trap and eliminate incentives to remain in the informal economy, was crucial. It was important to find solutions that prepared workers and employers for change and labour market transitions, and to boost employability and jobs creation by coordinating employment, labour market and active inclusion policies in order to promote decent work and formalization of employment.
- 65. With regard to component 2, special attention should be paid to the best practices of those who had successfully addressed structural change, those making optimal use of existing means to extend and strengthen social protection systems, and those combining contributory, non-contributory, voluntary and mandatory schemes. The use of suitable policy combinations should be documented and appropriate options for financing social protection explored. In addition, the governance of social protection systems, including the independence of their decision-making bodies, must be guaranteed in order to protect their long-term policies.
- 66. In respect of component 3, mobilizing domestic resources was very important. The use of resources for development cooperation at the global level, while important for least developed countries, risked being unsustainable in the long term. The presentation of reports on the impact of resource allocation would be important, with a view to improving resource mobilization. Taking note of the support that the ILO Global Flagship Programme on Building Social Protection Floors for All (SPF Flagship Programme) would provide to 50 Member States, his group asked the Office for further information on the selection criteria for that support and the level of involvement of the social partners.
- 67. Noting the ILO's current efforts under component 4 and the launching of a ratification campaign for the Social Security (Minimum Standards) Convention, 1952 (No. 102), he

highlighted the need to focus on how the Organization could support legal and political reforms to allow for the effective application of up-to-date ILO social security standards, and expressed surprise that no reference was made to the Social Protection Floors Recommendation, 2012 (No. 202). While fully supportive of the Office's efforts to support Member States in extending access to social protection for all workers, those efforts should be deployed in close coordination with those on the transition from the informal to the formal economy. Furthermore, ILO support to Member States should go beyond standards-related action, extending to financing with a view to long-term sustainability and a focus on social protection floors and active labour market policies.

68. Under component 5, his group firmly believed that the ILO should reaffirm its leadership in the area of social protection, in the multilateral system. The ILO must extend its collaboration with international financial institutions to cover matters relating to social protection, for example by developing a common political framework with other relevant UN bodies. It was important for international financial institutions to take into account the provisions of international labour standards, particularly Recommendation No. 202 and Convention No. 102, in their guidance to countries, and for the ILO to consider the analyses and policies proposed by such institutions in order to find common ground. That was particularly necessary in view of the serious impact of the COVID-19 pandemic.
69. His group would continue to participate constructively in discussions on a global financing mechanism that supported national resource mobilization efforts towards universal social protection, and looked forward to hearing the Governing Body's views on the proposal to introduce an International Social Protection Day. His group took note of the list of high-level outputs in the appendix to the document and supported the draft decision.
70. **The Worker spokesperson** said that the new estimates published by the ILO exposing the gaps in global social protection coverage reaffirmed the urgency of taking action to deliver on the internationally recognized human right to social protection. His group welcomed the proposed plan of action in the document, which would allow the ILO to contribute to the establishment of rights-based universal social protection systems. In particular, he welcomed the objective of launching a ratification campaign for Convention No. 102, the provision by the Office of guidance and technical advice for the mobilization of domestic resources, and the deepening of collaboration between the Office, other actors in the UN system and international financial institutions on domestic resource mobilization in a manner consistent with ILO standards and principles.
71. Enhancing international coherence on social protection and respect for international labour standards was a clear priority for his group. As such, he welcomed the planned engagement by the ILO with the World Bank on its social protection strategy and took note of the planned engagement with the International Monetary Fund (IMF). The planned review of IMF background papers should ensure alignment between IMF implementation of social spending floors and ILO definitions of social protection. Regarding proposals for a new international financing mechanism, it would be critical for the Office to proactively initiate and engage in discussions on the governance and financing modalities for such a fund. His group therefore welcomed the plan to develop a feasibility study presenting options for such a fund and took note of the proposals submitted by the UN Special Rapporteur on extreme poverty and human rights, underscoring that further follow-up action must take those developments into account. Welcoming the plan for the Office to support the design and implementation of the Global Accelerator for Jobs and Social Protection, an initiative of the UN Secretary-General, he emphasized that the establishment of a global social protection fund should be seen as critical to delivering on the ambitions of the Global Accelerator.

72. His group welcomed proposals for further research and capacity-building to support ILO constituents in designing and implementing universal social protection systems, including training and further development of relevant data. He expressed the hope that training for constituents on social protection at the International Training Centre of the ILO (Turin Centre) would be a mixture of in-person and online. Regarding the sixth meeting of the SRM TWG, he welcomed their conclusions on the Social Insurance (Agriculture) Recommendation, 1921 (No. 17), and fully supported the follow-up envisaged requiring the Office to provide guidance and support to ensure that social security schemes applied to all agricultural workers, without exception. He further welcomed the Office's research into the key challenges and opportunities involved in applying those schemes to all agricultural workers, with a view to assessing further follow-up options. His group considered that the plan of action could allow the ILO to positively contribute to the establishment of rights-based universal social protection systems and support the achievement of the SDGs. His group supported the draft decision.
73. **Speaking on behalf of the Africa group**, a Government representative of Algeria, noting that the proposed plan of action was reflected in frameworks, strategies and commitments already set by the ILO, called on the Office to adopt a coordinated, coherent and cross-cutting approach to the plan's activities in order to avoid duplication while achieving optimal results with existing resources. While his group recognized the relevance of the five components, the implementation of the plan should focus more on the specific needs and contexts of regions or countries with social protection coverage deficits owing to budgetary constraints and a dominant informal economy. An effective way of doing so would be to align Decent Work Country Programmes (DWCPs) with the priorities identified in the plan.
74. Similarly, his group invited the Office to assist Member States with all aspects of the design, implementation and modification of their national social security strategies and policies taking into account their economic growth and budgetary resources, with particular focus on the extension of social protection to all workers and the prevention of existing and emerging risks, particularly epidemic risks. Social dialogue must be encouraged at all levels in order to better address the constraints faced by developing countries and capitalize on gains and successes. His group underscored the importance of mobilizing and allocating adequate resources to deliver the outputs under the plan and of drafting regular reports on the results achieved. He therefore requested clarification from the Office on the measures that it envisaged for mobilizing additional resources, where necessary, including in the context of its partnerships with international organizations responsible for implementing related activities.
75. While international social protection standards undeniably had a central role to play, the Office should encourage Member States to ratify the relevant ILO Conventions and provide them with technical support and guidance before and after ratification. Regarding its leadership role, the ILO should also strengthen its dialogue with international and regional organizations, including the African Union, in order to optimize synergies between policies and programmes and address challenges relating to sustainable development and social cohesion. His group reaffirmed its desire for greater recognition of social protection during the implementation of the 2030 Agenda for Sustainable Development.
76. He called on the Office to explore all means of supporting the mobilization of financial resources to complement Member States' efforts to extend social protection by taking steps to set up an international fund to respond to urgent financing needs, particularly in Africa, and to establish an active partnership to support and maintain social protection systems in view of the scale of public needs and expectations.

77. He welcomed the proposal to proclaim an International Social Protection Day and requested further information on the timescale and modalities for the implementation of that initiative. His group supported the draft decision.
78. **Speaking on behalf of a broad majority of Latin American and Caribbean countries**, a Government representative of Chile noted that the conclusions of the second recurrent discussion on social protection were particularly relevant to his region. The persistence of the informal economy was a key factor hindering the achievement of universal social protection systems, particularly in low- and middle-income countries. He therefore welcomed plans to consult constituents to explore opportunities for a more coordinated implementation of Recommendation No. 202 and the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204). The proposed plan of action was particularly important in the context of the transition to formality. Various countries in the region had expressed the special focus they would give to the conclusions of the second recurrent discussion and the integrated implementation of Recommendations Nos 202 and 204. The relevance of international bilateral and multilateral agreements for portability of benefits was also highlighted. Due support should be provided by the Office and the tripartite constituents to promote universal social protection, mobilize the required means and reaffirm the mandate and leadership of the ILO in the area of social protection.
79. **Speaking on behalf of ASPAG**, a Government representative of China said that social protection, as one pillar of the Decent Work Agenda, played a principal role in boosting employment, economic development and social justice. The COVID-19 pandemic had led to a heightened need for universal social protection. She therefore called on the Governing Body to consider for inclusion in its agenda at its 344th Session in March 2022, the issue regarding a multilateral regime that would facilitate access to social protection for migrant workers, based on contributory service in a host country. The proposed plan of action was a welcome response to the global call to action and would be pivotal to achieving the relevant SDG targets. Her group recognized the ILO's important role in providing technical advice to ILO Member States on social protection issues. Under the plan of action, research carried out should be driven by constituents' needs on the ground. The Office should boost capacity-building for constituents in collaboration with the Turin Centre, the International Social Security Association and other partners. The importance of a normative approach to social protection called for the Office to provide timely, effective and tailored technical assistance to Member States, particularly those willing to ratify up-to-date social protection standards, including Convention No. 102. She encouraged the Office to take definitive steps to promote multilateral policy coherence in social protection.
80. The success of the proposed plan of action rested on sophisticated planning and effective resource mobilization and allocation. She called on the Office to allocate adequate, sustainable resources from the regular budget to the area of social protection in the current and future biennia; redouble resource mobilization efforts in line with the ILO's Development Cooperation Strategy for 2020–25, including South–South and triangular cooperation, and cooperation with UN Resident Coordinators and country teams; and make use of the second phase of the SPF Flagship Programme to ensure contributions to the proposed plan of action. Given that ASPAG accounted for 60 per cent of the world's working population, she wished to know whether any consideration would be given to the regional context when distributing resources under the plan of action. In addition, it would be useful to know what criteria would be applied to identify priority outputs, should insufficient resources be available to deliver on all of them. ASPAG supported the draft decision.

- 81. Speaking on behalf of IMEC**, a Government representative of Portugal noted that the right to social security was a human right and that investment in social protection systems brought high social and economic returns. Nevertheless, more than 4 billion people had no social protection and the COVID-19 pandemic had exposed and deepened inequalities. He expressed support for the proposed plan of action and commended the gender-responsive and disability-inclusive focus in the proposed work on national social protection policies and strategies. Research and capacity-building under the plan should include a more focused effort regarding the use of the questions developed by the Washington Group on Disability Statistics. Given the need to accelerate the ratification of Convention No. 102, he called for work to explore the implications of gender-based language in social security instruments to be completed as soon as possible. Additional activities should be included in the plan of action to promote Recommendation No. 202. Highlighting the importance of social dialogue, he noted that collective bargaining had not been mentioned in the plan of action and should be included. A more detailed proposal was needed on financing and mobilizing international funds for social protection, alongside more information on the promotion of synergies with international initiatives and events, such as the proposed Global Accelerator for Jobs and Social Protection. He sought assurances from the Office that the principle of collective financing would form a basis for work with constituents, since it had not been mentioned in the document. In the context of a just transition and the convening of the 26th Conference of the Parties to the UN Framework Convention on Climate Change, he expressed surprise that climate change had only been mentioned once in the document.
- 82.** IMEC supported the pivotal role played by the ILO in supporting countries to formulate and adapt social protection policies and strategies, and promote policy coherence in the multilateral system. The action and voice of the ILO were needed, through ambitious short- and medium-term objectives, to foster a human-centred, inclusive and sustainable recovery and help countries progress towards comprehensive, adequate and sustainable social protection for all, with special attention to inequalities in access. IMEC pledged support for the implementation of the plan of action, while acknowledging the need for strengthened international cooperation based on political will, coordinated multilateral action, adequate funding, technical knowledge and reinforced social dialogue. Strengthening the coverage, adequacy and sustainability of social protection systems for all must be a policy priority; increased investment was needed in universal social protection. IMEC supported the draft decision.
- 83. Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia said that the North Macedonia, Montenegro, Serbia, Albania and Norway aligned themselves with the statement. The EU and its Member States aligned themselves with the statement by IMEC and welcomed the proposed plan of action. She reaffirmed the importance of the conclusions concerning the second recurrent discussion on social protection (social security) in view of the targets set out in the ILO Centenary Declaration and the SDGs. The COVID-19 pandemic had further highlighted the need for robust and sustainable social protection systems in a context of profound change in the world of work. The proposed plan of action therefore came at a critical juncture and should include appropriate measures and tools that could be adapted to national circumstances, in line with the realistic and flexible approach of the ILO social security standards. The document set out a comprehensive framework for the Office to support public policies worldwide. A participatory approach, through social dialogue, was integral to identifying gaps in coverage, needs and priorities, and considering how social protection floors could be extended to all members of society. Self-employment and non-standard forms of work, including work organized through the platform economy and domestic workers, required tailored responses on social protection. Given the

importance of financing and mobilizing funds for social protection, a more detailed analysis from the Office covering that aspect would be welcome. Her group acknowledged and supported the pivotal role the ILO played in supporting countries in formulating and adapting social protection policies and strategies. She supported the draft decision.

84. **A Government representative of Bangladesh** expressed appreciation for the proposed plan of action. The Office should strengthen partnerships to support social protection programmes, particularly in countries with resource constraints, and promote the development of low-cost social protection packages for workers in the informal economy and small- and medium-sized enterprises. Providing details of the measures taken in her country for social protection, she suggested that the proposed plan of action should reflect ongoing activities at the national level.
85. **A Government representative of Barbados** said that the ILO's proposal to provide assistance for Member States was critical as they engaged in rebuilding efforts. In order to attain the SDGs, it was necessary to design strategies to extend social security to workers in the informal economy. Given the diversity of situations from one country to another, it was paramount for the ILO to support Member States in their national efforts to improve and strengthen social protection systems, achieve universal protection and ensure sustainable and adequate financing of such systems. He emphasized the importance of reinforcing the ILO's leadership role in ensuring policy coherence on social protection in the multilateral system, and endorsed all its efforts to forge collaborative relationships within the UN and with the wider multilateral system in that regard.
86. **A Government representative of Eswatini** said that it was no understatement that the COVID-19 pandemic had exposed the glaring gaps in social protection and had underscored the worrying consequences of insufficient coverage, particularly of employees in informal economies, and migrant and other vulnerable workers. It had reinforced the importance of ensuring adequate social protection coverage for all, regardless of form of employment, residency status or nationality. Countries should engage actively in finding ways to progressively build on or transform temporary relief measures into comprehensive and shock-responsive social protection systems for all. In that context, he provided details of the COVID-19 social protection response measures taken by his country and the technical support received from the Office in social protection.
87. **A Government representative of India**, acknowledging that universal, comprehensive, inclusive and sustainable social protection systems were a prerequisite for ensuring decent work, highlighted recent social security measures taken by her country. It was necessary to ensure social security benefits for overseas workers who migrated for work. The signature of bilateral and multilateral social security agreements between countries was integral to protecting the interests of migrant workers. Greater efforts should be made to provide technical support for Member States to conclude such agreements, and to extend their scope to cover informal workers.
88. **A Government representative of Cuba** said that the Government of Cuba was proud to report that it had taken dozens of labour, wage and social security measures during the COVID-19 pandemic, with particular emphasis on protection of working women. It had guaranteed full payment of wages and social security benefits in the event that a person was unable to work as a result of age, maternity, paternity, sickness or invalidity, all of which had been financed from the national budget. The Government would be able to achieve much more if the United States ended the blockade that it was maintaining and intensifying despite the international call for an end to that inhumane policy, as evidenced during the general debate of the

76th session of the UN General Assembly, where dozens of countries had spoken out on the matter. She reaffirmed Cuba's commitment to the protection and well-being of people, including the implementation of social security protection measures for the entire population; those areas would continue to be priorities for the Government.

89. **A representative of the Director-General** (Director, Social Protection Department) said that five criteria had been used to select the countries for the SPF Flagship Programme, in consultation with the global technical team, regional and country directors and the members of the Global Tripartite Advisory Committee. Those criteria were: a shared understanding among government, employers' and workers' representatives about the importance of progressively achieving universal social protection through rights-based gender response and disability-inclusive social protection systems; strong political will and national ownership on social protection; potential to achieve results within the first five years of the SPF Flagship Programme; prioritization of social protection under the UN Sustainable Development Cooperation Framework and the ILO DWCPs; and pre-existing collaboration with other international and national bodies to provide a strong basis for the multiplication of the ILO's investments through the SPF Flagship Programme. The implementation of national strategies and policies based on social dialogue at the national level was supported by the Programme. Out of the 50 countries pre-identified for in-country support during the second phase of the Programme, 26 were from the Africa region. The Office would prioritize the mobilization of extrabudgetary resources for those countries to develop in-country projects with national and international staff, and support would be provided by social protection specialists and the technical support facility in the region for actions such as the development of country-specific social protection strategies and priorities. An emphasis would be placed on workers in the informal economy. The Office would still provide other countries not in the SPF Flagship Programme with advisory support as required, and within its capacity.
90. The various components of the global campaign for the ratification of Convention No. 102 were currently being designed, including the provision of technical support in the form of comparative assessments between national laws and practices and the requirements of the Convention. The campaign would also focus on following the SRM TWG's decisions in 2021, with a view to facilitating the ratification of the ILO's up-to-date instruments by countries that were now party to older Conventions to be abrogated in the future. The objective of reaching 70 ratifications by 2026 was very ambitious, and while the Office could actively engage in supporting national processes, the final decision would be taken by Member States. The Office was supporting countries that had already ratified ILO social security Conventions to extend the scope of social protection systems to groups that were currently unprotected.
91. Ongoing collaboration with other international and regional organizations on social protection was being strengthened, particularly for the Africa region. Two major projects run by the European Commission's Directorate-General for International Partnerships and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) had already been established to increase financing for social protection. Regarding the UN Secretary-General's Global Accelerator for Jobs and Social Protection, in the following months the ILO would be holding consultations with a diverse set of constituents to give substance to the initiative. Work would be carried out on the Global Accelerator for Jobs and Social Protection to see how it could mobilize additional funding and channel the existing funding in a more coherent manner. The ILO and the IMF were undertaking joint work in four pilot countries between 2021 and 2022, with a self-assessment planned for the first quarter of 2023. ILO country-level interventions provided multiple means of support for the extension of coverage to workers and employers in the informal economy, as well as to small- and medium-sized enterprises, to facilitate the transition

to the formal economy. The ILO had adopted a range of instruments on migrant workers, some of which focused on social protection for them more specifically.

92. The focus of the SPF Flagship Programme on the Convention No. 102 ratification campaign was not intended to detract from the implementation of Recommendation No. 202, as promoting the ratification of Convention No. 102 could also promote the establishment of social protection floors. While the participatory drafting of social protection policies might not have been explicitly mentioned in the plan of action, it was clearly part of the ILO's principles and was fully implemented whenever the Office supported national policy design processes. However, in practice, many national policies were developed without the social partners and without ILO support. It was vital to enhance the ILO's visibility and action in the multilateral system as there were other stakeholders that may not attach equal importance to social dialogue and the ILO normative standards. With respect to collective financing, the principle of solidarity was key and was incorporated into discussions on social protection financing with UN agencies and international financial institutions.
93. **The Employer spokesperson** noted the broad consensus on the relevance of the components of the proposed plan of action on social security for the period 2021–26, the major obstacles to implementing universal social protection and the urgent need to extend coverage to the informal economy. He expressed appreciation for the positive perspectives on how to move beyond a standard-setting approach and highlighted the importance of the effective implementation of Recommendation No. 202. The emphasis on identifying solutions aligned with country contexts would contribute to the development of innovative approaches.
94. **The Worker spokesperson** welcomed the Governing Body's strong support for the plan of action and supported the draft decision. Nonetheless, the issue of migrant workers and social protection should receive closer attention. He supported the calls for intensified efforts to implement Recommendation No. 202 and the document's emphasis on strengthening the capacities of the social partners to participate effectively in policy and strategy development, governance and social dialogue, including collective bargaining.

Decision

95. **The Governing Body requested the Director-General to:**
 - (a) take into account its guidance in implementing the plan of action on social security for 2021–26 as set out in document GB.343/INS/3/1; and
 - (b) consider the plan in the preparation of future programme and budget proposals.

(GB.343/INS/3/1, paragraph 28)

3.2. Follow-up to the resolution concerning a global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient (GB.343/INS/3/2)

96. **The Worker spokesperson** agreed with the concern at the unequal, uncertain and fragile recovery from the COVID-19 pandemic, and reiterated the need to prioritize urgent, coordinated action to achieve vaccine equity. She noted that some important elements of the global call to action were missing from the proposed priorities in document GB.343/INS/3/2, particularly addressing decent work alongside productive employment, and designing industrial policies to help developing countries to create decent, well-paid jobs. She welcomed the proposed expansion of research on decent work and the digital economy, including its

gender-related aspects, and on strategies to extend social protection coverage to the diverse forms of work arrangements that had increased during the pandemic; however, the scope of that work must be broader than social protection. The labour protection floor, agreed on in the Centenary Declaration, covering fundamental rights, maximum hours of work, adequate minimum wages and safety and health at work was urgently needed so that all workers, including those in insecure forms of work, were protected. In order to build forward better, it was important to leverage recent good practices implemented by several Member States to extend social protection and wage and employment measures to include groups such as self-employed, temporary and domestic workers. The work on occupational safety and health set out in the document should be more ambitious, given its increased relevance during the pandemic and its strong link with the increase in precarious employment.

97. She welcomed the proposed research on global supply chains, but requested further details. More importantly, urgent action was needed to promote more resilient supply chains that would foster decent work, environmental sustainability and the sustainability of enterprises while respecting human rights, as the pandemic had clearly shown the rights violations and vulnerabilities of supply chains across numerous sectors. On the proposal on integrated approaches to address informality, the Office should have mentioned the upcoming Conference discussion on the social and solidarity economy in addition to the discussion on inequalities.
98. She supported the proposal to establish a recovery tracking framework, which should enable the Office to advise Member States on policies to create an inclusive, sustainable and resilient recovery. She also endorsed the invitation to governments to convene national dialogues on human-centred recovery, which could lead to the adoption of national jobs plans. For effective social dialogue to take place, Member States must create the institutional environment for the respect of freedom of association and collective bargaining. She supported the proposal for the Office to submit a report to the Governing Body providing the possibility for national constituents to share their experience directly. She requested the Office to clarify why the document had not mentioned the key role to be played by the public sector in the recovery or the transformative agenda on gender equality, especially since the pandemic had exacerbated widespread gender inequalities.
99. She welcomed the proposals to shape the international agenda on increasing financing of sustainable development. As it was imperative to integrate decent work and social justice into the international efforts, the Office should build on its role in the Initiative on Financing for Development in the Era of COVID-19 and Beyond, particularly through its leadership of Cluster II. The Workers' group fully supported scaling up the Climate Action for Jobs Initiative and welcomed the proposed Global Accelerator for Jobs and Social Protection; the ILO should take a leading role to ensure that the jobs created were decent and environmentally friendly. The Global Accelerator must be built on the four pillars of the ILO's Decent Work Agenda and should promote greater policy coherence to achieve social justice for all.
100. Her group supported the establishment of a global social protection floor. Its implementation must be coupled with capacity-building on increasing domestic resource mobilization by establishing more efficient and progressive taxation systems and increasing economic diversification and industrialization to ensure a more equitable, resilient recovery. She welcomed the Office's efforts to promote international labour standards with multilateral development banks, which must be part of all ILO partnerships. In particular, the proposed partnership with the IMF must be aligned with the ILO's mandate and maintain a rights-based approach to comprehensive social protection systems rather than safety nets.

101. She supported the proposed establishment of the Multilateral Policy Forum, which should enable the development of a comprehensive strategy and policy coherence to give full effect to the Centenary Declaration and the global call to action. However, in view of the Governing Body's heavy workload, she requested clarification on the feasibility of convening it in early 2022. The Workers' group supported the draft decision.
102. **The Employer spokesperson** noted that the intention of the global call to action was to accelerate the implementation of the Centenary Declaration, and that the Governing Body should not renegotiate what had already been agreed. As the Office document referred to social protection and financing for development, without mentioning business continuity, which had been a key component of the global call to action, she asked how financial resources would be allocated to enterprises disproportionately affected by the crisis. Furthermore, the financing should be prioritized for areas in which the ILO already had a strong mandate, rather than areas in which it had limited expertise and authority, such as humanitarian development.
103. While global supply chains had been disrupted by the COVID-19 pandemic, it was inappropriate to discuss re-engineering them; the global call to action instead had clear wording on fostering more resilient supply chains.
104. The Office document had taken the concept of building support for international labour standards across the multilateral system out of context, since it had not mentioned skills development, active labour market policies or financing the business continuity of enterprises disproportionately affected by the crisis. That had been included in the same paragraph in the global call to action.
105. As strategies envisaged by the Office were realized at the country level through DWCPs, these should be the central mechanism to develop and implement action and should be better supported. Moreover, the proposed tripartite national dialogues should be anchored in the work of the DWCPs, and the social partners should be involved in social protection programmes on the ground. In conjunction with the Global Partnership for Universal Social Protection to Achieve the Sustainable Development Goals (USP 2030 partnership), the Office should collaborate more closely with the IMF. The social partners must be involved in the selection of the pilot countries, as that would impact the resulting recommendations. In addition, the work must include an assessment of the national financing capacities and options, and be linked with reducing informality, which was the main barrier to financing sustainable social protection systems in many countries. Her group did not support the proposal to expand research on the relationship between decent work and the digital economy, which would be discussed in various meetings of experts starting the following year. Care was needed in allocating future resources to research on platform work, as the *World Employment and Social Outlook 2021: The role of digital labour platforms in transforming the world of work* report had not included the views of the enterprises concerned. The Employers' group emphasized that research must benefit all three constituent groups.
106. The group welcomed the reference in the document to further developing the approach to productivity and resilience based on productivity ecosystems, and looked forward to seeing the related research, policy development and advocacy. The group also welcomed the Office's proposal to provide enhanced technical support to support business resilience and the creation of an enabling environment for innovation, productivity growth and sustainable enterprises. The Office should take a leadership role within the UN system on reducing informality by building partnerships with other multilateral organizations to ensure policy coherence. She agreed with the arrangements for the Multilateral Policy Forum. The ILO's

leadership role in the recovery had to be substantiated with action, impact and value. The Employers' group supported the draft decision.

107. **Speaking on behalf of the Africa group**, a Government representative of Morocco emphasized that any action by the ILO must take into account the devastating impact of the COVID-19 pandemic on the weakest economies and social protection systems, the rise in the informal economy, particularly in Africa, and the increased inequalities among Member States. The proposal to support national tripartite dialogues on policy implementation for a human-centred recovery was relevant, but he requested more details on the technical and financial support it would provide. The ILO's work on mobilizing resources was commendable, but additional efforts were needed to develop the appropriate frameworks, programmes and funding formulas required. It was more important than ever for international organizations specialized in various fields to work together to help countries to overcome the impact of the pandemic. The mechanisms available in Africa for building legal and institutional capacities could play an important role in the recovery, including in expanding social protection, but such reform would require greater international and regional cooperation. The proposed Multilateral Policy Forum was an important initiative and should result in targeted approaches and specific cooperation tools; the Office should consult constituents on the aspects that they considered to be important for the Forum. His group supported the draft decision.
108. **Speaking on behalf of GRULAC**, a Government representative of Chile reiterated the call for global cooperation to ensure equitable access to COVID-19 vaccines and treatments to avoid deepening inequalities. As the global call to action comprised four pillars of policy actions to ensure inclusive economic growth and jobs, the protection of workers, universal social protection and the promotion of social dialogue, the proposed actions could have been better structured around them. They should also be focused on protection of the most vulnerable groups and should include the gender perspective as a cross-cutting issue. Support for young people, entrepreneurs and enterprises was essential for recovery, and actions to protect frontline workers, ensure job retention, and protect labour and trade union rights must be strengthened.
109. GRULAC supported expanding research on the relationship between decent work and the digital economy and prioritizing strategies to curb the spread of informality; sectors mentioned in the global call to action should be prioritized. The group welcomed the continued publication of the *ILO Monitor: COVID-19 and the world of work*, and said that it should contain general policy recommendations to support recovery efforts. The group requested more information on ILO support for the proposed national tripartite dialogues and the expected results of the dialogues, on the proposed Global Accelerator for Jobs and Social Protection and the USP 2030 partnership, and on the work of the Office on international trade policy and decent work, particularly in collaboration with the World Trade Organization (WTO).
110. The GRULAC spokesperson supported holding a Multilateral Policy Forum in early 2022, but urged caution to avoid duplicating efforts of other international organizations. He requested more information on the hybrid format, as there must be equitable participation of all countries and regions. Interactive thematic discussions should be based on the four pillars of action of the global call to action and should take a human-centred approach. He agreed that the objective of the Forum should be to provide coherent support to national recovery strategies. He asked how the Forum would achieve joint initiatives among organizations, and how governments would be involved. The Office should consult with the social partners to ensure that all relevant stakeholders participated and that outcomes were translated into useful action to support a human-centred recovery.

- 111. Speaking on behalf of ASPAG**, a Government representative of Indonesia emphasized that policy and development initiatives to support the recovery must take full account of national circumstances and should target vulnerable population groups. Strategies and action plans should be based on national consultations to address new technologies and ways of working. Social dialogue should be at the heart of all follow-up to the global call to action, and should have received more attention in the Office document. The ILO should strengthen its multilateral coordination to promote implementation of the human-centred recovery, and should promote universal access to vaccines. He commended the Office on the *ILO Monitor* and the online information hub on country policy responses, which should be expanded to include vaccination policies. He supported the proposed recovery tracking framework, but requested information on the financial and reporting implications for Member States. He supported the proposed national tripartite dialogues, provided that governments were consulted and national ownership was respected. As the global call to action emphasized a gender-responsive recovery, the follow-up action should have a greater emphasis on gender. ASPAG supported the plan to scale up the Climate Action for Jobs Initiative, but requested more information on it; care should be taken to ensure that relevant governments were consulted and that there was no overlap with existing partnerships and initiatives.
- 112.** ASPAG welcomed the proposed Multilateral Policy Forum, but asked whether there was sufficient time in the official meeting schedule to convene it in early 2022. The group supported the hybrid format to facilitate the equal participation of all Member States; invited speakers should represent all regions, levels of economic development, have a gender balance and focus on the most disadvantaged. The agenda should include discussion of the disproportionate challenges facing Member States and the possible solutions. The outcomes of the Forum and follow-up action should complement other international initiatives on COVID-19 recovery. He asked the Office to provide an initial estimate of the cost of convening the Forum. ASPAG supported the draft decision.
- 113. Speaking on behalf of IMEC**, a Government representative of the United States of America said that the Office document was a helpful start in planning ILO action, but would benefit from further elaboration. She asked the Office to provide further information on the implications of giving effect to the global call to action specifically for activities under the policy outcomes in the programme of work for 2022–23, and for the objectives specified in the Strategic Plan for 2022–25. It was of concern that certain important issues, namely forced labour, child labour, youth and disability, and the cross-cutting issue of gender, were inadequately addressed in the document.
- 114.** IMEC welcomed and supported the proposals on enhanced areas of research and work to accelerate the transition to the formal economy, support business resilience and create an enabling environment for productivity growth and sustainable enterprises. The proposals regarding occupational safety and health should be further developed to reflect the importance of that work and the need for ILO leadership in that regard. IMEC welcomed the continued publication of the *ILO Monitor* and would like more information about the potential added value of the proposed recovery tracking framework and whether it would be feasible to monitor trends at the subnational level.
- 115.** While emphasizing the value of tripartite dialogue, IMEC questioned whether using the ILO's limited resources to send an invitation and a framing issues paper to all Member States was the best way to support recovery efforts. The group welcomed the proposed expansion of the ILO's collaboration with other international organizations to ensure that initiatives prioritized the Decent Work Agenda, and supported initiatives at the country level to facilitate access to funding. However, the references to "trade and living standards" should be replaced by "trade

and decent work”, in line with the ILO’s mandate and mission. IMEC noted with interest the proposed joint research with the WTO and encouraged the Office to develop similar initiatives with the IMF, the World Bank and the Organisation for Economic Co-operation and Development.

116. IMEC agreed with the importance of social protection; care should be taken to ensure coherence between the proposals in the Office document and the ILO plan of action on social security for the period 2021–26. IMEC supported a strong role for the ILO in the international system concerning a just transition and decent work in the context of climate change and welcomed ILO work to ensure coherent action with global partners to achieve specific outcomes on that subject. Furthermore, the ILO should continue to engage with international financial institutions on developing social safeguards and addressing labour issues. The proposed collaboration with the IMF was especially welcome. The Office should more extensively consider the ILO’s role in tackling increasing inequalities in the world of work. IMEC supported the proposed Multilateral Policy Forum and would welcome the opportunity to be involved in the preparations for it, but would like additional information on the budget, participants and intended outcome. IMEC supported the draft decision.
117. **Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia said that North Macedonia, Montenegro, Serbia, Albania, Iceland and Norway aligned themselves with the statement. Emphasizing the importance of setting ambitious objectives and taking concrete actions in the short and medium terms, she noted with satisfaction that the proposed actions focused on creating synergies across the multilateral system. The regular publication of the *ILO Monitor* highlighted the unique work of the ILO and its suitability to lead the COVID-19 recovery efforts, and the proposed recovery tracking framework would be a valuable resource for constituents.
118. She welcomed national policymaking rooted in tripartite dialogue, noting that the ILO should focus its support on States that needed and requested it. The Office document had correctly identified the sectors that had been most affected by the COVID-19 pandemic and highlighted the importance of tackling employment and social protection issues in tandem with recovery strategies. The proposed country-specific integrated financing scenarios could promote the adequate, sustainable and sound financing of social protection systems. Human-centred COVID-19 recovery strategies should also include safe and healthy working conditions, the eradication of child and forced labour, decent work in global supply chains, gender equality, youth employment, the digital divide, regulation of teleworking and the platform economy. Some of the actions proposed in the document, such as scaling up the Climate Action for Jobs Initiative or exploring the interlinkages between international trade policies and domestic policies and investments, would benefit from more detailed examination. It should be made clear that any consideration of a channelling of Special Drawing Rights would remain voluntary and subject to national laws and regulations.
119. The proposed Global Accelerator for Jobs and Social Protection would provide an opportunity for the increased mobilization of international support, and would be most effective if it was developed jointly with all relevant stakeholders and included agreed results-oriented actions. The development of the Global Accelerator should be linked with the proposed Multilateral Policy Forum. The modalities for the Forum set out in the Office document were encouraging and captured the need for greater cohesion across the multilateral system. She welcomed the proposed outcome of the Forum and underlined that, for specific commitments to be achieved, high-level participation would be necessary. The EU and its Member States supported the draft decision.

- 120. Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)**, a Government representative of Indonesia acknowledged the socio-economic impact of the COVID-19 pandemic on her region and the world. The unevenness of the recovery was exacerbated by disparities in vaccine access and economic resources, and changes to global supply chains. Universal access to vaccination remained vital. At a recent summit, ASEAN leaders had reaffirmed the region's commitment to enhance steps towards the recovery, inter alia, through improvements to market resilience and the securing of vaccines. ASEAN supported the ILO's efforts to increase its influence on global funding mechanisms, although clarity and transparency were required, along with reassurances that its efforts would be targeted, fair and undertaken with the proper foresight. It urged the ILO to focus its technical support in respect of ecosystems for decent work and business resilience on micro, small and medium-sized enterprises.
- 121.** ASEAN encouraged the ILO to continue to leverage its role in the multilateral system to enhance its research tools and capacity to define initiatives that addressed important priorities stemming from the COVID-19 pandemic, and it would welcome information on how the ILO would measure the results of that endeavour quantitatively and partner with regional and subregional groups. Participation in the ILO's mechanisms to track the recovery should be voluntary so as to avoid increasing the already substantial reporting burden on constituents. Similarly, while it acknowledged the potential merits of a Multilateral Policy Forum, ASEAN encouraged the ILO to give due consideration to the volume of events already planned for the first quarter of 2022 and to provide assurances of the broadest possible participation in terms of geography and time zones. ASEAN supported the draft decision and commended the ILO's efforts to accelerate the implementation of the global call to action and the Centenary Declaration.
- 122. A Government representative of Ecuador** said that the ILO's principles had guided her Government's successful roll-out of COVID-19 vaccines and its efforts to promote decent work, the elimination of child labour and the incorporation of women into the labour market. She called on the Governing Body to support the global call to action and to enable the ILO to guide less developed countries in ensuring a recovery in the world of work.
- 123. A Government representative of Indonesia** expressed his Government's commitment to a human-centred recovery that was inclusive, sustainable and resilient at both the national and the global levels. The national dialogues on human-centred recovery proposed by the Office were vital to national recovery strategies, and the ILO should continue to support Member States in convening them. Additional time was needed for adequate deliberations on the modalities and expected outcomes of the Multilateral Policy Forum, which was proposed for early 2022. Noting that care must be taken to avoid duplication of the work of existing multilateral forums, he asked how the Forum would help strengthen the ILO's coordination with other international groups. His Government welcomed the ILO's continued leadership of the human-centred recovery, and supported the draft decision.
- 124. A Government representative of Barbados** noted that, although the impact of the COVID-19 pandemic had been far-reaching, the Office document revealed the significant variations in outlooks for countries with differing levels of income. All States must recognize their responsibility to ensure equal access to vaccines; a country's inability to save the lives of its citizens owing to the inequitable distribution of vaccines or insufficient economic resources should be a source of discomfort for all. His Government fully supported the ILO's actions in the areas of social dialogue, funding and multilateral action in the context of the recovery. The ILO must support Member States in accessing funding and strengthen its position in the international system to leverage the support of other organizations. Its efforts to ensure policy

coherence were commendable. All parties must take action at the national, regional and global levels to build a fairer, more sustainable world economy, create a better future and achieve a human-centred recovery.

125. **A Government representative of Cuba** said that during the COVID-19 pandemic in Cuba, workers' protection had been achieved and measures had been implemented to protect the health of the entire people, to ensure continued employment and to defend labour rights and guarantees for all, which were bastions of the Cuban social system. A total of 36 labour, wage and social security measures had been implemented. Remote working and teleworking had been increased; wage guarantees had been expanded; more than 240,000 private workers had been exempted from paying taxes; payment of pensions had been maintained; and social workers had paid particular attention to families in need. The Cuban people had confronted the COVID-19 pandemic with the additional burden of the economic, commercial and financial blockade of the Government of the United States, which had escalated to extreme levels during the Trump Administration and in an opportunistic manner in the context of the pandemic, despite the international call for an end to the blockade that had been made during the general debate of the 76th session of the UN General Assembly. Cuba had developed three vaccines and two prospective vaccines against COVID-19 and was hoping to have its entire population immunized by the end of 2021. At the same time, it had contributed to combating the pandemic in 40 countries by sending more than 4,900 collaborators, organized in 57 medical teams. She reaffirmed her Government's commitment to the ILO's mandate and highlighted the need for joint efforts to overcome the challenges posed by the pandemic.
126. **A Government representative of Rwanda**, drawing attention to the global call to action's ongoing relevance to her country's post-pandemic recovery, highlighted the need for sustained global effort to ensure that recovery was human-centred. Equitable access to vaccines was vital in ending the pandemic. Renewed and coherent multilateralism was therefore required, and the Office should continue to play its multilateral role to secure the desired global recovery. Her Government would welcome regular updates on the progress made in implementing the follow-up actions.
127. **A Government representative of Colombia** highlighted the vital role played by the ILO in the Initiative on Financing for Development in the Era of COVID-19 and Beyond, particularly its leadership of Cluster II. Her Government was committed to the recovery process and had made resources available to protect jobs and create mechanisms to counter the economic and social consequences of the crisis. The ILO could contribute, through its regional offices, to efforts to promote social dialogue and facilitate consensus building. Her Government supported the draft decision.
128. **A representative of the Director-General (Deputy Director-General for Policy)**, responding to questions raised, said that the proposed Multilateral Policy Forum was intended to produce concrete outcomes that mainstreamed the human-centred approach and social investment, such as prioritizing strategies to increase public and private investment in employment opportunities, social and labour protections and people's capabilities. Specific programmatic commitments would be sought to boost the resources available to Member States in those and other areas linked to building back better. Since action would be needed at the country level to have an impact, the Office would work with the international financial institutions to increase support for Member States' efforts to accelerate a fully inclusive human-centred recovery from the crisis. The tripartite constituents would be key to the success of the proposed Forum, which would provide an opportunity to deepen understanding between the ILO and multilateral organizations, and to promote and advance the agenda set out in the global call to action. The World Bank, the IMF, the WTO, the World Health Organization and other agencies and regional

bodies would be invited to participate, as they all had mandates that could advance a human-centred recovery. The cost of holding the Forum would become clear once the details were finalized but was not expected to be excessive, as much of the meeting would be held virtually, which would also address the issue of accessibility. The Office would work in line with established ILO practice to determine participation; the Forum could be opened to a wider audience through pre-registration. The dates would be set as soon as possible, and would most likely be late February 2022.

129. Tripartite dialogues were critical to the development of national recovery policies. The Office encouraged all Member States to organize such dialogues and would support them wherever possible, with field offices providing advice, guidance and technical support to assist constituents.
130. The ILO had a lead role to play in the Global Accelerator for Jobs and Social Protection, which had been launched by the UN Secretary-General in September 2021. Its aim was to create at least 400 million jobs, primarily in the green and care economies, and to extend social protection floors to people currently not covered by any social protection measures by 2030. The architecture of the initiative was under discussion with the UN Secretary-General's office and other key partners. The proposed Multilateral Policy Forum would provide an opportunity to advance the Global Accelerator, including on the priorities set out in the global call to action, which was the basis on which the ILO was engaging with other multilateral institutions in preparatory discussions about potential outcomes of the Forum.
131. The USP 2030 partnership was chaired by the World Bank and the ILO and sought to realize universal social protection based on the principles reflected in the ILO social protection standards.
132. The Office had been engaging with the WTO on how trade could support the Decent Work Agenda and on the impact of gender and trade in the context of recovery from COVID-19 in particular. A workshop on research findings had recently taken place and a joint webinar was planned on gender, trade and decent work. The collaboration was expected to contribute to developing joint research activities and the Office would share more information as the work proceeded.
133. Work on business continuity included the development of the Sustainable and Resilient Enterprises (SURE) tool for SMEs, piloting of a business continuity mode in the field through the Sustaining Competitive and Responsible Enterprises (SCORE) programme, preparation of a forthcoming paper proposing a framework to guide governments in developing countries to support small businesses in dealing with and building resilience to crisis-related shocks, and the publication of a brief on business continuity in the context of COVID-19.
134. As to multilateral policy coherence, the ILO participated in six G20 groups in addition to the Employment Working Group, which provided an opportunity to strengthen the ILO's presence and response to continuing recovery. The proposed Multilateral Policy Forum would complement outcomes related to policy coherence and its goal would be to strengthen joint initiatives and institutional arrangements between international and regional organizations through dialogue and commitment, based on the priorities expressed by the constituents through the global call to action.
135. The recovery tracking framework was intended to provide a consistent approach to monitoring trends in the overall labour market and the impact on specific groups and sectors over the coming years, drawing from the methodological insights and innovation in the *ILO Monitor* and elsewhere in the Office. Guidance on monitoring recovery would facilitate country-level

recovery diagnostics and provide key input to ILO specialists to design responses to requests. No additional financial implications or reporting burdens for constituents were expected and the framework would be part of the Office's technical assistance.

136. The Office would take into account all of the Governing Body's guidance. It had identified a number of areas of greatest urgency and potential impact, but all the issues in the global call to action, and the importance of decent work, would be addressed and promoted. Discussions at the International Labour Conference would inform work on some issues, such as inequalities and skills and lifelong learning. Other issues, such as global supply chains, would benefit from the discussions of tripartite working groups. The reference in the Office document to re-engineering of supply chains was intended to describe an apparent existing phenomenon and should not be understood as a recommendation by the Office.
137. Proposed follow-up work on gender included an integrated approach to the transformative agenda, and would also focus on populations in vulnerable situations, such as persons with disabilities and young people. A forthcoming global report on the care economy would set out policy recommendations and a cost-benefit analysis of investing in care-led policies, childcare and elder care to advance gender equality and non-discrimination as part of a resilient, sustainable and job-rich recovery. A comparative report on wage transparency legislation on gender was also forthcoming.
138. The interrelated nature of decent work issues meant that matters such as social protection would impact other areas in the world of work, such as significantly reducing child labour. On industrial policies, the document recognized that a variety of sectors required strong policy and investment and that there was a sectoral dimension to work in many areas. That understanding would be reflected in the Office's action, which would, as always, be guided by international labour standards.
139. **The Director-General** said that he wished to reassure the Governing Body that the Programme and Budget for 2022–23 and the ILO's Strategic Plan for 2022–25 had been adopted specifically with a view to implementing the Centenary Declaration in the context of the COVID-19 pandemic. Document GB.343/INS/3/2 was a strategic, urgent document, produced for a specific purpose, and complemented the information on other issues that was already included in the Programme and Budget for 2022–23.
140. With regard to financing for development, the ILO's efforts to mobilize resources were an important part of its work and were also discussed elsewhere. The intent in the document was to place the ILO within the system-wide discussions taking place on financing the recovery, which extended far beyond the Organization alone and therefore required interaction with the IMF, the multilateral development banks and others. One place for that interaction would be the proposed Multilateral Policy Forum. In the wake of the most devastating economic and social crisis in living memory, the proposed Forum was a critical priority and therefore required an ambitious time frame.
141. **The Employer spokesperson** agreed that the follow-up to the global call to action had to be considered in the context of the decisions taken in the Programme, Financial and Administrative Section. The priority was to ensure that the proposals were indeed put into practice. The ILO was the organization in the UN family that was best placed to directly communicate and cooperate with civil society on the ground. It should therefore assume leadership in the multilateral system on the recovery from the COVID-19 crisis. The ILO also needed to ensure that, for all activities, the rights-based approach was underpinned by real economic developments. Promoting the transition to the formal economy should be a priority so that workers could benefit from the rights-based approach and social protection could be

expanded. She expressed the hope that the ILO would make a significant contribution so as to make a difference to those who had lost their employment or had been pushed into informality due to the COVID-19 crisis.

- 142. The Worker spokesperson** said that she hoped that the ILO's leadership role would not depend solely on the organization of a forum. She expressed serious concerns as to whether the Multilateral Policy Forum could be organized properly to provide for the kind of guidance that was sought within the proposed timeline, in view of the busy calendar of ILO meetings; however, her group would align with the majority opinion. She was unconvinced by the response from the Office that references to certain issues of major importance, such as increasing levels of precarious and informal work and the transformative agenda on gender equality, were included in other documents and therefore were not duplicated in the document under discussion, but welcomed the assurance from the Office that they would be taken into account in the further development of the follow-up.

Decision

- 143. The Governing Body requested the Director-General to implement the follow-up actions detailed in document GB.343/INS/3/2, taking full account of the views expressed during its discussion.**

(GB.343/INS/3/2, paragraph 40)

3.3. Analysis of the measures taken to promote the effective functioning of the Conference (GB.343/INS/3/3(Rev.1))

- 144.** In preparation for the adoption of the decision by correspondence, the Office held a briefing session for Governing Body members on this item on 19 October 2021.
- 145.** The Screening Group agreed to put the item forward for a decision by correspondence on the understanding that the Office would publish a revised version of document GB.343/INS/3/3 in which the draft decision would be corrected so as to convey the fact that comments on the item would be submitted by Governing Body members in writing.
- 146.** The decision contained in document GB.343/INS/3/3(Rev.1) was adopted by consensus and announced to all Governing Body members by a communication of 1 November 2021.

Decision

- 147. The Governing Body requested the Office to prepare for its consideration at its 344th Session (March 2022) a detailed programme of work for the 110th Session of the International Labour Conference (2022) taking into account the written comments received on document GB.343/INS/3/3(Rev.1).**

(GB.343/INS/3/3(Rev.1), paragraph 55)

Summary of the written comments received during the consideration of the item by correspondence²

148. **The Employers' group** noted that all proposals in document GB.343/INS/3/3(Rev.1) to enhance the functioning of in-person Conference sessions, including but not limited to those in paragraphs 7, 16, 17, 22 and 26, should be presented and discussed at the 344th Session (March 2022) of the Governing Body before being implemented. Changes to in-person sessions should not be made on the basis of a single virtual session; the document should have focused only on improvements for the resumed part of the 109th Session.
149. The group supported the proposal to provide individual email addresses for persons accredited to the Conference and asked the Office to share those email addresses with the relevant group secretariats for coordination and communication purposes, and to duly include a clause in the registration form to fulfil data privacy requirements. The four-minute time limit for interventions should be maintained, but also continuously monitored. Reaffirming its regret at the last-minute nature of consultations for the World of Work Summit, the group stressed the importance of early preparation and consultation for events in order to ensure the availability of speakers. Furthermore, consulting group secretariats was key to allowing the work of the Conference to be conducted within agreed working hours. The group agreed with the proposals in paragraphs 29, 42, 49 and 54.
150. **The Workers' group** recalled that it had agreed to the discussion of document GB.343/INS/3/3(Rev.1) by correspondence on the understanding that the document would draw on lessons learned from the first part of the 109th Session of the Conference in order to improve the resumed part. The group noted with concern that the document suggested digitalizing many aspects of future in-person Conference sessions. The group asked the Office to take its comments into account during the preparation of the programme of work for the 110th Session of the Conference to be discussed at the 344th Session of the Governing Body.
151. While acknowledging that the first part of the 109th Session had been a success, the group reiterated that it had agreed to a virtual format only because of the exceptional circumstances in connection with the COVID-19 pandemic. Full in-person Conference sessions should be resumed from 2022 onwards, circumstances permitting. In that connection, the group reiterated its commitment to the global call to action to ensure timely, equitable, affordable and global access for people in all regions to quality, safe and effective COVID-19 vaccines.
152. The group agreed that, aside from technical improvements, no adjustments to the special arrangements and procedures for the resumed part of the 109th Session of the Conference were necessary. The group expressed great concern at any attempt to digitalize future Conference sessions, and pointed out that the document failed to acknowledge the challenges faced by many constituents, particularly workers' organizations, in accessing the technological infrastructure and equipment necessary to participating fully in ILO digital events. The group did not support the proposal in paragraph 7 to extend the practice of advance virtual preparatory meetings.
153. The group required a better understanding of the implications for the Workers' delegation before agreeing to the proposals on attendance in paragraph 16, but supported the provision of access to visitors in principle. The group did not support the combined approach of physical presence and remote participation suggested in paragraph 17; alternative venue

² The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

arrangements in Geneva would be preferable to a combined approach during building renovation. The group did not support the proposal in paragraph 22 to split the formal, procedural opening from the more substantive and ceremonial opening of the Conference if it entailed holding the former in a virtual format. Appreciative of the Office's willingness to resolve the challenges that had greatly affected the workload of the Bureau for Workers' Activities (ACTRAV) during the first part of the 109th Session, the group supported the Office's initiative to find an alternative system for connecting to group meetings and committee and plenary sittings for the resumed part. The group required more details on the adjustments implemented in the amendments validation process before agreeing to retain them, as proposed in paragraph 36. Finally, while the group supported the rationale for reducing the amount of paper printed, the conditions for moving to a fully paperless Conference had not yet been met. A limited number of documents, such as amendments, still required printing.

154. **GRULAC** urged the Governing Body to examine the lessons learned from the COVID-19 pandemic and the special arrangements made for the International Labour Conference. The experience provided an opportunity to rethink and improve the way in which the Conference would be held in future. The group therefore invited constituents to have an open-minded discussion on the matter to ensure that participation in the Conference could be as equitable and democratic as possible.
155. The virtual format had improved some aspects of the Conference: the reduced time allotted to plenary sessions had helped to keep discussions on track; advancing the formal opening of the Conference had allowed for preparatory work ahead of the start of the committees, meaning that substantive work could start sooner; and important speakers had attended the World of Work Summit who might have been unable to attend an in-person event. However, issues had arisen during the accreditation process, and engagement had been weakened by low levels of participation in some meetings and the security and connectivity issues experienced by some delegations. Such issues should continue to be improved to ensure the full and equitable participation of all constituents. The group noted in particular the communication strategy implemented by the Office to bring the first virtual session to ILO priority audiences in coordination with regional and country offices. GRULAC supported the draft decision, insisting on the need to discuss additional improvements to future sessions of the International Labour Conference at the 344th Session of the Governing Body.
156. **The Government of Cuba** was prepared to accept the proposals concerning the nomination of officers provided that the process would be carried out in a timely manner following consultations with constituents. Since group meetings at an in-person Conference would presumably be held in person, holding such meetings well before the start of the Conference as advised in the document would be impractical because delegates would be required to arrive before the Conference's scheduled start date, entailing unforeseen expenses for governments; the practice was therefore suitable for virtual meetings but not for in-person meetings. The Government disagreed with the reintroduction of individual registration in committees since that process was only feasible for in-person meetings. The inability of ministers and other high-level officials to address the committees should also be reviewed. The Government did not support the suggestion to limit accreditation – a measure that could potentially contravene the ILO Constitution – since delegates and technical advisers should not be treated as observers or visitors at in-person meetings. It would be in the interest of all delegates to hold an in-person meeting rather than a hybrid meeting if the public health situation improved sufficiently.
157. Access to the internet and information communication technologies, including the Zoom platform, continued to be restricted in Cuba as a consequence of the ongoing economic

blockade. The Government, therefore, could not participate in online meetings on an equal footing if access to the platform used was restricted in Cuba. The Office should ensure that all constituents were able to connect to meetings in equal conditions. Lastly, given its nature, the Committee on the Application of Standards might not always be able to apply the rules established for virtual meetings; governments should therefore have the opportunity to submit information in writing if they so desired.

- 158. The Government of the Islamic Republic of Iran** supported the draft decision. However, the document had understated the extent of the connectivity problems encountered by some delegations. Zoom, the company providing the online platform used at the first part of the 109th Session of the International Labour Conference, did not provide services to users in the Islamic Republic of Iran because of economic sanctions imposed on the country, and Iranian delegates had therefore experienced disruptions in connectivity throughout the virtual meeting. Such restrictions on the Government's participation in ILO events violated its inalienable right as a Member State to contribute to the Organization's activities and was incompatible with the spirit of multilateralism. The Office should therefore take steps before the second part of the 109th Session in December 2021 to ensure the full and effective participation of the Government of the Islamic Republic of Iran in that session and all future ILO events, and should address the issue in its report to the 344th Session of the Governing Body.
- 159. The Government of Morocco** acknowledged the relevance of the Office's examination of the methods employed during the first part of the 109th Session of the International Labour Conference. Nonetheless, in-person meetings allowed for higher-quality negotiations, and the committees provided further space for exchanges among constituents. The limited time available during online meetings occasionally led constituents to rush through topics and amendments, to the detriment of the quality of discussions. The Office's efforts to maintain security and connectivity were noted, but to avoid confusion, invitations should be sent to accredited individuals in accordance with their registration with the respective committees.
- 160. An Employer member from Japan** expressed appreciation for the Office's efforts to hold the International Labour Conference virtually. However, the topic should have been included on the agenda for discussion at the 343rd Session of the Governing Body to allow the Office to obtain more constituent views to shape the arrangements for future meetings. It had proved difficult for Employer representatives in Asia to participate in the virtual meetings given the time differences; the Office should therefore pursue in-person meetings – or, failing that, hybrid meetings – to enable more constituents to actively engage in discussions and to allow the informal exchanges that were so crucial to building consensus on sensitive and difficult issues.

4. Progress report of the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance in the spirit of the Centenary Declaration (GB.343/INS/4)

- 161. The Co-Chairperson of the tripartite working group** said that the group had continued to have fruitful, informative and occasionally challenging discussions at its third and fourth meetings, which illustrated both the significance of the democratization of ILO governance and the commitment of all members of the group to the goal set forth in the Centenary Declaration. The group continued to fulfil its role as a platform for focused dialogue and the development of proposals on full, equal and democratic participation in the ILO's tripartite governance, and a number of governments and social partners had reaffirmed their support for its work.

- 162. The other Co-Chairperson of the tripartite working group** said that the group had called on the Governing Body to request the Director-General to intensify the promotional activities in relation to the 1986 Amendment because more effort was needed to capitalize on the impetus of the Centenary Declaration to secure the prompt entry into force of the 1986 Amendment. The Governments of Ireland, the Republic of Moldova, and Somalia had recently ratified the 1986 Amendment and official confirmation of the ratification by the Government of Liberia was expected. The Governments of Brazil, the Islamic Republic of Iran, Lithuania and the Philippines were taking steps towards that goal. The group would seek to maintain that momentum while also fulfilling its responsibility to serve as a platform for dialogue. In the spirit of constructive engagement, the group expected that the Governments of India and Italy, the two Members of chief industrial importance that had ratified the 1986 Amendment, would share their experiences in that respect.
- 163.** The group had held an initial discussion on the measures required to implement the 1986 Amendment upon its entry into force, some of which were within the remit of the Governing Body and the International Labour Conference and others which fell under the competence of each regional group, and further discussion would be needed to determine the timing of those measures. She thanked Member States and other governments for their active engagement in the group's work and looked forward to further fruitful exchanges at its fifth and final meeting. The Co-Chairpersons would continue to hold bilateral meetings with governments interested in supporting the group's work to achieve its mandate.
- 164. The Worker spokesperson** said that her group continued to view the prompt ratification of the 1986 Amendment as a priority. She congratulated the Governments of Ireland and Somalia for ratifying the instrument and welcomed the information provided by the Governments of Brazil, the Islamic Republic of Iran, Lithuania and the Philippines concerning steps taken in that regard. She welcomed the adoption of the resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance by the International Labour Conference at the June segment of its 109th Session, which would ideally generate more interest in that regard. She expressed hope that the clarification of the obsolete reference to "socialist" States of Eastern Europe would remove the obstacles to ratification faced by those Member States. She commended the Director-General for writing to the 15 Member States of the Eastern European group and the Members of chief industrial importance that had not yet ratified the 1986 Amendment, but noted with regret that no further replies to his letter of 14 January 2020 had been forthcoming. Member States should respond to the call for the completion of the ratification process contained in the resolution on the ILO Centenary Declaration for the Future of Work.
- 165.** Her group noted the report of the tripartite working group and supported the decision to renew the nomination of the Government members of Nigeria and Switzerland as its Co-Chairpersons. The tripartite working group should remain focused on the entry into force of the 1986 Amendment rather than expanding the scope of its work, and efforts should be stepped up to accelerate that outcome. Her group welcomed the move to invite the Governments of India and Italy to share their experiences at the fifth meeting of the group, which would hopefully encourage other Members of chief industrial importance to promptly ratify the 1986 Amendment and enable the Organization to complete that important process. The Workers' group supported the draft decision.
- 166. The Employer spokesperson** said that his group welcomed the decision to reappoint the Government members of Nigeria and Switzerland as the Co-Chairpersons of the tripartite working group. He thanked the Governments of Ireland, the Republic of Moldova and Somalia for their recent ratification of the 1986 Amendment. He recalled that the tripartite working

group had been established with the sole purpose of promoting the ratification and entry into force of the 1986 Amendment, which when achieved would increase the equitable representation of the different regions within the Governing Body and democratize its work. He took note of the progress achieved thus far and noted with satisfaction the invitation extended to the Governments of India and Italy to share their experiences. He noted the publication by the Office of an information note on the measures required to implement the 1986 Amendment upon its entry into force. The Employers' group supported the draft decision.

167. **Speaking on behalf of the Government group**, a Government representative of the Philippines took note of the increase in the number of ratifications of the 1986 Amendment and said that her group would consider the implications of its entry into force. Her group supported the draft decision and would continue to work with the tripartite working group to achieve its objectives.
168. **Speaking on behalf of the Africa group**, a Government representative of Uganda noted the report of the tripartite working group. He reaffirmed his group's commitment to the resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance adopted by the International Labour Conference, which was not an end in itself but a reminder that more needed to be done to secure the entry into force of the 1986 Amendment. The purpose of the 1986 Amendment was to introduce equity and fairness into the composition of the Governing Body; it was therefore encouraging that most constituents viewed it as an effective measure that would democratize the ILO's governance. Its entry into force should remain a key focus of efforts to realize the principle of equality among ILO Member States. His group welcomed the ratification of the instrument by the Governments of Ireland, the Republic of Moldova and Somalia, and the invitation extended to the Governments of India and Italy to share their respective experiences. Noting that the tripartite working group would submit its final report to the 344th Session (March 2022) of the Governing Body, he called on the working group to step up its work in order to fulfil its mandate in line with the Centenary Declaration and its accompanying resolution and to engage with all stakeholders in the process leading to the entry into force of the 1986 Amendment. He called on the Office to intensify its efforts and engagement in that respect, focusing in particular on Member States that had yet to accept the instrument.
169. **Speaking on behalf of ASPAG**, a Government representative of Australia said that the stake of her group in the resolution of participation and representation issues affecting the Organization, where it was under-represented, was welcome. In accordance with the Centenary Declaration, the full contribution of the ILO's constituents to the attainment of social justice was contingent on their full, equal and democratic participation in its governance. ASPAG strongly encouraged the tripartite working group to conduct further consultations with the tripartite constituents regarding participation and representation issues, and to propose workable responsible reforms towards democratization. She supported the draft decision.
170. **Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia said that North Macedonia, Montenegro, Albania and Norway aligned themselves with the statement. The question of democratization went beyond the entry into force of the 1986 Amendment. Yet the increased rate of ratifications following the Centenary Declaration should be acknowledged. She took note of the information provided by the Office on the measures required to implement the 1986 Amendment. The EU and its Member States would continue to constructively engage in discussions on the measures required to implement the 1986 Amendment, and were committed to any solution that would pave the way for a transition to more democratic governance founded on the principles of equality, inclusivity and fair representation. She endorsed the draft decision.

- 171. Speaking on behalf of ASEAN**, a Government representative of Indonesia fully agreed that the 1986 Amendment should enter into force at the earliest possible opportunity to promote democratization at the ILO. Her group encouraged ILO Members that had not yet ratified the 1986 Amendment to continue efforts towards ratification. The group congratulated the Governments of India and Italy for ratifying the instrument and encouraged other Members of chief industrial importance to follow their example. ASEAN supported the draft decision.
- 172. Speaking on behalf of GRULAC, the Africa group and a substantial number of countries belonging to ASPAG**, a Government representative of Brazil said that some countries and regions were clearly over-represented in the current structure of the Governing Body, as there was an overlap of membership within and across the groups. Such an imbalance sometimes led to an inaccurate perception of prevailing views and the favouring of one group to the detriment of another. The tripartite working group was therefore an appropriate forum for further discussion on how to address the issue, with a view to submitting proposals to the Governing Body in that regard. He expressed support for the draft decision.
- 173. Speaking on behalf of a number of countries belonging to ASPAG**, a Government representative of Pakistan said that the pronounced imbalance in the representation of Member States and regions in the Governing Body needed to be addressed. She drew attention to the fact that continents with vast populations were represented through only one regional group, while Europe had two, despite having the smallest population. The Standing Orders of the Governing Body referred only to four geographical regions. However, IMEC was not a geographical region and enjoyed a dual representational privilege, which often hindered Government group consensus, and which violated the principle of the sovereign equality of States enshrined in the Charter of the United Nations and international law. The same asymmetry was reflected in the tripartite Screening Group entrusted with determining the agenda of the Governing Body which, in accordance with the Compendium of rules applicable to the Governing Body of the International Labour Office, was meant to comprise only four geographical regions, and not six. She therefore requested the Office to provide legal clarification on the tripartite Screening Group's composition. The issue should also be addressed by the tripartite working group in the preparation of proposals to promote full, equal and democratic participation in ILO governance. She supported the draft decision.
- 174. Speaking on behalf of a group of countries, consisting of Austria, Belgium, Croatia, Denmark, Finland, Iceland, Netherlands, Norway, Portugal, Spain, Sweden and Switzerland**, a Government representative of Sweden placed emphasis on the importance of the resolution on the ILO Centenary Declaration for the Future of Work, which called for the completion at the earliest opportunity of the process of ratification of the 1986 Amendment and the importance of that instrument for a full, equal and democratic participation in the ILO's tripartite governance. All efforts by the Office and the Member States to promote the ratification of the 1986 Amendment were welcome. She endorsed the draft decision.
- 175. A Government representative of Cuba** noted the progress made in the ratification of the 1986 Amendment. However, much work remained to be done and she looked forward to the next meeting of the group.
- 176. A Government representative of Indonesia** said that in line with the resolution on the ILO Centenary Declaration for the Future of Work, the completion of the process to ratify the 1986 Amendment at the earliest opportunity should remain the focus of the tripartite working group. His Government supported the draft decision.
- 177. Replying to the request for legal clarifications made by the Government representative of Pakistan, the Legal Adviser of the ILO** said that the role of the four regional groups, as well

as the composition and function of the tripartite Screening Group, were set out in the introductory note to the Standing Orders, which was a compilation of long-standing practices and working methods that the Governing Body had not yet decided to codify in a binding set of rules. The recognition of the two European subregional groups, and the participation and speaking rights of groupings, such as IMEC, established on criteria other than geographical, were part of those well-established practices. Such matters could be more amply discussed in the context of the tripartite working group.

178. The Worker spokesperson said that her group could support the draft decision.

Decision

179. The Governing Body:

- (a) **took note of the progress report of the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance; and**
- (b) **requested the Director-General to intensify the promotional activities in relation to the 1986 Amendment pursuant to the resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance adopted at the June segment of the 109th Session (2021) of the International Labour Conference.**

(GB.343/INS/4, paragraph 9)

5. Work plan on the strengthening of the supervisory system: Proposals on further steps to ensure legal certainty and information on other action points in the work plan

(Discussion deferred to the 344th Session (March 2022). The document will be submitted for information (see GB.343/INS/INF/5(Rev.1))).

6. Proposals for including safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work (GB.343/INS/6)

180. The Governing Body had before it two amended versions of the draft decision. The first had been proposed by IMEC and circulated by the Office to all groups, and read:

The Governing Body decided to:

- (a) ~~decided to place on the agenda of the 110th Session (2022) of the Conference the following item: "Inclusion of safety and healthy working conditions in the ILO's framework of fundamental principles and rights at work";~~
- (b) ~~requested the Director-General to prepare for the 344th its next session (March 2022) of the Governing Body a draft resolution for consideration at the 110th Session (2022) of the Conference based on the guidance and views expressed during the discussion of GB.343/INS/6 and to organize informal consultations to this effect;~~
- (c) request the Office to prepare a background paper on the instruments containing general safety and health principles so that the Governing Body, in its discussion at its 344th session, identifies and agrees on those instruments to be declared fundamental.

181. The second amended version had been proposed by the Governments of Brazil and Colombia and circulated by the Office to all groups, and read:

The Governing Body:

- ~~(a) decided to place on the agenda of the 110th Session (2022) of the Conference the following item: "Inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work";~~
- (ba) requested the Director-General to prepare for its next session a comprehensive research on the possible impacts of a decision to include safe and healthy working conditions in the ILO's framework of fundamental principles and rights, addressing possible implications on domestic regulatory frameworks and on international trade agreements, as well as potential conventions to be declared fundamental and terminology to be used in the case of a future ILC declaration; draft resolution for consideration at the 110th Session (2022) of the Conference based on the guidance and views expressed during the discussion of GB.343/INS/6 and to organize informal consultations to this effect.
- (b) decided to update the procedural road map for the consideration of including safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work as follows:
 - (i) 344th Session (March 2022): discussion of the comprehensive research prepared by the Director-General on possible impacts of a decision to include safe and healthy working conditions in the ILO's framework of fundamental principles and rights;
 - (ii) 346th Session (November 2022): consideration of possible conventions on occupational security and health to be potentially declared as fundamental, as well as of terminology to be adopted;
 - (iii) 347th Session (March 2023): upon agreement on which conventions should be declared fundamental, consideration of the elements of a possible draft outcome document for consideration at the 111th Session (2023) of the Conference and arrangements for the Conference discussion;
 - (iv) 111th Session (2023) of the Conference: consideration of a possible outcome document concerning the inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work.

- 182. The Employer spokesperson** emphasized the strong commitment of her group to the ILO Declaration on Fundamental Principles and Rights at Work (1998 Declaration) and recognized the positive impact of occupational safety and health on working conditions, productivity and overall economic and social development.
- 183.** It was disappointing that the document had not indicated the advantages and disadvantages of the two options proposed for the inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work and had instead appeared to advocate for the option that envisaged an amendment to the 1998 Declaration – the simpler, but not necessarily the less intrusive, of the two options. Occupational safety and health did not fit into any of the existing categories of fundamental principles and rights at work, which was why it had not originally been included in the 1998 Declaration. Amending the 1998 Declaration would also require various other ILO Declarations and Conventions to be amended; while the document had helpfully provided wording for those amendments, they should not be adopted automatically and constituents should have the opportunity to reflect on the proposals.
- 184.** The document's focus on the phrase "safe and healthy working environment" over "safe and healthy working conditions" was unbalanced and did not help constituents to make a well-informed decision on the way forward. The phrase "safe and healthy working conditions" had been included in the resolution on the ILO Centenary Declaration for the Future of Work and other international human rights instruments. The term "working environment" was much broader than "working conditions", which could cover mental health in addition to physical

health, and it would be important to discuss the implications and practicalities of both formulations. The amendment proposed by IMEC, in particular its reference to a “background paper on the instruments containing general safety and health principles”, was too broad in scope.

185. The importance of the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), for occupational safety and health was widely recognized. There were 30 other up-to-date instruments on the topic and a dozen more had been abrogated. The process of identifying and selecting the instruments to become fundamental Conventions should begin promptly to allow constituents the opportunity to analyse their content before making a decision. She recalled that Member States would be required to report on their implementation of such Conventions every three years and, if the 1998 Declaration were to be amended as proposed, would be obliged to promote the principles concerning occupational safety and health regardless of whether they had ratified those Conventions.
186. She disagreed with the Office’s assessment that the decision to elevate occupational safety and health to a fundamental principle and right at work would have no implications for trade, and made reference to the 2006 International Law Commission’s Guiding Principles applicable to unilateral declarations of States and to the 1974 Judgment of the International Court of Justice on the Nuclear Tests Case, which had confirmed that unilateral declarations could potentially have the effect of creating legal obligations. Constituents would therefore need a more detailed analysis of those implications. The amendment proposed by the Governments of Brazil and Colombia should be considered by the Governing Body as comprehensive research on the possible impact, and additional time for discussion of the matter would help constituents to make a well-informed decision and build consensus.
187. **The Worker spokesperson** said that, in the light of the broad agreement on the issue at its 341st Session, the Governing Body should decide to include safe and healthy working conditions – or ideally, the concept of a safe and healthy working environment – in the ILO’s framework of fundamental principles and rights at work. There was not just a strong moral case to do so, but a business and financial case too, as it would help to prevent costs arising from occupational diseases and injuries.
188. The protection of workers’ safety and health had a clear basis in the ILO Constitution and was similar in scope to the current fundamental principles and rights at work. She supported the option to amend the 1998 Declaration since incorporating all fundamental principles and rights at work into a single instrument would preserve its unity, authoritativeness and coherence. The draft resolution envisaged in the document for consideration at the 110th Session of the International Labour Conference showed that only minimal amendment to the instrument would be needed. The draft resolution should also include the amendments to be made to the ILO Social Justice Declaration and the Global Jobs Pact to reflect the fact that safety and health at work would be recognized as a fifth category of fundamental principles and rights at work if the proposals achieved consensus. Amendments to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), however, would need to be deferred to the Governing Body. She supported the Office’s proposal to partially revise other documents referring to four categories of fundamental principles and rights at work through the adoption of a new Convention to that effect.
189. Turning to the implications on free trade agreements, she said that parties to such agreements would have the freedom to decide whether or not to modify them to take into account the

amendments of 2022. Similarly, countries might need to modify generalized systems of preferences referring to fundamental principles and rights at work to include the potential fifth category. International courts had long ruled that States were free to establish obligations under bilateral free trade agreements, which extended to any decision to voluntarily bind themselves to pre-existing legal obligations assumed through their membership of the ILO. Researching the hundreds of free trade agreements in force to assess the potential implications and then engage in even more discussion would only delay the inclusion of occupational safety and health in the framework of fundamental principles and rights at work. According to previous ILO research and an expert report on one such bilateral free trade agreement, the implementation of fundamental principles and rights at work had no negative impact on competitive positioning and trade and could in fact have a positive effect on economic performance. Provisions on safe and healthy working environments were found in several private compliance initiatives, international framework agreements and safeguard policies of international lending institutions, and would continue to feature in human rights initiatives developed and agreed by governments, companies and other regional and multilateral organizations. Her group supported the proposal to discuss amending the 1998 Declaration at the General Affairs Committee at the 110th Session of the International Labour Conference.

190. She reiterated her strong preference for the concept of a “safe and healthy working environment” to be included in the framework of fundamental principles and rights at work. That wording was consistent with existing ILO instruments on occupational safety and health and rightly emphasized the protection dimension enshrined in the ILO Constitution. Her group would support the integration of two Conventions into the fundamental principles and rights at work. Convention No. 155 should be used as the basis, since it codified several key principles concerning occupational safety and health and provided clear guidance on the respective rights and duties of governments, employers and workers. The Occupational Health Services Convention, 1985 (No. 161), should be the second, as occupational health services helped to identify and address potential causes of occupational disease and injury; supported workers with health concerns and disabilities, thereby helping to prevent high staff turnover; and created savings for governments and employers in several areas, such as insurance and welfare expenditure. Recognizing Conventions as fundamental instruments would likely increase their ratification rate; nonetheless, ratification rates should not be factored into the decision. In any case, the Governing Body should decide which Conventions to select at its 346th Session, following the discussion of the amendments to the relevant instruments at the 110th Session of the International Labour Conference.
191. She supported the draft decision as originally worded, as the amendment proposed by the Governments of Brazil and Colombia would delay proceedings unnecessarily.
192. **Speaking on behalf of the Africa group**, a Government representative of Senegal said that the COVID-19 pandemic had confirmed that safe and healthy working conditions were fundamental to decent work. The consensus agreement at the 108th Session (2019) of the International Labour Conference had demonstrated constituents’ commitment to strengthening the right to a safe and healthy working environment. His group supported amending the 1998 Declaration because that Declaration already benefited from a promotional follow-up mechanism. Furthermore, recognizing certain occupational safety and health Conventions as fundamental Conventions was consistent with the ILO’s previous practice. However, those instruments should be selected with care. It was clear that, given the complexity of the matter, further discussion among all tripartite constituents was required and his group therefore supported placing the matter on the agenda of the 110th Session (2022)

of the International Labour Conference, preceded by informal consultations. His group supported the draft decision as amended by IMEC but did not support the amendment proposed by the Governments of Brazil and Colombia.

193. **Speaking on behalf of ASPAG**, a Government representative of Australia welcomed the proposed preliminary draft resolution and said that the work to reach consensus on including safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work should continue without delay. Her group supported an amendment to the 1998 Declaration, thereby ensuring that all fundamental principles and rights at work were contained in one declaration. The decision on which Conventions should be considered as fundamental Conventions could be made after a wider discussion had taken place at the International Labour Conference. She noted the information provided concerning the implications for free trade agreements. She requested the Office to address those concerns when revising the draft resolution and suggested that they should be discussed during informal consultations. The consultations should be inclusive of all tripartite constituents and should consider the draft resolution and any other questions raised by the constituents.
194. **Speaking on behalf of IMEC**, a Government representative of Sweden supported the inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work and said that an International Labour Conference resolution to amend paragraph 2 of the 1998 Declaration was the most efficient way forward as it would put all fundamental principles on an equal footing. Noting the concerns raised by some constituents, her group agreed that any such amendment should not affect current free trade agreements and requested the Office to provide a draft paragraph to that end to include in the Conference resolution. Furthermore, the revised Declaration should have a different title from the original 1998 Declaration, to ensure clarity. Further discussion would be required on which Conventions should be considered as fundamental Conventions, and the Office should provide a background document in that regard. She also asked the Office to clarify the terms "working conditions" and "working environment" prior to the next session of the Governing Body. Her group welcomed the preliminary draft resolution and the planned tripartite informal consultations. It looked forward to the discussion at the 110th Session (2022) of the Conference and agreed that the matter could be referred to the General Affairs Committee. Finally, her group supported the draft decision with the amendment it had proposed but did not support the amendment proposed by the Governments of Brazil and Colombia.
195. **Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia said that Turkey, North Macedonia, Montenegro, Serbia, Albania, Iceland, Norway and Ukraine aligned themselves with the statement. The EU and its Member States aligned themselves with IMEC's statement. She said that the COVID-19 pandemic continued to highlight the importance of occupational safety and health, and that safe and healthy working conditions should be an integral part of the human-centred response and recovery. She supported the proposal to amend the 1998 Declaration, which would put all principles on an equal footing and help Member States to respect, promote and realize the fundamental principles and rights. Her group agreed with including the matter on the agenda of the 110th Session (2022) of the Conference and the proposed title for the agenda item; that the amendment should be limited to paragraph 2 of the 1998 Declaration; and that the matter should be referred to the General Affairs Committee, or if required, to an ad hoc technical committee. It agreed that amending the 1998 Declaration would not give rise to new legal obligations relating to free trade agreements and she consequently asked the Office to propose appropriate wording to insert into the resolution to address the concerns expressed by some constituents. She noted that the references to protection against disease and injury

and adequate protection for the life and health of workers contained in the ILO Constitution and the Declaration concerning the aims and purposes of the ILO, 1944 (Declaration of Philadelphia) made the protection of workers' health an integral part of ILO membership. She reiterated her group's preference for using the phrase "safe and healthy working conditions", which was used in other treaties, but recognized that further discussion would help to determine the best terminology to use. The decision on which Conventions could be considered as fundamental could be made following the amendment of the 1998 Declaration. However, she reiterated that her group considered Conventions Nos 155 and 187 to be key. The EU and its Member States supported the draft decision as amended by IMEC but did not support the amendment proposed by the Governments of Brazil and Colombia.

196. **Speaking on behalf of ASEAN**, a Government representative of Indonesia welcomed the preliminary draft resolution and the planned discussion of the inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work at the 110th Session (2022) of the International Labour Conference. She hoped that a consensus would be reached on how to proceed. She asked the Governing Body to discuss with care which occupational safety and health Conventions should be considered as fundamental Conventions, and the possible implications of each. Moreover, the Office should be prepared to support Member States in fulfilling any new obligations pursuant to a Conference decision. Occupational safety and health were an integral part of development, and her group encouraged an action-oriented approach to protecting workers, particularly in light of the COVID-19 pandemic.
197. **A Government representative of Brazil** said that his Government was strongly committed to the promotion of occupational safety and health and that its inclusion in the ILO's framework of fundamental principles and rights, in follow-up to the Centenary Declaration, required a more detailed assessment of all the direct and indirect implications. Prior to making any decision, the Governing Body should fully address the advantages and disadvantages of adopting an amendment to the 1998 Declaration or a stand-alone resolution, and should reach an agreement on which Conventions should be considered as fundamental and on which terminology should be used. Removing the term "working conditions" from the draft decision did not reflect the terminology used in the Centenary Declaration. As several questions remained outstanding, he did not support including the matter as an item on the agenda of the 110th Session (2022) of the International Labour Conference, and could not support the original draft decision, or the amendment proposed by IMEC. The Governing Body should take the time needed to assess the remaining issues and seek consensus on a way forward, which was the motivation for the amendment his Government had proposed.
198. **A Government representative of the United States of America** strongly supported the inclusion of occupational safety and health in the framework of the ILO's fundamental principles and rights at work, noting the need to protect workers from retaliation for speaking up about violations, and therefore agreed that the matter should be placed on the agenda of the 110th Session (2022) of the International Labour Conference. She supported adopting a limited amendment to the 1998 Declaration but said that the title of the revised Declaration should be clearly distinguishable from the 1998 Declaration, and that the resolution to be adopted by the Conference should include a saving clause. She requested the Office to prepare a background paper on the possible instruments that could be considered as fundamental and the value each would add, and on the usage and implications of the terms "working conditions" and "working environment". Her Government understood that parties to a free trade agreement were obligated to comply with the terms of that agreement, and any changes to those terms would require mutual agreement. She supported the draft decision as amended

by IMEC and did not support the amendment proposed by the Governments of Brazil and Colombia.

- 199. A Government representative of Barbados** said that the provision of safe and healthy working environments should be included in the framework of ILO fundamental principles and rights at work by amending the 1998 Declaration, to ensure that occupational safety and health were accorded the same level of respect, prominence and promotion as the other four categories, sounding the call for Member States to fulfil their obligations in that regard. The ILO must facilitate access to technical and other assistance for Member States if required. Although a period of transition was inevitable, it should not delay the decision. The impact of the COVID-19 pandemic had highlighted the urgent need for progress in integrating occupational safety and health into the fundamental principles and rights. He supported the draft decision as amended by IMEC, highlighting his Government's particular support for subparagraph (c) of that amendment.
- 200. A Government representative of India** highlighted the importance of occupational safety and health not only to workers' well-being, but also to economic growth. The inclusion of occupational safety and health in the ILO's framework of fundamental principles and rights at work had implications for Member States' legal and regulatory frameworks and trade agreements. Those implications had to be the subject of in-depth analysis by the Office that took into account differing levels of development and the need for occupational safety and health to be addressed through national legislation and guaranteed by employers. The prerogative of Member States to adopt the policies that they deemed necessary had to be respected.
- 201.** Further discussion and analysis were also required with regard to which Conventions should be recognized as core Conventions in respect of occupational safety and health and, also, whether the inclusion of occupational safety and health in the framework of fundamental principles and rights at work should occur through a stand-alone instrument or an amendment to the 1998 Declaration. The draft decision should therefore be amended to postpone the inclusion of the matter on the agenda of the 110th Session of the International Labour Conference. His Government supported the amendment proposed by Brazil.
- 202. A Government representative of Ecuador**, highlighting the vital importance of the inclusion of occupational safety and health in the framework of fundamental principles and rights at work, noted that the adoption of a resolution to amend the 1998 Declaration to that end was the simplest solution and would ensure coherence among the fundamental principles and rights and afford them equal recognition and visibility. The term "safe and healthy working environment" should be favoured over "safe and healthy working conditions" given its broader scope and coherence with the provisions of Convention No. 155. The declaration of a safe and healthy working environment as a fundamental principle could occur in parallel to a decision on which Conventions were to be declared fundamental. While his country was flexible with regard to amendments to the road map for the discussion, that discussion must include all tripartite constituents.
- 203. A Government representative of Mexico** drew attention to the particular relevance of occupational safety and health in the light of the COVID-19 pandemic and the consequent significance of its inclusion in the ILO framework, which should be achieved by means of an amendment to the 1998 Declaration, as set out in the annex to the document. Agreement on the instruments considered fundamental should be reached prior to the declaration of occupational safety and health as a fundamental principle; her delegation therefore wished to commence tripartite consultation on the matter immediately, as well as on the use of the term

“safe and healthy working conditions”, which should be preserved to reflect the language of the Centenary Declaration, and on any other issue that required further deliberation, so that agreement could be reached at the 344th Session of the Governing Body. Her delegation was therefore flexible with regard to the inclusion of the matter on the agenda of the 110th Session of the International Labour Conference. It welcomed the amendments to the draft decision proposed by IMEC, but considered that the reference to “working conditions” in subparagraph (a) should be preserved and that, in the Spanish version of new subparagraph (c), the words “su discusión en la 344.^a reunión” should be replaced by “que el Consejo de Administración, en su 344.^a reunión, identifique y acuerde aquellos instrumentos que serán declarados fundamentales”. The background paper requested from the Office should include an in-depth analysis of each Convention.

204. **A Government representative of Colombia** requested clarification as to how the protection dimension set out in the ILO Constitution and the dimension of prevention could be reflected if the draft decision did not take into consideration instruments linked to social protection floors; whether the Office had undertaken studies to identify gaps, such as health, if those instruments were not considered; how States could fulfil their obligations on working conditions in the face of challenges relating to health; and whether all Conventions relating to occupational hazards would be considered fundamental. It remained unclear whether the inclusion of occupational safety and health in the framework of fundamental principles and rights at work would affect free trade agreements. Broader, more in-depth debate was required to ensure the full integration of health systems, accident and illness protection and labour market, labour inspection and occupational safety and health policies. Her Government supported the amendments to the draft decision proposed by Brazil.
205. **The Worker spokesperson** said that it was time for occupational safety and health to be declared fundamental given that the ILO’s efforts in that area dated back a century. It was her understanding that the decision to place the matter on the agenda of the 2022 session of the International Labour Conference must be taken at the current session of the Governing Body. Turning to the amendment proposed by IMEC, she suggested that subparagraph (a) should not give a title to the agenda item but should read “place on the agenda of the 110th Session (2022) of the Conference an item on the inclusion of safety and health in the ILO’s framework of fundamental principles and rights at work”. She sought confirmation from the Office that decisions on the title of such an agenda item, as well as on whether the term “safe and healthy working environment” was preferable to “safe and healthy working conditions”, as her group believed, and on the Conventions to be declared fundamental, could be taken at the next session of the Governing Body.
206. It was her impression that the Governing Body wished to discuss which ILO instruments were most relevant to occupational safety and health and should therefore be declared fundamental, rather than all instruments containing occupational safety and health provisions. Subparagraph (c) of the amendment proposed by IMEC should therefore begin with “request the Office to prepare a background paper on the potential instruments to be selected as fundamental, notably”, followed by a reference to Conventions Nos 155, 161 and 187. While her group would be willing to hold those discussions after the 2022 session of the International Labour Conference, such a postponement should not delay the other discussions on the matter that were scheduled to take place at the Conference. There appeared to be majority support for an amendment to the 1998 Declaration to include occupational safety and health in the framework of fundamental principles and rights at work.
207. **The Employer spokesperson** noted that deliberations should not be limited to consideration of which Conventions could be declared fundamental; all implications of the decision had to be

examined, particularly with regard to trade and methods for including occupational safety and health in the framework of fundamental principles and rights at work, which might extend beyond the two options proposed by the Office. The Conventions declared fundamental by the 1998 Declaration had already been widely ratified at the time of its adoption. However, it appeared that the Governing Body now wished to undertake that process in reverse, first declaring Conventions to be core labour standards and then examining whether their ratification should be promoted. The draft decision needed to have the support of all Member States, regions and groups so as to instruct the Office on how to proceed.

- 208. A representative of the Director-General** (Deputy Director-General for Policy) said that while a link existed between occupational safety and health and social protection floors, the two differed significantly; ensuring safe and healthy working environments relied principally on prevention.
- 209. A representative of the Director-General** (Director, Governance and Tripartism Department) said that the concept of a safe and healthy working environment was broader than that of safe and healthy working conditions and encompassed two different areas. First, the workplace itself, whereby all potential risk factors that may affect the physical and mental health and safety of workers should be considered and addressed holistically. Second, the wider environment influencing the workplace, whereby an integrated approach was taken to public policy in order to ensure the enabling conditions for prevention at workplace level, including the principle of safety in design, such that, for example, machinery and equipment were manufactured according to high safety standards. Furthermore, the term “safe and healthy working environment” was that most recently used in relevant international labour standards, including Conventions Nos 155, 161 and 187, of which the latter explicitly affirmed the right of workers to a safe and healthy working environment as the foundation for a national preventative safety and health culture. In contrast, the term “safe and healthy working conditions” tended to vary according to context. “Conditions” was a term used by some legal instruments, be they national or regional. There was more of a discussion around liability, obligations and violations (with reference to a “duty”) regarding “conditions”, which might imply a potential for greater enforceability. EU documents, for example, considered “working conditions” to include the working environment and the terms and conditions of the employment relationship. It needed to be nonetheless recalled that “safe and healthy working environment” was the terminology most recurrently used by ILO occupational safety and health standards.
- 210. The representative of the Director-General** (Deputy Director-General for Policy) said that having consulted an ILO database on free trade agreements, the Office had identified 103 such agreements that had labour provisions, of which only 23 provided for binding dispute settlement. While recognizing the concerns raised, she emphasized the importance of noting that all 23 of those agreements already included occupational safety and health among the labour rights that were internationally recognized. Therefore, the possibility that obligations relating to occupational safety and health might find their way indirectly into existing free trade agreements, through a dynamic interpretation or otherwise, was unsupported. A non-binding Conference resolution or a new stand-alone occupational safety and health declaration would not give rise to new obligations for ILO Members, nor would an amended 1998 Declaration. Exploring language for a savings clause in a possible resolution was an option, but the Legal Adviser would have to be consulted. The Office stood ready to provide papers on the information requested in order to facilitate discussion and progress towards consensus.
- 211. The Director-General** highlighted the unanimity among Governing Body members on the principle of including safety and health as a fundamental right; the only disagreement lay in

how to do so and the possible implications. He expressed confidence in the Governing Body's ability to reach consensus and emphasized that it was urgent to do so. The drafting of legal language could be the easiest and most explicit means of reassuring those concerned about the implications for free trade agreements, while the question of which Conventions to refer to, as well as that of whether to use the term "conditions" or "environment", could be discussed again and resolved during the 344th Session of the Governing Body.

- 212. A Government representative of Mexico** asked for all amendments and subamendments submitted to be reflected in the draft decision.

(The Governing Body resumed its consideration of the item at a later sitting.)

- 213. The Chairperson** introduced a revised version of the draft decision, which read:

The Governing Body decided to:

- (a) ~~decided to place on the agenda of the 110th Session (2022) of the International Labour Conference the following item: "Inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work"~~ an item regarding the inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work through an amendment to paragraph 2 of the ILO Declaration on Fundamental Principles and Rights at Work, 1998;
- (b) ~~requested request~~ request the Director-General to prepare for the 344th Session (March 2022) of the Governing Body a draft resolution for consideration at the 110th Session (2022) of the Conference based on the guidance and views expressed during the discussion of GB.343/INS/6 ~~and to organize informal consultations to this effect;~~
- (c) request the Office to prepare for its 344th Session (March 2022) a background paper to address the issues raised in the discussion, including:
 - (i) the terminology to be used taking into account the views expressed by the Governing Body;
 - (ii) the occupational safety and health instrument(s) to be recognized as fundamental, with a view to preparing proposals for decision at the 110th Session (2022) of the Conference; and
 - (iii) the possible legal effects, direct and indirect, on existing trade agreements concluded by Member States; and
- (d) request the Office to organize informal consultations on the above issues prior to the 344th Session (March 2022).

- 214. The Employer spokesperson** said that, following the informal discussions, agreement had been reached on the item to be placed on the agenda of the 110th Session (2022) of the International Labour Conference. Further discussion would be required on the terminology to be used, the occupational safety and health instruments to be identified as fundamental, and the possible legal effects on existing trade agreements. The comprehensive background papers to be provided by the Office would help to build a solid consensus at the next session of the Governing Body. Her group supported the revised draft decision.

- 215. The Worker spokesperson** welcomed the agreement on the item to be included on the agenda of the 110th Session (2022) of the Conference. On the outstanding issues, she reiterated that her group had a preference for using terminology that was consistent with existing ILO instruments. She noted that there was also pressure on constituents to identify which instruments should be considered as fundamental, as that would now be part of the discussion at the Conference. Her group did not share the concerns regarding the effect of a Conference resolution on existing free trade agreements but any pending questions should be

addressed prior to the 344th Session of the Governing Body (March 2022). Reiterating the work that lay ahead, her group supported the revised draft decision.

- 216. Speaking on behalf of GRULAC**, a Government representative of Chile supported the revised draft decision and welcomed the flexibility demonstrated by constituents during the informal discussions. Any decision issued by the International Labour Conference must have a solid basis, and for that reason he emphasized the importance of the discussions that would take place during the 344th Session (March 2022) of the Governing Body on the outstanding elements mentioned in subparagraph (c) of the revised draft decision, with particular regard to identifying the instruments that would be recognized as fundamental. If agreement were to be reached, the planned informal tripartite consultations would be crucial and should be launched as soon as possible.
- 217. Speaking on behalf of IMEC**, a Government representative of Sweden commended the progress made on the important issue of including occupational safety and health in the ILO's framework of fundamental principles and rights at work, particularly in light of the COVID-19 pandemic. Reiterating that further discussions would be required to identify the instruments to be considered as fundamental and to tackle outstanding concerns, IMEC supported the revised draft decision.
- 218. Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia said that North Macedonia, Montenegro, Albania and Norway aligned themselves with the statement. Her group aligned themselves with the statement delivered on behalf of IMEC. While her group did not share the concerns of some others, she said that the revised draft decision struck a good balance and would ensure that constituents were fully informed prior to its next discussion at the 344th Session (March 2022) of the Governing Body. Her group supported the revised draft decision.
- 219. The Chairperson** thanked the Governing Body for working tirelessly to reach consensus on such an important issue.

Decision

220. The Governing Body decided to:

- (a) place on the agenda of the 110th Session (2022) of the International Labour Conference an item regarding the inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work through an amendment to paragraph 2 of the ILO Declaration on Fundamental Principles and Rights at Work, 1998;**
- (b) request the Director-General to prepare for the 344th Session (March 2022) of the Governing Body a draft resolution for consideration at the 110th Session (2022) of the Conference based on the guidance and views expressed during the discussion of GB.343/INS/6;**
- (c) request the Office to prepare for its 344th Session (March 2022) a background paper to address the issues raised in the discussion, including:**
 - (i) the terminology to be used taking into account the views expressed by the Governing Body;**
 - (ii) the occupational safety and health instrument(s) to be recognized as fundamental, with a view to preparing proposals for decision at the 110th Session (2022) of the Conference; and**

- (iii) the possible legal effects, direct and indirect, on existing trade agreements concluded by Member States; and
- (d) request the Office to organize informal consultations on the above issues prior to the 344th Session (March 2022).

(GB.343/INS/6, paragraph 52, as amended by the Governing Body)

7. Annual report on the implementation of the ILO technical cooperation programme “Strengthening of the National Tripartite Committee on Labour Relations and Freedom of Association in Guatemala for the effective application of international labour standards” (GB.343/INS/7)

- 221. The Worker spokesperson** recalled that, given the seriousness of the trade union situation in Guatemala, her group had opposed the closure of the procedure initiated under article 26 of the ILO Constitution concerning the complaint alleging non-observance by Guatemala of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). She remained convinced that the case would have merited the establishment of a Commission of Inquiry, and it was regrettable that the Employers’ group and a number of governments at the 334th Session (October–November 2018) of the Governing Body had not shared that view.
- 222.** The fall in the number of assassinations of trade union members during the seven-year period during which the Governing Body had been considering the complaint – when the Guatemalan Government had been under pressure to comply with the road map adopted in 2013 in the context of the follow-up to the complaint – suggested that those attacks had not been random accidents or the result of high levels of criminality in the country. Since the closure of the procedure, assassinations had once again been on the rise, and the Guatemalan Government appeared unwilling to identify or punish the perpetrators or instigators of those crimes in the absence of oversight from the Governing Body. The report made no mention of the climate of fear, violence and intimidation against trade unions in the country despite the special focus in the ILO technical cooperation programme on action against anti-union violence and impunity. The Office should provide clarification on the objectives of the programme and its next annual report to the Governing Body should contain more background information in that regard.
- 223.** The assertion in the report that no mediation or dispute settlement meetings had been held in the period under review painted a misleadingly positive picture of the situation. In reality, factory workers were being dismissed from their posts because of their trade union membership and other trade union members were being subjected to intimidation, threats, legal proceedings and wage theft. Although the modernization of the trade union registration system was a valuable measure, the Ministry of Labour and Social Welfare had obstructed the registration process for several years by continually adding layers of bureaucracy, an issue that required a change in attitudes and not just a new computer system. She hoped that the training activities on international labour standards organized by the Office for public officials and legal practitioners would inspire the Guatemalan authorities to change their views regarding fundamental labour rights and foster political will to act in favour of Guatemalan workers.
- 224.** She commended the Office for its continuing commitment to the implementation of its programmes, despite the challenges posed by the COVID-19 pandemic. Nonetheless, the limited progress previously achieved in Guatemala appeared to have been reversing in the last

three years. She welcomed the allocation of funds from the Regular Budget Supplementary Account (RBSA) and the financing provided by the EU for the project to support Guatemala in meeting its commitments in the road map on freedom of association and collective bargaining, and hoped that the social partners would be included in the development and implementation of that project. She urged the Office to take all necessary measures to address the assassinations of trade unionists, the lack of investigation into such cases and the high number of labour disputes in Guatemala as a matter of priority.

- 225. The Employer spokesperson** reiterated his group's support for the technical cooperation programme. He took note of the support provided by the Office to the National Tripartite Committee on Labour Relations and Freedom of Association and its subcommittees, which had helped to break an impasse resulting from disagreements between the Government and workers' organizations, and its efforts to accelerate important processes such as registering trade unions and training public officials and legal practitioners on international labour standards. The EU's commitment to provide financial support towards the implementation of the road map was also welcome. The Guatemalan Government and the social partners should engage in sincere dialogue focused on ensuring compliance with the commitments in the road map, and all Guatemalan state institutions should prioritize its objectives in their work. His group did not wish to reopen the debate on decisions that the Governing Body had already taken regarding the possible establishment of a Commission of Inquiry. His group supported the draft decision.
- 226. Speaking on behalf of a significant majority of Latin American and Caribbean countries,** a Government representative of Chile acknowledged the commitment demonstrated by the Government of Guatemala to strengthen negotiation and agreement processes through the National Tripartite Committee on Labour Relations and Freedom of Association and its subcommittees by prioritizing social dialogue and respect for international labour standards. He encouraged all three branches of the Guatemalan Government and the social partners to continue to leverage the Office's technical support to strengthen capacities in line with international labour standards, and noted their efforts to do so in spite of the barriers imposed by the COVID-19 pandemic. He called on donors to provide technical and financial support to Guatemala to strengthen national efforts and enhance the resources available for the implementation of the technical cooperation programme so that the Office's next annual report to the Governing Body would show that progress had been made.
- 227. Speaking on behalf of the EU and its Member States,** a Government representative of Slovenia said that North Macedonia, Montenegro, Albania, Iceland and Norway aligned themselves with the statement. She recalled the commitment undertaken by Guatemala under the EU–Central America Association Agreement to effectively implement, in law and in practice, the fundamental ILO Conventions and took note of the recent developments on labour relations and freedom of association, as outlined in the report. Notwithstanding the closure of the article 26 procedure at the 334th Session of the Governing Body, the EU and its Member States continued to closely follow progress on issues related to the implementation of Convention No. 87 and to work closely with Guatemala on labour issues.
- 228.** It was highly regrettable that impunity persisted in the oldest murder cases and that murders of trade unionists had risen in the previous year. As prevention, protection and response mechanisms relating to threats and attempts against trade union officials and activists had not been strengthened, the situation was likely to continue. The Government should adopt without delay the legislative reforms that had been submitted to Congress and should fully implement the road map, including through the effective implementation of the technical cooperation programme. The EU and its Member States would continue to support that programme. An

initial funding package of €500,000 was to be approved in November 2021, and further funding was envisaged, to be allocated once the results were known. The EU and its Member States supported the draft decision.

- 229. A Government representative of the United States of America** expressed deep concern that the Government had failed to make meaningful progress since the closure of the article 26 complaint, despite all the support from the Office. He called on the Government to take action to: improve investigative processes and increase prosecutions of those responsible for acts of violence and murder against trade unionists; recognize threats, intimidation and harassment against trade unionists as acts of violence; create a safe enabling environment that allowed all workers to freely exercise their rights; adopt consensus legislation to align national laws with international standards on freedom of association and collective bargaining; continue to improve the system for registering trade union organizations and collective agreements; and ensure the timely issuance of notices to employers of workers' intent to unionize. He supported the draft decision.
- 230. The Worker spokesperson** asked the Office why it had produced a technical report on activities undertaken and had not reported on the current situation in Guatemala. In view of the serious concerns raised by the Governing Body, she requested the Office to take a different approach when preparing the next report.
- 231. A representative of the Director-General** (Director, International Labour Standards Department) said that the Office would take full account of the Workers' group's comments when further implementing the technical cooperation programme. The focus over the previous year had been on supporting the Legislation and Labour Policy Subcommittee and the Mediation and Dispute Settlement Subcommittee of the National Tripartite Committee. However, the important matter of improving the prevention and investigation of trade union violence as part of the technical cooperation programme would be given priority in the coming year, alongside giving full effect to comments related to Guatemala issued by the Committee on Freedom of Association and the Committee of Experts through concrete action and follow-up.
- 232. A Government representative of Guatemala** (Minister of Labour and Social Welfare) indicated that, to demonstrate his Government's commitment, he was accompanied by high-ranking authorities from different branches of the State. He thanked both the Office and the EU for their financial and technical support, which would contribute to the achievement of the road map, with funding of €500,000 for 18 months. The Government remained committed to taking action to fulfil its obligations under international agreements that it had ratified. To address anti-union violence, five meetings of the Trade Union Technical Committee had been convened by the Public Prosecutor's Office; the uninterrupted investigative work of the Public Prosecutor's Office, the allocation of additional resources to the investigation of allegations and sustained adherence to due process within the judicial system had led to an increase in verdicts, resulting in 28 judicial decisions based on due process. The Government condemned any act of violence against trade unionists and reiterated its commitment to freedom of association. The Ministry of the Interior was continuing to apply the protocol for the implementation of preventive security measures to persons involved in the defence of labour rights and, also, to carry out its preventive activities prior to risk assessments being carried out by the National Civil Police. Furthermore, the judiciary had continued to establish collegiate labour courts, and had provided capacity-building for judicial staff. Proposed reforms of the Labour Code to align it with Convention No. 87 and with the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), had been subject to tripartite discussions in the National Tripartite Committee and the Subcommittee on Legislation and Labour Policy, and agreement

had been reached on using the tripartite agreements of 7 March 2018 as the basis for a draft law. The Chairperson of the National Tripartite Committee had submitted a communication to the Labour Commission of Congress to facilitate discussion on complying with the international commitments set out in point 5 of the road map that were not yet covered by national legislation.

- 233.** The Government was seeking to maintain the gains made by tripartite consensus on the most relevant points of legislation. It acknowledged the technical cooperation provided by the Office and expressed sincere appreciation for the support that the technical cooperation programme would provide. The Government further reiterated its commitment to international labour standards and the supervisory mechanism. It would promote social dialogue, giving priority to the National Tripartite Committee and its three subcommittees as mechanisms for conflict resolution, in the hope and expectation that they would be spaces in which conflicts and the proposals put forward by the tripartite constituents could be addressed at the national level by consensus and that while it might not be possible to achieve consensus on all points, the complexity of the serious efforts made by the tripartite constituents to respond and fulfil the mandate adequately taking into account the needs and interests of workers and employers, as well as adherence to the law in the decisions reached by the Government, could be understood. He expressed appreciation for the Governing Body's comments on how best to maximize efforts to address national and international concerns.

Decision

- 234. The Governing Body took note of the information provided by the Office in document GB.343/INS/7.**

(GB.343/INS/7, paragraph 12)

8. Follow-up to the resolutions concerning Myanmar adopted by the International Labour Conference at its 102nd (2013) and 109th (2021) Sessions (GB.343/INS/8)

- 235.** The Governing Body had before it an amendment to the draft decision, which had been proposed by the Government of the United States of America and supported by the Workers' group. The amendment had been circulated by the Office to all groups and read:

39. In the light of the developments in Myanmar outlined in document GB.343/INS/8 and recalling the resolution for a return to democracy and respect for fundamental rights in Myanmar adopted by the International Labour Conference at its 109th Session (2021), the Governing Body:
 - (a) expressed profound concern that no progress has been made to respect the will of the people, respect democratic institutions and processes, and restore the democratically elected government, and called on the military authorities to restore democratic transition and civilian rule in Myanmar;
 - (b) expressed profound concern that the military authorities have continued with the large-scale use of lethal violence and with the harassment, ongoing intimidation, arrests and detentions of trade unionists and others, including the Rohingya, for exercising their human rights, and repeats it call on the military authorities to cease immediately such activities, and to release from detention and drop any charges against trade unionists and others who have peacefully participated in protest activities;
 - (c) expressed grave concern that the military authorities continue to interfere in the operations of ILO Yangon, including through the continued imposition of banking

restrictions, the denial of visa extensions for ILO officials and the denial of tax exemptions, and urges the military authorities to desist immediately from such interference and to respect the status of the Office in keeping with the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947;

- (d) expressed deep concern over the announced termination of the Memorandum of Understanding on the Myanmar Decent Work Country Programme and urged the military authorities to reconsider their decision, as this would have long-term implications and negatively impact Myanmar's relations with the ILO's tripartite constituency;
- (e) repeated its call for Myanmar to uphold immediately its obligations under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and to ensure that workers' and employers' organizations are able to exercise their rights in a climate of freedom and security, free from violence, arbitrary arrest and detention, and called for the immediate release of the General Secretary of MICS-TUF and other trade unionists and activists who have been detained;
- (f) expressed serious concern over reports of the use of forced labour by the military and the relisting of Myanmar in the 2021 annual report of the Secretary-General of the United Nations on children and armed conflict, and urged Myanmar to end immediately the use of forced labour and to uphold its obligations under the Forced Labour Convention, 1930 (No. 29);
- (g) repeated its call for the Civil Services Personnel Law, the Settlement of Labour Disputes Law, and the Labour Organization Law to be amended without delay, in line with Convention No. 87, once the country returns to democracy; and
- (h) requested the Director-General to report to the Governing Body at its 344th Session (March 2022) on developments in Myanmar, and to include information on potential follow-up by the 110th Session of the International Labour Conference.

236. A representative of the Director-General (ILO Liaison Officer for Myanmar (ILO–Yangon)) drew the Governing Body's attention to the deteriorating situation in Myanmar, where conflict and violence were widespread. More than 1,200 civilians had been killed, 7,000 remained in detention and 200,000 had been displaced. Three million persons required life-saving assistance and protection. Despite the announcement by the military authorities of the release of more than 1,000 prisoners and the dropping of charges against over 4,000 protesters, fewer than 500 of them had left detention; they included the director of the Solidarity Trade Union of Myanmar and 11 workers from trade unions affiliated with the Confederation of Trade Unions Myanmar (CTUM). Around 100 had been rearrested.

237. Trade unionists and labour activists remained in danger, and many were in hiding. In particular, the Office was gravely concerned at the situation of the General Secretary of the Myanmar Industry, Crafts and Services Trade Union Federation (MICS-TUF); the military authorities had not responded to the Office's requests for information on his status or its calls for his release. The authorities continued to harass and intimidate trade union members and leaders. The Agriculture and Farmer Federation of Myanmar (AFFM IUF) had been warned against issuing statements that questioned the military authorities, and a prominent pro-democracy and labour activist who had been involved in ILO activities had been arrested. There were reports of a rise in the use of forced labour by the military and border guard forces and of forced recruitment by two armed groups aligned with the military.

238. The military authorities had recently proposed extending the Memorandum of Understanding on the Myanmar DWCP (MoU–DWCP) for a further year. The Office understood that proposal to supersede the authorities' previous notification of termination of the MoU–DWCP and therefore suggested deleting subparagraph (d) of the draft decision. The military authorities

continued to obstruct the Office's development cooperation activities, for example by refusing to extend international staff members' visas and hindering payments to implementing partners. Myanmar's credentials at the General Assembly of the United Nations remained under consideration.

239. The Chairperson said that in light of that updated information, the Office had circulated a revised draft decision, which read:

39. In the light of the developments in Myanmar outlined in document GB.343/INS/8 and the update report provided by the Office and recalling the resolution for a return to democracy and respect for fundamental rights in Myanmar adopted by the International Labour Conference at its 109th Session (2021), the Governing Body:
 - (a) expressed profound concern that no progress has been made to respect the will of the people, respect democratic institutions and processes, and restore the democratically elected government;
 - (b) expressed profound concern that the military authorities have continued with the large-scale use of lethal violence and with the harassment, ongoing intimidation, arrests and detentions of trade unionists and others, including the Rohingya, for exercising their human rights, and repeats it call on the military authorities to cease immediately such activities, and to release from detention and drop any charges against trade unionists and others who have peacefully participated in protest activities;
 - (c) expressed grave concern that the military authorities – despite the withdrawal of the notice of termination of the Memorandum of Understanding on the Decent Work Country Programme 2018-2022 – continue to interfere in the operations of ILO Yangon, including through the continued imposition of banking restrictions, the denial of visa extensions for ILO officials and the denial of tax exemptions, and urges the military authorities to desist immediately from such interference and to respect the status of the Office in keeping with the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947;
 - ~~(d) expressed deep concern over the announced termination of the Memorandum of Understanding on the Myanmar Decent Work Country Programme and urged the military authorities to reconsider their decision, as this would have long-term implications and negatively impact Myanmar's relations with the ILO's tripartite constituency;~~
 - (e) repeated its call for Myanmar to uphold immediately its obligations under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and to ensure that workers' and employers' organizations are able to exercise their rights in a climate of freedom and security, free from violence, arbitrary arrest and detention, and called for the immediate release of the General Secretary of MICS-TUF and other trade unionists and activists who have been detained;
 - (f) expressed serious concern over reports of the use of forced labour by the military and the relisting of Myanmar in the 2021 annual report of the Secretary-General of the United Nations on children and armed conflict, and urged Myanmar to end immediately the use of forced labour and to uphold its obligations under the Forced Labour Convention, 1930 (No. 29);
 - (g) repeated its call for the Civil Services Personnel Law, the Settlement of Labour Disputes Law, and the Labour Organization Law to be amended without delay, in line with Convention No. 87, once the country returns to democracy; and
 - (h) requested the Director-General to report to the Governing Body at its 344th Session (March 2022) on developments in Myanmar.

240. The Worker spokesperson noted the recent worsening of the already extremely serious situation in Myanmar, including the use of lethal violence, forced labour, arrest, detention,

harassment and intimidation to suppress human and trade union rights. Living conditions were precarious in the country, which continued to be ravaged by the COVID-19 pandemic. The military authorities' systemic human rights violations, some of which could constitute crimes against humanity, were of extreme concern to her group, which rejected the annulment of the results of the November 2020 elections. The military authorities must give effect to the resolution adopted at the 109th Session of the International Labour Conference. The response of the international community had been insufficient. ILO constituents must act with urgency to ensure that the military regime did not enjoy direct or indirect political, economic or military support that would allow it to continue its subversion of democracy and its brutality towards civilians, including trade unionists, some of whom had reported being tortured. Many trade unionists remained in detention, and some faced trial in civilian courts. Two had been sentenced by military tribunals to life imprisonment for participating in peaceful protests. She called for the immediate release of all trade unionists and human rights defenders in Myanmar and the overturning of the sentences handed down to those who had already been convicted.

241. Her group rejected the imposition of martial law in regions that were the site of many factories. The deteriorating situation was hampering the work of enterprise unions and was exploited by some employers who reported or threatened to report trade unionists. The General Secretary of MICS-TUF had been due to be tried in a military court on 6 November 2021, but there had been no news of the outcome. Public gatherings of more than five persons had been banned and a curfew and a ban on discussing politics in public imposed in certain areas. The exercise of freedom of association and collective bargaining was impossible, and workers were afraid to assert their rights for fear of arrest. Many garment factory owners had torn up collective agreements and slashed wages. Her group deplored the authorities' moves to terminate the DWCP. Given the reversal of that decision, her group supported the Office's amendments to the draft decision. However, the draft decision's references to "the military" and "the military authorities" should not be understood as legitimizing the military regime in any way. Her group would also support the amendments proposed by the Government of the United States provided that the words "restore democratic transition" were replaced with "restore democratic order" to reflect the wording of the resolution adopted at the 109th Session of the International Labour Conference.
242. The increased use of forced labour by the military had to cease immediately. Her group was deeply concerned that numerous multinational enterprises currently did business, directly or indirectly, with the military, while many more worked with private enterprises on projects that violated human rights. Such business relationships posed a risk to those multinational enterprises and also risked affording the military regime legitimacy and revenue. The coup d'état had seriously jeopardized employers' ability to ensure decent work and sustainability, and it would be very difficult for multinational enterprises that took their due diligence obligations seriously to continue those relationships. Noting the willingness of many workers' organizations to make significant sacrifices to ensure a return to democracy, she urged Member States to refuse to recognize the military regime and to recognize instead the National Unity Government as Myanmar's legitimate representative. Her group welcomed the recent decision of ASEAN to refuse to allow Senior General Min Aung Hlaing to represent Myanmar at its summit and expected that the Credentials Committee of the General Assembly would take a similar decision.
243. She noted the alarm expressed by the UN Special Envoy for Myanmar and the Special Rapporteur on the situation of human rights in Myanmar at the escalation in violence perpetrated by the military, whose continued disregard for international norms and obligations in its interference with the staffing of the ILO and other international organizations

was also alarming. She urged the Governing Body to use all means possible to support democracy in Myanmar.

244. **The Employer spokesperson** expressed his group's disappointment that the situation in Myanmar had not improved and reiterated its support for the measures called for by the International Labour Conference at its 109th Session. However, he noted with appreciation that ASEAN Member States had taken a step towards implementing the recommendation made in paragraph 2 of the resolution for a return to democracy and respect for fundamental rights in Myanmar adopted by the Conference at its 109th Session (2021) by urging Myanmar to implement the five-point consensus reached on 24 April 2021, which included: immediately ceasing violence; engaging in constructive dialogue; engaging in mediation through the ASEAN Chair; receiving and engaging with humanitarian assistance; and receiving an ASEAN special envoy who would meet with all parties. Progress on that action should be monitored.
245. Regarding whether and how the nation of Myanmar and those claiming to represent it were recognized and engaged with through the UN, he noted that more clarity may be available by the 344th Session of the Governing Body.
246. In complement to the information given by the ILO Liaison Officer for Myanmar, he highlighted the fact that economic activity in Myanmar had further declined, leading to job losses and reduced incomes. The garment sector in particular had suffered significant damage, with around one in four workers having lost their jobs. Since the coup in February 2021, the Myanmar kyat had depreciated significantly against the US dollar, leading, in combination with trade disruptions, to rapid price increases for various imported products, including fuel. Those significant economic and human challenges had been aggravated by the COVID-19 pandemic.
247. Regarding the amendments to the draft decision submitted by the United States, his group wished to hear the views of other Governing Body members and the explanations behind those amendments before sharing its own views. Turning to the amendments proposed by the Office, he associated his group with the serious concern expressed in subparagraph (f) over the reports of the use of forced labour and stressed the importance that Myanmar uphold its obligations under the Forced Labour Convention, 1930 (No. 29), and all other ratified ILO Conventions. Subparagraph (b) did not sufficiently reflect the current circumstances for enterprises and employment in Myanmar. Subparagraph (a) should include the wording suggested by the Workers' group in the Conference resolution for a return to democracy and respect for fundamental rights in Myanmar. If subparagraph (d) was indeed factually incorrect, its deletion was merited. The amendment to subparagraph (c) seemed unnecessary; the wording without the amendment was precise and effective. More significantly, the amendment was problematic: while the information given in the Memorandum of Understanding on the end date of the DWCP was ambiguous, the understanding of the employers' organizations party to the Memorandum had been that it was due to expire in 2021, not 2022, rendering the possibility of terminating the Memorandum questionable. Owing to the confused and conflicting information, his group was not in a position to agree with the amendment to subparagraph (c).
248. **Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia said that Turkey, North Macedonia, Montenegro, Albania, Iceland, Norway and Switzerland aligned themselves with the statement. The EU and its Member States continued to condemn the military coup in Myanmar in the strongest terms and called once again on the military authorities to respect the result of the 2020 election. The EU remained deeply concerned by the widespread human rights violations committed by the military and the acts of intimidation, threats, violence and torture committed against trade unionists and others

supporting the return of Myanmar to its democratic path. The EU welcomed the resolution for a return to democracy and respect for fundamental rights in Myanmar adopted by the Conference at its 109th Session. The EU continued to fully support the efforts made by ASEAN to secure a peaceful return towards democracy in Myanmar and called on the military authorities to engage constructively with the ASEAN Special Envoy to swiftly and fully implement the ASEAN five-point consensus. The EU reiterated its full support for the efforts of the Special Envoy of the United Nations Secretary-General on Myanmar.

249. The ILO and its constituents had a crucial role to play in advancing and complementing efforts to engage in a meaningful political dialogue, which must include all relevant stakeholders. The EU stood firmly with the people of Myanmar and reiterated its call for the immediate and unconditional release of President Win Myint, State Counsellor Aung San Suu Kyi and all those detained and sentenced in connection with the coup, including trade unionists and human rights defenders. The EU called for the establishment of a genuine political dialogue and a peaceful return to the country's democratic path and the rule of law. Expressing deep concern about the escalation of armed conflict, deployment of armed forces in rural areas and increase in clashes resulting in civilian casualties and displacement, the EU called for the full respect of human rights and an immediate end to the violence. Perpetrators of human rights violations, including sexual and gender-based violence, must be brought to justice.
250. The EU noted with the utmost concern the possibility of the military authorities withdrawing from the MoU-DWCP and urged them to continue to engage. The EU also noted with concern that the ongoing conflict had contributed to rising unemployment and increasingly precarious economic situations for workers, rendering them more vulnerable to exploitation. The continued and increasingly frequent cases of forced labour were cause for deep concern. The EU urged Myanmar to uphold fully and without delay its obligations under all ratified ILO Conventions, in particular Conventions Nos 29 and 87.
251. The EU and its Member States would continue to provide humanitarian assistance in Myanmar in accordance with the principles of humanity, neutrality, impartiality and independence, including urgent aid to contain the spread of COVID-19. The EU urged the military authorities to ensure rapid, safe and unhindered access to all displaced persons and persons in need, including by guaranteeing the safety of humanitarian and health workers. The protected status of international missions in Yangon must be guaranteed.
252. The EU supported the draft decision, including the proposed amendments by the Office and the amendment of subparagraph (h) proposed by the United States. Regarding the amendment to subparagraph (a) proposed by the United States, the EU suggested that it should instead read: “, and called for restoration of democratic transition and civilian rule in Myanmar” in order to remove any reference to the military authorities, which could be perceived as providing legitimacy.
253. **A Government representative of Canada, speaking also on behalf of Australia and the United Kingdom of Great Britain and Northern Ireland** condemned human rights violations in Myanmar following the military coup and called on the regime to respect the wishes of the Myanmar people and release all those arbitrarily detained, including trade unionists, human rights activists, those who had participated in peaceful protests and foreigners. Reports of forced recruitment by armed actors, including the military authorities, and displacement to avoid conscription gave cause for concern. The group of countries continued to work with the Independent Investigative Mechanism for Myanmar to ensure that such violations were documented. She echoed the concern expressed at military interference in humanitarian and

development assistance, and recognized the risks presented by economic deterioration, particularly with regard to trafficking and forced and exploitative labour, including child labour.

254. She urged international stakeholders to sustain their focus on the rights and empowerment of women and girls in Myanmar. It was increasingly difficult to obtain reliable data on trafficking and forced marriage; the ILO's monitoring of forced labour should therefore also take into account those issues. She noted the update on the withdrawal of the notice of termination by the military authorities of the DWCP and urged them to end interference in and restrictions on ILO operations in Myanmar. The efforts of the ILO Liaison Office in Myanmar to continue supporting social partners under the difficult circumstances were commendable.
255. **A Government representative of the United States of America** observed that the violence of the military authorities in Myanmar continued unabated, the progress on ending forced labour made by the ILO was being reversed and the military authorities had criminalized the exercise of fundamental freedoms and basic human rights. Referring to the recommendations by the Committee on Freedom of Association concerning violations by the military authorities of the right to freedom of association, right to opinion and right to peaceful assembly and protest, he condemned the use of detention for participation in peaceful protest, the withdrawal of trade union rights and the declaration of 16 trade unions as illegal, and called for the military authorities to restore Myanmar to the path to democracy. His Government stood by the workers and unions under attack for exercising their fundamental freedoms and human rights in the struggle for democracy. He urged all ILO constituents to consider what additional action could be taken to restore the path to democracy and civilian rule. The continued work of ILO–Yangon and its intervention on behalf of detained trade unionists and activists were commendable. Interference by the military authorities in the ILO's domestic operations gave cause for concern, however; the ILO should be allowed to operate free of interference or preconditions. The Office should take note of the discussion, in the event that further steps needed to be taken at the 110th Session of the International Labour Conference.
256. His Government had proposed two amendments to the draft decision. The proposed amendment to subparagraph (a) was aligned with the decision made at the 341st Session of the Governing Body and the resolution on Myanmar from the 109th Session of the International Labour Conference. The word "transition", used because the Government prior to the coup was transitional, could be deleted if that was the preference of the Governing Body. The proposed amendment to original subparagraph (h) was intended to ensure that the Governing Body would have, if necessary, the required information to hand prior to the 110th Session of the International Labour Conference.
257. **A Government representative of the Russian Federation** noted that the parties to conflict had demonstrated restraint and a sense of responsibility for the fate of their country. Steps towards reconciliation were needed to avoid the escalation of violence and further victims. The rise of extremism among the opposition and attacks on civil servants and local officials gave cause for concern, particularly given the general decline in protest activities and gradual stabilization of the situation. Dialogue and cooperation between Myanmar and Bangladesh were key to normalizing the situation in Rakhine State, and the international community must support the implementation of agreements between Myanmar and Bangladesh and provide practical assistance to develop Rakhine State.
258. Despite the challenges of the COVID-19 pandemic, the authorities in Myanmar were doing everything possible to meet their obligations under the ratified ILO Conventions. Progress had been achieved in the elimination of child and forced labour, and in strengthening social dialogue. A key task of the ILO was to support efforts to bring national legislation into line with

international labour standards without interfering in the country's internal affairs. Attempts by certain countries to use the platform of the Organization to politicize discussions on social and labour issues in Myanmar were counterproductive. He called for respect for the principles of neutrality and impartiality, and a focus on the mechanisms of Conventions and domestic labour and socio-economic legislation. A politicized approach would make it difficult for the authorities to implement ILO decisions and jeopardize the Organization's authority and reputation. He rejected any narrowing of the draft decision.

- 259. A Government representative of China** said that it was in the interests of all to maintain peace and stability in Myanmar. All parties in Myanmar should shoulder their responsibility to maintain political and social stability and development, act in the interests of the people and address conflict through dialogue and consultation within the constitutional and legal framework, while promoting democratic transformation. The ILO, the UN and ASEAN, of which Myanmar was a member, should be supported to play a constructive role in mitigating the situation in that country. The Governing Body should uphold the principle of respecting the sovereignty of Member States, promote dialogue and reconciliation among all parties in Myanmar within its mandate, and help protect the legitimate rights and interests of workers and employers in the country. He encouraged the Office and Myanmar to find constructive solutions to the difficulties encountered in development cooperation and administrative operations.
- 260. A Government representative of Japan** expressed deep concern about the situation in Myanmar and urged the military authorities to stop violence against civilians immediately, release all those detained, including State Counsellor Aung Sang Suu Kyi, and restore democracy. The ILO was fulfilling its mandate by demanding that workers and employers be allowed to perform their functions without intimidation or threat of harm and exercise their freedom of association in a climate free of violence, arbitrary arrest and detention. The efforts of ILO–Yangon to continue providing technical assistance under constrained circumstances were commendable. Reports of the use of forced labour by the military authorities gave cause for concern; such activities must end. Developments in Myanmar should be followed closely in the Director-General's report to the 344th Session of the Governing Body. He supported the draft decision, as amended by the United States, and accepted the language suggested by the Workers' group and the EU.
- 261. A representative of the Director-General** (Legal Adviser) clarified that the MoU–DWCP had been signed by all parties on 21 September 2018 for a duration of four years, as explicitly provided for in paragraph 5, and was therefore scheduled to remain in effect until 20 September 2022, despite the typographical error in the title of the programme document. That understanding had been confirmed in May 2021 in bilateral meetings with representative organizations of employers and workers who had signed the Memorandum, and all four social partners had confirmed the 2022 expiry date. That common position had been shared, on 12 May 2021, in a virtual meeting with the Ministry of Labour, Immigration and Population of Myanmar, and a note verbale, dated 8 June 2021 and containing the above information, had been transmitted to the Ministry.
- 262. The Worker spokesperson** said, with regard to the amendment proposed by the Government of the United States, that the wording used in the resolution adopted at the 109th Session of the International Labour Conference, "restore democratic order and civilian rule in Myanmar", should be preserved in subparagraph (a) of the draft decision. She requested the Office to clarify whether it was appropriate to use the wording "called on Myanmar", as in the resolution from the 109th Session, or "called on the military authorities". She supported the language in subparagraph (c) of the revised draft decision, as well as the deletion of subparagraph (d). She

also endorsed the amendment proposed by the United States to the final subparagraph of the draft decision, which was intended to ensure consistency with the Conference resolution.

- 263. The Employer spokesperson** concurred that any changes to subparagraph (a) of the draft decision should be closely aligned with the resolution agreed at the 109th Session of the Conference, and supported the deletion of subparagraph (d). However, his group had concerns about subparagraph (c) of the revised text proposed by the Office and needed more time to discuss points of ambiguity before it could accept the entire text.
- 264. Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia endorsed the wording “called on Myanmar to restore democratic order and civilian rule” agreed at the Conference.

(The Governing Body resumed its consideration of the item at a later sitting.)

- 265. The Employer spokesperson** thanked the Office for having provided clarification in the meantime, notably concerning the expiry date of the Mou-DWCP and the withdrawal of the notice of termination by the military authorities. He noted the importance of prior notification of amendments to draft decisions, where possible. His group had reviewed the proposed amendments to the draft decision and supported them.

Decision

- 266. In the light of the developments in Myanmar outlined in document GB.343/INS/8 and the update report provided by the Office, and recalling the resolution for a return to democracy and respect for fundamental rights in Myanmar adopted by the International Labour Conference at its 109th Session (2021), the Governing Body:**
- (a) expressed profound concern that no progress has been made to respect the will of the people, democratic institutions and processes, and restore the democratically elected government. It called on Myanmar to restore democratic and civilian rule in the country;
 - (b) expressed profound concern that the military authorities have continued with the large-scale use of lethal violence and with the harassment, ongoing intimidation, arrests and detentions of trade unionists and others, including the Rohingya, in the exercise of their human rights, and repeated its call to the military authorities to cease immediately such activities, and to release from detention and drop any charges against trade unionists and others who have peacefully participated in protest activities;
 - (c) expressed grave concern that the military authorities – despite the withdrawal of the notice of termination of the Memorandum of Understanding on the Decent Work Country Programme 2018–2022 – continue to interfere in the operations of ILO Yangon, including through the continued imposition of banking restrictions, the denial of visa extensions for ILO officials and of tax exemptions. It urged the military authorities to desist immediately from such interference and to respect the status of the Office in keeping with the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947;
 - (d) repeated its call for Myanmar to uphold immediately its obligations under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and to ensure that workers’ and employers’ organizations are able to exercise their rights in a climate of freedom and security, free from violence,

arbitrary arrest and detention, and called for the immediate release of the General Secretary of MICS-TUF and other trade unionists and activists who have been detained;

- (e) expressed serious concern over reports of the use of forced labour by the military and the relisting of Myanmar in the 2021 annual report of the Secretary-General of the United Nations on children and armed conflict, and urged Myanmar to end immediately the use of forced labour and to uphold its obligations under the Forced Labour Convention, 1930 (No. 29);
- (f) repeated its call for the Civil Services Personnel Law, the Settlement of Labour Disputes Law and the Labour Organization Law to be amended without delay, in line with Convention No. 87, once the country returns to democracy; and
- (g) requested the Director-General to report to the Governing Body at its 344th Session (March 2022) on developments in Myanmar, and to include information on potential follow-up action by the 110th Session of the International Labour Conference.

(GB.343/INS/8, paragraph 39, as amended by the Governing Body)

9. Consideration of all possible measures, including those foreseen in the ILO Constitution, required to ensure the Bolivarian Republic of Venezuela's compliance with the recommendations of the Commission of Inquiry within the required time frame (GB.343/INS/9(Rev.1) and GB.343/INS/9(Add.1))

- 267.** The Governing Body had before it an amended version of the draft decision, which had been proposed by the Government of Colombia, seconded by the Government of Brazil and circulated by the Office to all groups. It read:

In light of the developments in Venezuela outlined in document GB.343/INS/9(Rev.1) and taking into account its decision of March 2021, the Governing Body, on the recommendation of its Officers:

- (a) deplored that no progress has been made by the Government to accept the recommendations of the report of the Commission of Inquiry two years after its adoption;
- ~~(b) acknowledged recent steps taken by the Government to start a dialogue with social partners;~~
- ~~(be) urged the Government, as a matter of priority, to further develop this dialogue before March 2022 into a social dialogue forum with the assistance and presence of the ILO, in line with point 4 under paragraph 497 of the Commission of Inquiry's report; to observe the provisions of the ILO Constitution in Articles 29(2) and 34;~~
- ~~(c) decided to cease any technical cooperation or assistance from the Office with the Government of Venezuela, except for the purpose of direct assistance to implement immediately the recommendations of the Commission of Inquiry;~~
- ~~(d) requested the Director-General to engage with the Government on the full implementation of the recommendations of the Commission of Inquiry and the effective application of Conventions Nos 26, 87 and 144 in law and in practice in the country, and on the provision of technical assistance to support this process, as well as on the option of establishing a Special Representative of the Director-General, by March 2022;~~
- ~~(e) requested the Director-General to present a report to its 344th Session (March 2022) on actions taken by the Director-General, measures referred to and steps taken with regard~~

to paragraphs (c) and (d), and relevant information on possible measures to ensure the Government's compliance with the recommendations of the Commission of Inquiry; and (df) decided to include an item on the agenda of its 344th Session (March 2022) entitled "Assessment of progress made by the Government in the decisions and measures taken by the Governing Body and the Director-General for ensuring the compliance with the recommendations of the Commission of Inquiry and in light of that, consideration of all possible measures, including those foreseen in the ILO Constitution, for this purpose".

- 268. A Government representative of the Bolivarian Republic of Venezuela** (Minister of Popular Power for the Social Process of Labour) was authorized to speak in accordance with paragraph 1.8.3 of the Standing Orders of the Governing Body on a matter concerning his Government. He said that, since the Governing Body's discussion of the matter at its 341st Session (March 2021), his Government, which valued all constructive suggestions by the ILO supervisory bodies, had demonstrated its full commitment to broad and inclusive social dialogue and to improving its compliance with ILO Conventions. Its many efforts in that regard included a large-scale meeting for national dialogue on the world of work (21 May–23 June 2021), which had involved the participation of a range of employers' and workers' organizations and addressed issues relating to the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), Convention No. 87, and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).
- 269.** Following several sessions of a technical round table to which employers' and workers' organizations had contributed, a minimum wage-fixing method that complied with Convention No. 26 had been drawn up and communicated to the social partners. Convention No. 144 had been addressed at sessions of another technical round table, resulting in the establishment of a system for effective social dialogue that entailed multiple meetings each year. In the context of that round table, talks had been held with the social partners to review the reports on the Conventions to be submitted by the Government for 2021.
- 270.** His Government had always been open to the technical assistance of the ILO, which it had requested on several occasions in order to determine the representativeness of employers' and workers' organizations and which, regrettably, had not been forthcoming.
- 271.** The challenges of the COVID-19 pandemic had been worsened by illegal unilateral coercive measures resulting from disastrous, irresponsible and criminal actions linked to right-wing capitalist policies. Such measures would continue to cause indiscriminate harm to actors in the world of work and to fundamental human rights in his country. In her report to the Human Rights Council in September 2021, the UN High Commissioner for Human Rights had highlighted the effect of those measures on economic and humanitarian conditions and the enjoyment of fundamental rights in the country and had called for them to be lifted. He reiterated his Government's grounds for rejecting the recommendations of the Commission of Inquiry, namely that they violated his country's Constitution and the principles of the separation of powers, legality, independence, sovereignty and self-determination. Nevertheless, his Government remained committed to strengthening its compliance with Conventions Nos 26, 87 and 144, and all other ILO Conventions that it had ratified.
- 272.** His Government noted with satisfaction that the draft decision, which had been prepared by the Officers of the Governing Body, recognized the measures that had been taken to strengthen dialogue with the social partners and looked ahead to progress that would be made by March 2022. It welcomed the constructive proposals that had been made by the Workers' group during the drafting process, and the objectivity shown by some governments. It was willing to hold a frank and open dialogue with the Employers' group to gain their support, and valued the progress made with employers at the national level. Although it did

not support some aspects of the draft decision, his Government did not reject it and would work to implement its constructive elements, in direct contact with the Director-General.

- 273.** His Government rejected categorically the amended version of the draft decision, which had not been submitted in a timely manner and did not reflect the reality in his country. He called on the Governing Body to support the draft decision, and trusted that, in March 2022, it would welcome the continued progress made by his Government.
- 274. The Employer Vice-Chairperson** noted the exceptional nature of the Venezuelan Government's persistent rejection of the recommendations of the Commission of Inquiry, which demonstrated disrespect for the Organization and was all the more concerning given the time that had elapsed since their adoption. The matter had institutional implications, including for the procedure under article 26 of the ILO Constitution. The ongoing threat to freedom of association in the Bolivarian Republic of Venezuela affected both employers and workers. The September 2021 report of an independent fact-finding mission established by the Human Rights Council confirmed that human rights violations affecting freedom of association went unpunished. The Venezuelan Government had, for years, used the judicial system to repress dissent. The Commission of Inquiry had noted that institutions and practices in the country violated the guarantees set out in the relevant Conventions, particularly in relation to employers' and workers' organizations and social dialogue, reflecting systemic problems with the rule of law. She welcomed the tripartite approach that had been taken towards preparing the draft decision.
- 275. The Employer spokesperson** said that the serious violations of freedom of association in the Bolivarian Republic of Venezuela were evident. The Government's refusal to engage with those challenges and its dismissal of the findings of international institutions hampered efforts to protect fundamental rights. Although some timid steps had been taken, the Government had failed to act on the requests made by the Governing Body at its previous session and had continued to reject the recommendations of the Commission of Inquiry. The Government's meetings with the Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS) and other employers' and workers' organizations could not be deemed effective dialogue because they had lacked the necessary formalities. He questioned how many times the Governing Body would be forced to reiterate the urgent need for the Government to accept and implement the recommendations of the Commission of Inquiry in good faith, rather than asserting that technical assistance was required only in certain domains. While, internally, his group agreed with the amended version of the draft decision proposed by Colombia, it valued consensus and would therefore support the original draft decision.
- 276. The Worker Vice-Chairperson** underscored the need for genuine social dialogue in line with the recommendations of the Commission of Inquiry. A number of employers' and workers' organizations, including FEDECAMARAS, had reported that the Venezuelan Government had taken steps in that direction, and FEDECAMARAS had called on the ILO to provide support to ensure that further progress was made. The Government should be given support and encouragement to develop a forum for social dialogue, including technical assistance and the possible appointment of a Special Representative of the Director-General.
- 277.** In accepting the draft decision, the Venezuelan Government had acknowledged the need to work with the ILO to fully implement the relevant Conventions and bring about genuine social dialogue. The amended version proposed by Colombia was regrettable, as was the position of the Employers' group; internal opinions should not be shared with the wider Governing Body.

Tripartite consensus on the matter was important to convey unified support for the ILO supervisory system. Her group supported the draft decision.

- 278. Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia said that North Macedonia, Montenegro, Serbia, Albania, Iceland and Switzerland aligned themselves with the statement. The EU and its Member States fully supported the Office's efforts to engage with the Venezuelan Government and noted with disappointment the Government's continued unwillingness to implement the recommendations of the Commission of Inquiry. They noted with concern the findings of the CEACR in relation to the lack of progress in the implementation of those recommendations and regretted the Government's continued hostility towards employers, workers and their organizations. They also noted with regret that, although the Government had flagged its readiness to improve compliance with the ratified Conventions, the meetings organized by the Government could not be deemed effective tripartite consultation. The Government's failure to engage with the technical assistance programme intended to improve its adherence to the ratified ILO Conventions was also regrettable; those Conventions must be addressed comprehensively, not just in relation to the issues selected by the Venezuelan Government.
- 279.** She urged the Government to work with the Office to accept and implement the conclusions and recommendations of the Commission of Inquiry. Meetings must fulfil the conditions set out by the Commission of Inquiry, and the autonomy of employers' and workers' organizations must be ensured. She called on the Government to develop further its dialogue with the social partners, with the assistance of the ILO. The EU and its Member States supported the Director-General in his efforts in that regard and called for the ILO and its supervisory system to adopt measures to facilitate compliance with ratified international labour standards. At its next session, the Governing Body should consider all possible measures, including those set out in the ILO Constitution, to ensure the Government's compliance with the recommendations of the Commission of Inquiry. The EU and its Member States supported the draft decision.
- 280. Speaking on behalf of a group of countries, consisting of Brazil, Chile, Colombia, Ecuador, Paraguay and Uruguay**, a Government representative of Brazil said that any decision taken by the Governing Body with respect to the Venezuelan Government's non-compliance would have repercussions for the credibility of the ILO and its supervisory bodies. All Member States must respect the Organization's rules and ensure that the supervisory system was strengthened and not eroded. The measures being taken and presented for consideration by the Governing Body were not in compliance with the Commission of Inquiry's recommendations. As the Government's position appeared to remain unchanged, she urged it to clearly express its commitment to accept and apply the recommendations. The Governing Body should adhere to the decision it had taken at its 341st Session regarding the adoption of a resolution at the 109th Session of the International Labour Conference if there was a continued lack of progress on the implementation of the recommendations. The Governing Body had a duty to take concrete measures to ensure compliance with the decisions that it adopted and with the provisions of the ILO Constitution, which should be applied equally to all ILO Members.
- 281. A Government representative of Colombia** said that the draft decision was inconsistent with the provisions of the ILO Constitution and the decision adopted by the Governing Body at its 341st Session. Accordingly, Colombia had submitted an amended version of the draft decision, which had been seconded by Brazil.
- 282.** He recalled that, under article 29(2) of the ILO Constitution, a government had to inform the Director-General within three months whether or not it accepted the recommendations

contained in the report of a Commission of Inquiry; and if not, whether it proposed to refer the complaint to the International Court of Justice. The Venezuelan Government should therefore indicate whether it wished to refer the complaint to the International Court of Justice.

- 283.** Furthermore, the report presented by the Director-General did not meet the requirements set out in subparagraph (g) of the decision on the item adopted by the Governing Body at its 341st Session, and the information provided did not relate to actions carried out to implement the recommendations.
- 284.** In the draft decision, the Director-General was called on to engage with the Government to provide technical assistance for recommendations that had not been accepted, and the possibility of establishing a Special Representative was raised, without the Governing Body having been informed of the financial implications, which should be reported in accordance with paragraph 5.5.1 of the Standing Orders of the Governing Body. Any technical assistance should be suspended until the recommendations of the Commission of Inquiry had been accepted.
- 285.** To date, the Government had not stated in writing, as required under article 34 of the ILO Constitution, that it accepted the recommendations. He therefore did not agree with the proposal to place an item on the agenda of the 344th Session (March 2022) on assessing the Venezuelan Government's progress in ensuring compliance with the recommendations. None of the provisions of the ILO Constitution established that, if a government did not accept the recommendations of a Commission of Inquiry, the Governing Body could consider other actions as implicit acceptance. He called on the Governing Body to ensure that any decision adopted was properly in line with the ILO Constitution. He therefore firmly objected to the draft decision, recalling paragraph 46 of the introductory note to the Compendium of rules applicable to the Governing Body of the International Labour Office, according to which consensus was characterized by the absence of any objection presented by a Governing Body member as an impediment to the adoption of the decision in question.
- 286. A Government representative of the Russian Federation** noted that, despite its initial rejection of the establishment of the Commission of Inquiry, whose real purpose was to place pressure on the authorities, the Venezuelan Government had respected the Governing Body's decision and had fully cooperated with the Commission. In recent years, the Government had made progress towards the implementation of Conventions Nos 26, 87 and 144 and the strengthening of social dialogue, and had expressed its willingness to receive technical assistance from the Organization. Protecting workers' rights and improving living standards were fundamental aspects of the Bolivarian Revolution that was aimed at building a fairer State and social system. The Government would no doubt demonstrate further progress in the observance of international labour standards. In the context of the COVID-19 pandemic, more time must be granted for the Government to meet its obligations. Since the ILO's authority rested to a large extent on the impartial and consistent functioning of its supervisory mechanisms, a measured approach was needed, with no room for politicization or other misuse. He supported the draft decision.
- 287. A Government representative of Cuba** said that the Venezuelan Government had demonstrated its commitment to comply with international labour standards through tripartite, broad and inclusive social dialogue, and was making progress in that regard, despite the war and the unilateral coercive measures against it. The Government's repeated request for technical assistance should be granted without delay and without conditions. Its willingness should be recognized by all international organizations, including the ILO.

288. He reiterated his Government's rejection of manipulation by multilateral bodies with the aim of interfering in the internal affairs of States. No country could be required to act in a way that was contrary to its constitution, internal democratic order, sovereignty or self-determination. His Government opposed the unfounded application of additional measures, requested by a minority, against the Venezuelan Government, which would further politicize the Governing Body's decisions and undermine the rights and interests of the Venezuelan people. Instead, the focus should be on dialogue and cooperation through technical assistance. He endorsed the original draft decision and rejected the amended version proposed by Colombia. His Government would also reject any call for a vote on the item under the special arrangements and rules of procedure, which did not have consensus and which did not provide transparency in the Governing Body's work.
289. **A Government representative of Cameroon** urged the Governing Body to continue to support the provision of technical assistance to the Venezuelan Government, which would enable it to pursue, together with employers' and workers' organizations, the establishment of frank and ongoing social dialogue in the country. He did not support the amended version proposed by the Government of Colombia.
290. **A Government representative of Namibia** commended the Venezuelan Government on the progress that it had made in line with the recommendations of the Commission of Inquiry, which should be supported through the provision of technical assistance. She supported the original draft decision.
291. **A Government representative of China** noted that the Venezuelan Government had implemented several of the Commission of Inquiry's recommendations, which reflected its constructive attitude, cooperative spirit and hard work. The provision of technical assistance would help the Venezuelan Government to determine the representativeness of employers' and workers' organizations, further increase trust among constituents and strengthen the capacity for compliance. She supported the draft decision but not the amended version proposed by Colombia.
292. **A Government representative of Algeria** said that it was important to grant the Venezuelan Government the time necessary to continue to implement the actions to improve compliance with the ratified Conventions, within the framework of genuine social dialogue and with ILO technical assistance. He supported the original draft decision.
293. **A Government representative of Argentina** noted that progress was being made towards compliance with the recommendations of the Commission of Inquiry and said that the Venezuelan Government should be encouraged to continue its efforts, which included strengthening its institutions and increasing the participation of all stakeholders in the world of work in the country. He supported the original draft decision.
294. **A Government representative of the Islamic Republic of Iran** said that the Governing Body could play a critical role in ensuring continued progress by the Venezuelan Government by recognizing its achievements to date and by providing technical assistance to encourage additional achievements. He supported the original draft decision.
295. **A Government representative of Canada** expressed deep regret at the Venezuelan Government's continued unwillingness to accept and fully implement the recommendations of the Commission of Inquiry. Its recent efforts to hold social dialogue forums did not satisfy the requirements for genuine tripartite dialogue in accordance with the Commission's recommendations, and the reports of continued hostility towards employers, workers and their representative organizations were deeply troubling. She therefore urged the Venezuelan

Government to undertake inclusive, authentic tripartite social dialogue on labour and employment matters, immediately cease hostile campaigns against social partners and their organizations and take immediate, concrete actions towards implementing the Commission's recommendations in full cooperation with the ILO. The matter should remain on the agenda of future sessions of the Governing Body, where options for action under the ILO Constitution could be considered. She agreed that strong action was needed, as proposed in the amendment of the Government of Colombia, but could support the original draft decision.

- 296. A Government representative of the United States of America** said that it was deeply concerning that workers were being excluded from the Venezuelan Government's efforts to initiate dialogue with the social partners and remained unable to freely exercise their right to freedom of association, particularly in the light of serious allegations of violence. The failure to accept the Commission of Inquiry's recommendations and make meaningful progress in addressing them was indicative of the continued deterioration of human rights and the rule of law in the Bolivarian Republic of Venezuela. His Government would support solutions that would secure the implementation of the Commission's recommendations and compliance with international labour standards. While he shared the sentiments expressed in the amended version proposed by the Government of Colombia, he supported the original draft decision. He requested the Office to provide clarification on the resources needed to establish a Special Representative of the Director-General.
- 297. A Government representative of the United Kingdom of Great Britain and Northern Ireland** noted the recent progress made by the Venezuelan Government in holding social dialogue forums. Nonetheless, she expressed deep concern at the findings of the Commission of Inquiry regarding institutions and practices that violated the guarantees and rights set out in ILO Conventions, and the reports of persistent harassment levelled at FEDECAMARAS and its affiliates and workers' organizations not close to the Government. The Venezuelan Government must accept the Commission of Inquiry's findings and implement its recommendations. She supported the draft decision.
- 298. A Government representative of Pakistan** noted that the Venezuelan Government had demonstrated its willingness to cooperate with the ILO by committing to respect the relevant Conventions and engage in social dialogue. She encouraged all parties to resolve the outstanding issues amicably in the spirit of tripartite cooperation and social dialogue while respecting the national sovereignty of States; it might be inadvisable to resort to exceptional measures. The Office should continue to engage in dialogue with the Venezuelan Government to secure its cooperation, improvements in labour standards and the promotion of social justice, taking account of the country's specific circumstances. She supported the original draft decision.
- 299. A Government representative of Saudi Arabia** said that it was important to reach consensus on decisions issued by international organizations concerning specific countries and to secure the cooperation of the Government in question to achieve the objectives. He would therefore prefer to have more time available for negotiations to achieve consensus.
- 300. A Government representative of Barbados** strongly encouraged the Venezuelan Government to accept and implement the recommendations of the Commission of Inquiry, using the available technical assistance. Decisions made by the ILO's supervisory system must be taken seriously and observed by all Member States. While some progress had been made in implementing some of the recommendations, including the initiation of social dialogue and the inclusion of social partners in the drafting of legislation, the Commission of Inquiry's requirements regarding the structure of social dialogue had not yet been fulfilled; however,

for social dialogue to be effective and have credibility, the parties must agree with the structure. He supported the original draft decision.

- 301. The Employer Vice-Chairperson** emphasized that the case concerned not only employers' organizations; fundamental freedoms were at stake. Under article 23 of the Venezuelan Constitution, international treaties concerning human rights obligations had constitutional status; therefore, there appeared to be no legal barriers to its acceptance of the recommendations of the Commission of Inquiry. The draft decision had been carefully constructed by all three Officers of the Governing Body in the spirit of social partnership and tripartism with the aim of achieving consensus and real progress in the implementation of the Commission of Inquiry's recommendations. She therefore supported the original draft decision.
- 302. The Worker Vice-Chairperson** agreed that the matter concerned fundamental principles and rights, and the measures endorsed by the Governing Body to remedy the situation should be taken seriously. Workers and employers in the Bolivarian Republic of Venezuela must be assured of freedom of association. There was clear agreement in the Governing Body on the need for the Venezuelan Government to step up its efforts to implement the recommendations of the Commission of Inquiry for the benefit of the Venezuelan people, and the Employers' and Workers' groups had worked together on the draft decision.
- 303. A Government representative of the Bolivarian Republic of Venezuela** said that his Government had taken note of all statements, and that it expected to submit a positive report on its progress to the Governing Body in March 2022. Noting the consensus on the original draft decision, he requested the Governing Body to adopt it.
- 304. A representative of the Director-General** (Treasurer and Financial Comptroller), responding to comments raised, said that it was not possible to accurately estimate the cost of establishing a Special Representative of the Director-General before the discussions outlined in subparagraph (d) of the draft decision had taken place. The Office would report back to the Governing Body after those discussions had concluded.
- 305. A Government representative of Colombia** requested the Chairperson to place on record, in accordance with paragraph 46 of the introductory note to the Compendium of rules applicable to the Governing Body of the International Labour Office, the objection of his Government to the adoption of the original draft decision.
- 306. The Chairperson** took note of the objection of the Government of Colombia and observed that the original draft decision had the clear support of other members of the Governing Body.

Decision

- 307. In light of the developments in Venezuela outlined in document GB.343/INS/9(Rev.1) and taking into account its decision of March 2021, the Governing Body, on the recommendation of its Officers:**
- (a) deplored that no progress has been made by the Government to accept the recommendations of the report of the Commission of Inquiry two years after its adoption;
 - (b) acknowledged recent steps taken by the Government to start a dialogue with social partners;
 - (c) urged the Government, as a matter of priority, to further develop this dialogue before March 2022 into a social dialogue forum with the assistance and presence of

the ILO, in line with point 4 under paragraph 497 of the Commission of Inquiry's report;

- (d) requested the Director-General to engage with the Government on the full implementation of the recommendations of the Commission of Inquiry and the effective application of Conventions Nos 26, 87 and 144 in law and in practice in the country, and on the provision of technical assistance to support this process, as well as on the option of establishing a Special Representative of the Director-General, by March 2022;
- (e) requested the Director-General to present a report to its 344th Session (March 2022) on actions taken by the Director-General, measures referred to and steps taken with regard to subparagraphs (c) and (d), and relevant information on possible measures to ensure the Government's compliance with the recommendations of the Commission of Inquiry; and
- (f) decided to include on the agenda of its 344th Session (March 2022) an item entitled "Assessment of progress made by the Government in ensuring the compliance with the recommendations of the Commission of Inquiry and in light of that, consideration of all possible measures, including those foreseen in the ILO Constitution, for this purpose".

(GB.343/INS/9(Rev.1), paragraph 17)

10. Report by the Government of Bangladesh on progress made with the timely implementation of the road map taken to address all outstanding issues mentioned in the complaint concerning alleged non-observance of the Labour Inspection Convention, 1947 (No. 81), 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) (GB.343/INS/10(Rev.2))

- 308. The Governing Body had before it an amendment to subparagraph (a) of the draft decision, which had been proposed by the Government of the United States of America and circulated by the Office to all groups, to insert the words "at which the Governing Body will again discuss the implementation of the road map" at the end of the subparagraph after "(March 2022)".
- 309. **A Government representative of Bangladesh** said that his Government had demonstrated progress towards implementing the time-bound actions under the four clusters set out in the road map taken to address all outstanding issues mentioned in the complaint concerning alleged non-observance of Conventions Nos 81, 87 and 98, as set out in the report contained in the appendix to document GB.343/INS/10(Rev.2). He noted that his Government had also submitted a National Action Plan on Labour Sector Reforms to the EU, many elements of which overlapped with the road map under discussion. The Cabinet of Bangladesh had approved the ratification of the Protocol of 2014 to the Forced Labour Convention, 1930, and had made progress towards ratification of the Minimum Age Convention, 1973 (No. 138). In addition, work to review and amend the Bangladesh Export Processing Zone Labour Act, 2019, would begin ahead of schedule.
- 310. Turning to the actions set out in the road map, he highlighted the creation of the Tripartite Implementation and Monitoring Committee and six technical subcommittees, and the Reform

Implementation Coordination Unit. He looked forward to the ILO's support for those initiatives. Draft amendments to the Bangladesh Labour Rules, 2015, were to be submitted to the National Tripartite Consultative Council, and a tripartite committee was being formed to consider an initial draft of amendments to the Export Processing Zone Labour Rules. Those amendment processes took into account the relevant observations and recommendations of the CEACR.

311. The Department of Labour was carrying out regular training on trade union registration and was continuing to streamline the online trade union registration system, while the offline registration system remained functional. He noted that an online database containing information on trade union registration was ready to launch, which would ensure that relevant information was accessible to all. Pre-application services were available at all offices of the Registrar of Trade Unions.
312. In order to fill vacant labour inspector posts: the Bangladesh Public Service Commission had recommended 89 candidates; the second phase of efforts to increase human resources at the Department of Inspection of Factories and Establishments was under consideration; and steps were being taken to standardize the internal promotion process. The Labour Inspection Management Application was in use and the Department of Inspection of Factories and Establishments had begun conducting inspections in the export processing zones and modalities for those inspections were under discussion. The National Occupational Safety and Health Council had approved the National Plan of Action on Occupational Safety and Health and unveiled the updated National Profile on Occupational Safety and Health in Bangladesh. Two helplines were operational to receive and address workers' complaints. New labour courts were being established and staffed, and discussions were under way with the ILO to develop standard operating procedures for conciliation and arbitration, alongside the provision of training on the use of those services.
313. Regular training and advocacy work was carried out to address unfair labour practices and anti-union discrimination, and to improve complaint management. The actions concerning social protection and the minimum wage would be considered in accordance with the timeline set out in the road map. A pilot project to begin implementation of the Employment Injury Insurance Scheme would be launched in January 2022.
314. In conclusion, he urged the Governing Body to consider closing the case against Bangladesh, which would encourage further progress. His Government would continue to engage with the social partners and other stakeholders to improve the labour situation in Bangladesh.
315. **The Worker spokesperson** said that despite the statement made by the Government representative of Bangladesh, it was regrettable that the Government had not shown any serious commitment towards the full and timely implementation of the road map, with particular regard to the rights to freedom of association and collective bargaining. The vast majority of actions set out in the road map remained unfulfilled.
316. While a Tripartite Implementation and Monitoring Committee had been formed, no schedule of regular meetings had been circulated, and no indication had been given regarding the link between that Committee and the Reform Implementation Coordination Unit. She urged the ILO to provide technical assistance to support the work of the Committee and its subcommittees.
317. Prior to the deadline of September 2021, the proposed amendments to the Bangladesh Labour Rules, 2015, had not been submitted to the Cabinet of Bangladesh or vetted by the Ministry of Law, and a Statutory Regulatory Order or Gazette notification had not been issued. Furthermore, the Government must urgently publish meeting schedules and agendas for the

Tripartite Labour Law Review Committee and the National Tripartite Consultative Council. Additionally, the Government must share the draft Export Processing Zone Labour Rules and schedule consultations thereon with social partners. However, she emphasized that those Rules would still not eliminate the fact that workers in the export processing zones were denied their right to form or join a trade union.

318. She expressed concern that trade unions had not been consulted regarding processes for trade union registration, and said that the offline registration system was still used to discriminate against independent trade unions. Moreover, the online registration system contained a large number of inactive trade unions, which undermined the claim of progress offered by the Government in terms of freedom of association. In addition, no specific training programmes were available on the trade union registration process.
319. Highlighting the number of vacant labour inspector positions, she noted that the promotion of inspectors had been delayed. There were no modalities for carrying out labour inspections in the export processing zones and the Export Processing Zone Authority retained power over the operation of labour inspectors in the zones, in violation of Convention No. 81. Complaints submitted to the Department of Inspection of Factories and Establishments were not followed up effectively. No progress had been made to establish an effective occupational safety and health system. The lack of proper training on labour law for new labour court judges and the absence of court processes to ensure speedy and effective trials had led to continued delays, corruption and injustice. She welcomed efforts to develop a standard operating procedure for a conciliation system, and said that the procedure must also provide for alternative dispute settlement. That work should be undertaken with the assistance of the ILO and in consultation with social partners.
320. It was of serious concern that steps had not been taken to address anti-union discrimination, unfair labour practices and violence against workers, including actions perpetrated by police and other security forces. In that connection, no statistical information system for unfair labour practices had been established, and there was no mechanism to inform workers of their rights or how to access legal support if those rights were violated.
321. The COVID-19 pandemic should not be an excuse for not making substantive and timely progress on implementing the road map and the Government should make use of the technical assistance from the ILO and development partners in that regard. She supported the draft decision, as amended by the United States.
322. **The Employer spokesperson** took note of the measures taken since October 2019 and of the final road map of actions submitted by the Government of Bangladesh in May 2021. He welcomed the Government's timely reporting of progress and information, which appeared comprehensive, noting that action had been taken in consultation with the social partners and that a Tripartite Implementation and Monitoring Committee and a Reform Implementation Coordination Unit had been established to support implementation of the road map. The Government's engagement with the Office and social partners was appreciated and he urged it to continue reporting progress, address the comments of other ILO supervisory bodies, and provide detailed and updated information on Freedom of Association Cases Nos 3203 and 3263 (Bangladesh) prior to the following session of the Committee on Freedom of Association in March 2022. His group remained committed to assisting the Government of Bangladesh to implement the road map and other initiatives, such as the ILO statement "COVID-19: Action in the Global Garment Industry", and called for substantial progress on upholding labour rights and improving workplace safety. The amendment to the draft decision proposed by the United States reflected his group's understanding of the original text. Given the concerns expressed

by the Workers' group, he called for the Employers' and Workers' groups, the Office and the Government of Bangladesh to continue to liaise on the follow-up to the complaint.

- 323. Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia said that North Macedonia, Montenegro, Serbia, Albania, Iceland and Norway aligned themselves with the statement. She welcomed the road map and the progress achieved so far, noting that the road map was considered a signal of commitment by the Government of Bangladesh to speedily address the significant gaps in the alignment of national law and practice with ILO Conventions. The EU and its Member States remained committed to their long-standing cooperation with the Government on labour standards and had strengthened their support to address the effects of the COVID-19 pandemic in Bangladesh. Finalization of the National Action Plan on the Labour Sector of Bangladesh (2021–26) would reinforce the road map as both documents emphasized compliance with ratified ILO Conventions, and the Tripartite Implementation and Monitoring Committee had a central role in monitoring their implementation. She called on the Government to intensify efforts to deliver on the road map; labour law reform must be accompanied by effective action to combat violence against workers, address low rates of trade union registration, and reinforce labour inspection capacity and enforcement. The extensive timelines for some of the commitments set out in the road map called for regular monitoring of progress. She supported the draft decision, as amended by the United States.
- 324. A Government representative of the United States of America** said that, while she welcomed the comments by the Government of Bangladesh and the road map, the timeline for reform was too long. The road map lacked clear milestones and targets to determine progress and accountability; such targets should be included in the Government's report to the Governing Body in March 2022. Success was dependent on meaningfully addressing the concerns raised by the complaint and the CEACR, rather than on compliance with the procedural aspects of the road map. Although tripartite inclusion was critical to the needed reforms, trade unions had not been fully included in the process of establishing the Tripartite Implementation and Monitoring Committee and had been excluded from key meetings on labour law reform.
- 325.** It was regrettable that the road map had committed merely to examining amendments to the Bangladesh Labour Act, 2006, in the light of comments by the ILO supervisory bodies and that the Government had already fallen behind the timeline for amending the Bangladesh Labour Rules, 2015. Workers' groups had reported that the Department of Labour continued to collude with factory owners to prevent independent unions from registering, and harassed those that did. Progress to fill vacant labour posts was slow, despite the urgency of expanding labour inspection and enforcement in all sectors. It was disappointing that the road map addressed acts of anti-union discrimination, unfair labour practices and violence against workers primarily through training, with little focus on accountability for the perpetrators of those acts, and that the review of fines for anti-union discrimination would not take place until December 2022. Furthermore, there had been no indication of whether steps had been taken to investigate alleged cases of violence and harassment of workers by police.
- 326.** The case merited serious and continued consideration by the Governing Body. Although the absence of progress merited the establishment of a Commission of Inquiry, she could support the draft decision, if it was amended to add, at the end of subparagraph (a), the words "at which the Governing Body will again discuss the implementation of the road map."
- 327. A Government representative of Cuba** thanked the Government of Bangladesh for the information provided on the implementation of the road map, tripartite social dialogue and

cooperation with the ILO. He reiterated the importance of giving governments time and space to work with domestic stakeholders under national legislation in order to meet their obligations under ILO instruments. The efforts of States to honour their commitments to the ILO despite the difficulties caused by the COVID-19 pandemic should be taken into account. Tripartite dialogue and consensus building were fundamental principles that the Organization must support.

- 328. A Government representative of Canada** noted the efforts by the Government of Bangladesh to improve working conditions through labour law and policy reforms and expressed appreciation for its commitment to further improvements. Nonetheless, reports of serious violations of fundamental and priority ILO Conventions persisted and must be addressed without delay. He called on the Government of Bangladesh to set an ambitious timeline for implementation of the road map, specifically with respect to enacting labour law reforms, facilitating the registration of trade unions, enhancing labour inspection capabilities and enforcement, and preventing and addressing all acts of anti-union discrimination, including violence and harassment against workers. The road map should continue to be implemented in close cooperation with the Office and in consultation with the social partners. His Government remained committed to working with the Government of Bangladesh and all stakeholders to resolve all concerns and ensure full respect for labour rights. He looked forward to hearing of significant, demonstrable progress on implementation of the road map at the following session of the Governing Body in March 2022. He supported the draft decision, as amended by the United States.
- 329. A Government representative of the Russian Federation** said that it was clear that the Government of Bangladesh was on the right path. Systematic efforts were being made, in cooperation with the social partners, to strengthen occupational safety and health, enhance workers' well-being and qualifications and ensure the unimpeded operation of trade unions. Comments on the pace of change in the sphere of social and labour relations ignored the harsh blow dealt to the textile industry – a pillar of the Bangladeshi economy – by the COVID-19 pandemic. The Government of Bangladesh had demonstrated its willingness to cooperate constructively with the ILO repeatedly in recent years. He called on delegations to carefully consider the information and proposals presented by the Government of Bangladesh.
- 330. A Government representative of China** commended the Government of Bangladesh for its development of a comprehensive, realistic and actionable road map and acknowledged the substantial progress made on its implementation. Despite the impact of the COVID-19 pandemic, the Government of Bangladesh had mobilized resources and undertaken major legislative and administrative reforms. The Governing Body should conclude the case as soon as possible.
- 331. A Government representative of India** took note of the sincere efforts made by the Government of Bangladesh to implement the road map in consultation with the social partners and in cooperation with the ILO. The labour sector reforms carried out were encouraging, especially amendments to the Labour Act and the refixing of minimum wages in the ready-made garment sector. The adoption of policies on occupational safety and health and the protection of domestic workers demonstrated the Government's commitment to ensuring workers' rights. Efforts to update the national action plan for the child labour elimination policy were also welcome. In view of those transformative efforts, the ILO and the international community should continue to support the Government of Bangladesh to achieve reforms and strengthen employment and labour policies. The Government of Bangladesh should be afforded every opportunity to resolve the issues through the ILO's supervisory mechanism.

- 332. A Government representative of Nigeria** noted the commitment demonstrated by the Government of Bangladesh, which had highlighted its implementation of the road map under all four priority areas, which covered the operational obligations arising from the three Conventions under review. Nigeria believed that international labour laws should be reviewed in conformity with extant ILO Conventions and that all labour regulations should be humane and provide for freedom of association and adequate deterrent sanctions in respect of unfair labour practices, discrimination and violence against workers. He commended the Government of Bangladesh for establishing the Tripartite Implementation and Monitoring Committee and the six thematic subcommittees to support implementation, and looked forward to further progress. In view of the manifest commitment of Bangladesh and the verifiable progress set out in the report, Nigeria did not support either the Office's draft decision or the proposed amendment thereto.
- 333. A Government representative of Cameroon** commended the Government of Bangladesh for its efforts, set out in the report contained in the appendix to document GB.343/INS/10(Rev.2), and for the significant administrative and labour reforms implemented to improve union activity, occupational safety, wages, skills development and well-being at work. He asked the Office to approve the report and support the Government of Bangladesh in implementing its reform measures, for which tripartite dialogue was necessary.
- 334. A Government representative of Algeria** commended the Government of Bangladesh for its implementation of legal and administrative reforms to comply with international labour standards, adoption of measures including social dialogue and tripartite consultations despite the difficult circumstances of the COVID-19 pandemic, and establishment of the Tripartite Implementation and Monitoring Committee and six subcommittees. He called on the Office to continue to support Bangladesh in implementing the road map and encouraged the Government of Bangladesh to continue to work closely with the Office towards achieving a situation where the Governing Body could close the case.
- 335. A Government representative of the Islamic Republic of Iran** welcomed the efforts made by the Government of Bangladesh to implement reforms in the four priority areas and took particular note of the tripartite nature of the reform processes. The measures taken demonstrated the commitment of the Government of Bangladesh to improving the situation amid the difficulties posed by the COVID-19 pandemic and, as such, merited consideration by the Governing Body.
- 336. A Government representative of Pakistan** commended the Government of Bangladesh for the administrative and legislative progress reported, for its continued engagement with the social partners and for its timely submission of responses to address concerns raised in the complaint. Noting the disproportionate socio-economic impact of the COVID-19 pandemic on developing countries, she emphasized that the constraints faced by countries such as Bangladesh should be given due consideration. The Government of Bangladesh had reaffirmed its commitment to upholding the rights of workers; however, in view of the complexity of the issue, she called on all parties to amicably address concerns and complaints in a spirit of tripartite cooperation. Alternatives to the article 26 procedure could be explored to redress outstanding issues. Her country agreed to the adoption of a consensus-based approach to reaching a decision. In order to safeguard the objective and neutral character of the role of the ILO in promoting international labour standards, the ILO standards implementation and supervisory mechanisms should be used to promote compliance with standards in a collaborative manner and not to perpetuate conflicts among parties.

- 337. A Government representative of Saudi Arabia** welcomed the efforts made by the Government of Bangladesh and acknowledged the administrative and judicial reforms implemented and positive progress achieved despite the challenges posed by the COVID-19 pandemic. It was important to devote sufficient time to the discussion of the issue at hand in order to reach consensus on the matter and close the case.
- 338. A Government representative of Oman** welcomed the measures taken and the progress made by the Government of Bangladesh towards compliance with Conventions Nos 81, 87 and 98. In recognition of the commitment of the Government of Bangladesh to improving workers' conditions amid the challenges of the COVID-19 crisis, he favoured closing the case.
- 339. A Government representative of Bangladesh** said that he had taken note of the views and suggestions of the members of the Governing Body, which would be useful to further improve the labour situation in Bangladesh, and thanked the development partners of Bangladesh for their support and assistance, particularly amid the challenges posed by the COVID-19 pandemic. Against that backdrop, his Government had demonstrated serious commitment to removing the remaining minor obstacles affecting labour rights; it would have done more had it been able, but it was unrealistic to expect a developing country with resource and capacity constraints to maintain the pace of its efforts at a pre-pandemic level.
- 340.** A permanent committee consisting of 60 members with equal government, employer and worker representation had held 68 meetings on the amendment of labour laws and rules in line with ILO requirements. His country was committed to resolving Cases Nos 3203 and 3263 as soon as possible. No defendants were currently in custody in connection with those or any other cases. The prevailing atmosphere in the labour sector in Bangladesh was congenial; there had been no unrest for a year. His Government's initiative to submit a time-bound road map on labour sector reform demonstrated its commitment to labour rights and to ensuring decent work in line with the Centenary Declaration. He welcomed the recognition of Bangladesh by the ILO *Global Wage Report* as having one of the lowest gender pay gaps in the world. Given that any delay in closing the case would affect the current pace of progress and employment opportunities, particularly for women, he urged the Governing Body to close the case at the earliest opportunity.
- 341. The Worker spokesperson**, in response to remarks made by the Employers' group, said that she recognized fully the importance of involving both the Employers and the Workers in the case at the national and international levels. Her group intended to liaise further with the Employers before the 344th Session (March 2022) of the Governing Body to determine how to jointly support further progress in Bangladesh. Regarding comments made by some governments on the constraints imposed by the COVID-19 crisis, she emphasized that it was of crucial importance to address major challenges relating to freedom of association irrespective of the circumstances. In addition, she expressed concern about the limitations imposed on trade unions and their members that prevented them from contributing to their country's recovery from the pandemic and its social and economic future. However, considering the commitment expressed by the Government of Bangladesh, she trusted that tangible progress would continue to be made.
- 342. The Employer spokesperson** reiterated his group's support for the amended draft decision.

Decision

343. Taking note of the road map of actions submitted in May 2021 and of the report on progress made with its timely implementation submitted in September 2021, the Governing Body on the recommendation of its Officers:

- (a) requested the Government of Bangladesh to inform it of the progress made in the implementation of the road map to address all the outstanding issues mentioned in the article 26 complaint at its 344th Session (March 2022), at which the Governing Body will again discuss the implementation of the road map; and
- (b) deferred the decision on further action in respect of the complaint to its 346th Session (November 2022).

(GB.343/INS/10(Rev.2), paragraph 8, as amended by the Governing Body)

11. Report of the Committee on Freedom of Association

396th Report of the Committee on Freedom of Association (GB.343/INS/11)

344. The Chairperson of the Committee on Freedom of Association said that the Committee had examined 20 cases on their merits, 7 of which had been closed. That left the Committee with 129 active cases. The Committee was appreciative of governments' efforts to provide observations amid the pandemic, and made an urgent appeal to the Governments of Bahamas, Belarus, Haiti, Jordan, Kenya, Madagascar and the Netherlands for their observations. The deadline for submission of additional observations by all governments was 2 February 2022. The Committee had examined the follow-up given to its recommendations in 5 cases, all of which had also been closed. In particular, the Committee had welcomed the progress made in Case No. 2870 (Argentina), noting that trade union status had been granted to the Federation of Energy Workers of the Argentine Republic (FETERA).

345. The Committee drew the attention of the Governing Body to four cases, owing to the seriousness and urgency of the matters dealt with therein. Case No. 2318 (Cambodia) was a long-standing case which concerned allegations of murder of trade union leaders and the continuing repression of trade unionists. The Committee had expressed concern regarding the lack of progress and had called on the Government to take swift action to improve the exercise of the right to freedom of association. The Committee had urged the Government to expedite the investigations into the murders of trade union leaders, to ensure that the perpetrators and instigators of those crimes were brought to justice, and to provide information on the outcome.

346. Case No. 2609 (Guatemala) concerned allegations of murders and acts of violence against trade union members, and the climate of impunity. The Committee had once again urged the Government, with the active participation of, and monitoring by, the National Tripartite Commission, to continue to take all necessary measures to ensure the effective investigation of all acts of anti-union violence and punish the perpetrators and instigators. Expressing its deep concern at the new cases of deaths of members of the trade union movement in 2020 and 2021, the Committee once again urged the Government to: resume and strengthen the trade union committees and the Ministry of the Interior's Special Investigation Unit for the analysis of attacks against human rights advocates; achieve full and effective coordination between the Ministry of the Interior and the Public Prosecutor's Office in the granting and handling of security measures for members of the trade union movement; and provide the necessary funds to ensure that all security measures required were granted as soon as

possible to members of the trade union movement who may be at risk. The Committee had requested the Government to contact and meet the complainant organizations to facilitate the identification of all reported cases of anti-union violence and to take all necessary measures to prevent the commission of any further acts of anti-union violence.

347. Case No. 2508 (Islamic Republic of Iran) was a long-standing case that concerned allegations of acts of repression against the local trade union at a city bus company, the arrest and detention of several trade unionists and an inadequate legislative framework for freedom of association. The Committee had welcomed measures taken towards the ratification of Conventions Nos 98 and 144. The Committee had expressed the firm expectation that, in consultation with employers' and workers' representatives, Iranian legislation would be brought quickly into line with the principles of freedom of association, in particular by allowing trade union pluralism, with particular regard to the recently adopted guidelines and procedures on the establishment of associations of culture, art and media professionals. The Committee had once again urged the Government to ensure that workers in the Tehran and Suburbs Bus Company were free to choose the trade union they wished to join. The Committee had requested the Government to provide information on the actions attributed to three trade unionists and to ensure the immediate release of Mr Ehsani Raad, should his conviction be due to his trade union activities.
348. Case No. 3185 (Philippines) concerned numerous allegations of extrajudicial killings of trade union leaders and members, illegal arrests, detention, red-tagging, intimidation and harassment, and the failure to adequately investigate those cases. The Committee had trusted that the Government would make it a priority to investigate those serious incidents and had urged it to ensure the immediate release of any detained trade unionists, should their arrest or detention be connected to the legitimate exercise of their trade union rights. The Committee had expected the Government to ensure that any past or future allegations of labour-related killings and other forms of violence against trade unionists were rapidly and properly investigated so as to clarify the circumstances of the incidents, identify those responsible and punish the perpetrators, irrespective of whether they were private persons or state agents, with a view to preventing the repetition of such acts. The Committee had also urged the Government to reinforce its efforts to combat violence against trade unionists by designing and implementing any necessary measures to that effect, including clear guidance and instructions to all state officials and operationalization of national monitoring and investigative mechanisms, so as to prevent recurring incidents of violence against trade unionists and to ensure that they were not indiscriminately linked to insurgency or other paramilitary groups, considering the stigmatizing effect that may have on the exercise of legitimate trade union activities.
349. Finally, recalling that the Committee had decided in March 2021 to agree criteria to assess whether it should examine a complaint, he said that the Committee had decided that it was not in a position to provide pertinent recommendations under its mandate with respect to four complaints and had therefore decided not to examine them.
350. **A Worker member of the Committee** highlighted the urgent need for progress in the cases listed in paragraph 5 of the report, which were long-standing and involved the loss of life and personal freedom. She summarized several of the cases considered by the Committee, drawing attention to the lack of progress in relation to Case No. 3185 (Philippines), as corroborated at a virtual meeting between the Government of the Philippines and representatives from the Employers' and Workers' groups, and the need for a high-level tripartite mission to the country prior to the 2022 session of the International Labour Conference. Progress was also lacking in the investigation of the murders of trade union

leaders in Case No. 2318 (Cambodia), and there had been reports of further anti-union violence, in some instances lethal, in relation to Case No. 2609 (Guatemala). Despite the release of the workers whose arrest formed part of Case No. 2508 (Islamic Republic of Iran), other trade union leaders had been charged with collusion against national security. Nevertheless, the Committee welcomed the steps taken by the Iranian Government towards the ratification of a number of Conventions.

351. Case No. 3386 (Kyrgyzstan) had been considered in the absence of a reply from the Government and concerned the drafting of laws that would interfere with the functioning of the Federation of Trade Unions of Kyrgyzstan (FPK) and its affiliates and an audit of FPK launched by the Government. The Committee had requested that the Government consult fully the social partners when drafting legislation and conclude the investigations concerned without delay. In relation to Case No. 3313 (Russian Federation), the Committee had expressed concerns regarding the ability of trade unions to express opinions critical of government policies and encouraged the Government to engage in social dialogue to render union regulations compatible with freedom of association.
352. Case No. 3380 (El Salvador) concerned the Government's refusal to recognize the election of the president of the country's most representative employers' organization, and the Committee had taken the view that the imposition of additional procedural formalities to allow an elected official to act as a legitimate spokesperson was incompatible with freedom of association. In its consideration of Case No. 3378 (Ecuador), the Committee had reiterated that the arrest and charging of trade unionists must be based on legal requirements that did not infringe the principles of freedom of association. In relation to Case No. 3399 (Hungary), the Committee had recalled that public sector workers had the right to collective bargaining and any restrictions on their freedom to strike must be imposed with the agreement of the social partners.
353. She drew attention to the Committee's request for urgent replies from a number of governments. Finally, she stressed that, over time, results would be seen from the criteria adopted by the Committee for the selection of cases, which would filter out only those that did not present a matter suitable for consideration by the Committee.
354. **An Employer member of the Committee** commended the Office's work to facilitate both virtual and in-person participation at the Committee's most recent session and encouraged it to build on the lessons learned in that regard. It was the Employers' understanding that it had been agreed that there was one single principle of freedom of association – as there was one single principle of the effective recognition of the right to collective bargaining – which framed the mandate of the Committee; the references in the report to the "principles" of freedom of association were therefore inappropriate.
355. The *Compilation of decisions of the Committee on Freedom of Association* provided guidance from previous decisions, rather than principles of jurisprudence. His group was of the view that the Committee's mandate did not extend to detailed examinations of compliance with Conventions, and he urged the Office and the Committee to consider revising existing paragraphs that provided such analysis prior to their inclusion or in the next edition of the *Compilation*. Some of the Committee's reports included new references and statements that had the potential to be incorporated into the *Compilation*, and the Office should use existing wording wherever possible and, when proposing new wording, provide clear explanations of the inadequacy of existing guidance. He also called for consistency in the wording used for closed cases and definitive reports; his group's preference was: "The Committee considers that the case is closed and will not continue its examination." The criteria for the classification of

serious and urgent cases should also be applied consistently. His group requested that the Office provide updated information on cases that were also before other supervisory bodies at the beginning of each session.

356. He noted that the Committee had engaged in very constructive debates on complex issues requiring special consideration of the national context, mentioning in particular Case No. 3380 (El Salvador), which concerned acts of harassment and interference against an employers' organization, and Case No. 3399 (Hungary), which concerned legislation adopted as part of the COVID-19 response which allegedly violated the right to collective bargaining and the right to strike. The latter case illustrated a difficult situation faced by many governments, who had been forced to take urgent decisions in the absence of social dialogue during the COVID-19 pandemic, and the legislation adopted in Case No. 3399 (Hungary) had implemented permanent, rather than temporary or transitional, measures. The Committee must continue to consider the national context when examining such cases on a case-by-case basis. His group supported the adoption of the report.
357. **Speaking on behalf of the Government group of the Committee**, which consisted of new members appointed by the Governments of Argentina, Colombia, France, Japan, Namibia and Sweden, a Government member from Sweden expressed her group's commitment to continuing to work in the spirit of its predecessors and said that it had noted from the very first meeting the commitment shown by the Employers' and Workers' groups. Her group also expressed its commitment to furthering the work already begun on rendering working methods more effective and transparent and to playing a firm, active role in discussions, delivering clear starting points and seeking compromise. Her group endorsed the efforts made to communicate the Committee's conclusions and recommendations to the parties involved and other relevant constituents and thanked the Committee's Chairperson for his commitment.
358. **Speaking on behalf of GRULAC**, a Government representative of Chile took note of the work of the Committee on Freedom of Association and congratulated the new members of the Committee and the Chairperson on their election. He welcomed the hybrid format in which the Committee's meetings had been held, which had allowed some members to be present at ILO headquarters.
359. Reaffirming GRULAC's respect for the ILO supervisory bodies and its commitment to freedom of association and the right to bargain collectively, he noted with deep concern that the region continued to have the highest number of cases before the Committee. His group welcomed the closure of five cases for the region and reiterated the commitment of governments in the region to provide detailed and timely information. It was important that the Committee devoted due attention to all such information.
360. His group reiterated its call for the clearer use of terminology. In particular, when cases were declared "closed", that must be clearly reflected in the NORMLEX database.
361. GRULAC welcomed the efforts made towards establishing admissibility criteria, including with regard to the handling and follow-up of matters at the national level. In that connection, he noted that some countries in his group had specialized independent tripartite committees to settle freedom of association complaints at the national level, demonstrating the group's commitment to apply international labour standards and its willingness to engage in social dialogue.
362. His group welcomed the efforts made to improve the Committee's working methods, including the [information note](#) on the measures adopted by the Governing Body and the ILO's

supervisory bodies regarding the possibility of recourse to voluntary conciliation at the national level. He urged the Committee to continue its progress in respect of the settlement of cases and the strict application of the agreed working methods.

- 363. A Government representative of Cuba** took note of the Committee's report and welcomed the closure of some cases in the Latin America and Caribbean region. The Office should endeavour to make the Committee's reports available as soon as possible after the conclusion of its work. Member States and the social partners must be afforded more time to analyse and consult as necessary in order to be able to contribute to a richer dialogue with the Committee.
- 364.** She reaffirmed her Government's willingness to cooperate with ILO supervisory bodies, as evidenced by its provision of responses to the allegations under Case No. 3271 (Cuba). However, she reiterated that that case should never have been admitted by the Committee as the allegations were unfounded and politically motivated. The examination of those allegations by the Committee had allowed the complainants to manipulate the ILO supervisory machinery, which her Government had warned against and rejected. She expressed the hope that the Committee could uphold the principles of independence, objectivity and impartiality in its work and consider the abundant information provided by Cuba in order to close the case.

Decision

- 365. The Governing Body took note of the introduction to the Report of the Committee, contained in paragraphs 1-51, and adopted the recommendations made in paragraphs: 77 (Case No. 3379: South Africa); 99 (Case No. 3210: Algeria); 119 (Case No. 3331: Argentina); 140 (Case No. 3338: Argentina); 157 (Case No. 3293: Brazil); 172 (Case No. 2318: Cambodia); 188 (Case No. 3361: Chile); 230 (Case No. 3133: Colombia); 257 (Case No. 3354: Costa Rica); 273 (Case No. 3380: El Salvador); 306 (Case No. 3378: Ecuador); 348 (Case No. 2609: Guatemala); 383 (Case No. 3139: Guatemala); 426 (Case No. 3399: Hungary); 452 (Case No. 2508: Islamic Republic of Iran); 485 (Case No. 3386: Kyrgyzstan); 507 (Case No. 3193: Peru); 528 (Case No. 3185: Philippines); 595 (Case No. 3313: Russian Federation); 616 (Case No. 3374: Bolivarian Republic of Venezuela), and adopted the 396th Report of its Committee on Freedom of Association as a whole.**

(GB.343/INS/11)

12. Reports of the Board of the International Training Centre of the ILO (GB.343/INS/12(Rev.1))

- 366. The Employer spokesperson** said that his group was pleased that the Board of the International Training Centre of the ILO (Turin Centre) had adopted the Centre's Strategic Plan for 2022-25 and its Programme and Budget proposals for 2022-23, signalling an era of new growth. Some important positive points had emerged from the Board's discussions and informal consultations, including the adoption of a human-centred approach, the creation of fellowship funds and a view of the Turin Centre as an innovation and learning hub for building individual as well as institutional capacity. In addition, more open and frequent informal consultations between Board members and the Centre's management would be held, and line managers would be granted greater autonomy and accountable for results. Strategy in relation to the issue of campus utilization and cost would need to be reviewed by mid-2023 if no agreement on campus occupation could be reached with international partners by that time. His group would continue to monitor the implementation of a plan in that regard and assist in finding solutions. The Strategic Plan and the Programme and Budget adopted would

guide the Centre through the current turning point and ensure its competitiveness, productivity and sustainability.

- 367. The Worker spokesperson**, noting that the reports contained in the document faithfully reflected the Turin Centre's efforts to adapt to the situation created by the pandemic, expressed her appreciation for the efforts of its staff to adapt programmes to a virtual format and the hope that the Board would meet in person in 2022. The sustained support of donors, in particular the Government of Italy and the ILO, had provided much-needed financial stability, and placed constituents in a better position to reflect on the Centre's future. The Centre's critical and unique role in advancing the ILO's agenda of social justice and labour rights must be reflected at the core of its strategic planning and programming, to ensure that reducing inequalities and achieving social justice remained a priority. Although the shift to a virtual format had enabled more participants to engage in its programmes, digital technology was not accessible to all constituents and was of marginal relevance to the work of many sectors. The Centre should therefore ensure that programme content was not overly focused on such technologies but was primarily attuned to the realities of the world of work and the profiles of beneficiaries. Given the benefits of human exchanges, a hybrid format would best maintain the Centre's relevance.
- 368.** Assuring the sustainability of the Centre demanded a prudent approach. It would be crucial to work together to design clear rules for partnerships and new sources of funding as well as a comprehensive, realistic road map for campus management that underscored the benefits of social dialogue with staff. Noting concerns raised by the Staff Union Committee regarding its involvement in decision-making, she called on the Centre to ensure that the human-centred approach enshrined in the Centenary Declaration was applied to its own staff. All constituents had shown their commitment to strengthening the Centre's role and the need for solid, comprehensive planning in order to tackle future challenges effectively was broadly recognized. Her group was therefore committed to working towards an appropriate proposal on the way forward.
- 369. Speaking on behalf of GRULAC**, a Government representative of Chile said that his group attached great importance to the high-quality training services provided by the Turin Centre to constituents from all regions and highlighted its key role in the fulfilment of the ILO's mandate. The new operational model would enable the Centre to respond to growing demand for its services by harnessing the potential of digital technologies to reach more people and would create cost efficiencies in the long term, saving money for constituents wishing to participate in its activities while expanding its base of potential beneficiaries. While in-person training was valuable, distance learning could be an appropriate option provided that services remained inclusive and all participants were able to engage in activities on an equal footing. The Centre should therefore remain mindful of and address the digital gap between and within regions by using inclusive technologies and providing appropriate infrastructure where necessary. He expressed appreciation for the support provided to the regions in order to promote equal participation in virtual and in-person courses and took note of the decisions adopted by the Board.
- 370. Speaking on behalf of ASPAG**, a Government representative of China expressed appreciation for the continued support provided to the Turin Centre by the Government of Italy and ILO constituents. He noted with satisfaction the Centre's efforts to respond to the changing and challenging situation by diversifying its training modalities, updating digital learning solutions and transforming its service portfolio, and called for the full implementation of its Strategic Plan for 2022–25 and Programme and Budget proposals for 2022–23. The Centre should address current and future challenges by adjusting its service mix, positioning itself as

a learning innovation hub within the UN system and focusing on building capacities in line with the Centenary Declaration and the global call to action. He encouraged the Centre to enhance communication and coordination with constituents and prioritize training programmes that would support economic recovery and social development, taking into account national circumstances.

- 371. Speaking on behalf of IMEC**, a Government representative of the United States of America commended the Turin Centre for adapting its training and service delivery in response to the COVID-19 pandemic by shifting to a virtual training model. While the increase in virtual training had expanded access to the Centre's services, the value of in-person learning experiences was irreplicable and some constituents continued to be affected by weak technological infrastructure; the Centre should therefore work with the Board to strike the right balance between virtual and face-to-face training. Her group appreciated the updates on the implementation of the Centre's human resources strategy, in particular regarding skills development to help staff adjust to the recent changes in the Centre's service delivery. Such changes should also be taken into account in discussions on resizing the campus, and further discussion should be held on key financial issues such as the further development of a resource mobilization strategy and the procedures governing the use of institutional investment funds. She encouraged the Centre to ensure that international labour standards, social dialogue and tripartism remained key components of its courses.
- 372. Speaking on behalf of the Africa group**, a Government representative of Namibia took note of the proposed operational model and commended the Turin Centre for increasing participation in distance learning to counter the decline in face-to-face services resulting from the COVID-19 pandemic. She welcomed the Centre's Strategic Plan for 2022–25 and the Programme and Budget proposals for 2022–23, which set out the challenges in the capacity development services market. The Centre should strictly adhere to the Strategic Plan and align its implementation of the Programme and Budget proposals with the ILO's normative mandate and the global call to action. Her group was willing to engage with the Centre to strengthen distance learning and discuss how Member States with poor internet infrastructure could benefit from its services in view of the shift to digital service delivery.
- 373. The Director-General** said that the Governing Body had set an important forward course for the future work of the Turin Centre at a time of immense change and challenge. The Turin Centre was an integral and important part of the ILO, and he commended the support of governments and the social partners, particularly the Government of Italy. He thanked Mr Liu for his strong and empathetic leadership of the Turin Centre since 2016, particularly during the uncertainty caused by the COVID-19 pandemic and the move to virtual working. The Turin Centre would benefit in particular from the ground-breaking work led by Mr Liu on innovative educational techniques. He wished Mr Liu well in his future endeavours.
- 374. A representative of the Director-General** (Director, Turin Centre) thanked the Director-General, the Governing Body, the Office and his colleagues at the Turin Centre for their support during his term as Director. The Turin Centre would learn lessons from its experience during the COVID-19 pandemic and, having adopted both reports, would be ready to face whatever unknown challenges it might encounter in the future.

Decision

- 375. The Governing Body took note of the reports of the 84th Session (24 May 2021) and the 85th Session (25 October 2021) of the Board of the International Training Centre of the ILO (Turin Centre).**

(GB.343/INS/12(Rev.1))

13. Report of the Director-General: Regular report (GB.343/INS/13)

- 376. The Chairperson** presented the document and proposed that the Governing Body observe a minute of silence in memory of the former Governing Body member whose obituary was included in the document and of Mr Timothy Olawale, whose obituary had not been included owing to insufficient time. She suggested that the draft decision be amended to convey the condolences of the Governing Body to Mr Olawale's family and invited Governing Body members wishing to pay tribute to the memory of the deceased to do so in writing.
- 377. The Employer Vice-Chairperson** conveyed her condolences, and those of her group, to the family and colleagues of Mr Olawale.
- 378. The Worker Vice-Chairperson** drew attention to the obituary of the former Worker member that was included in the document and noted with sadness the death of the former Employer member. Her group welcomed the numerous ratifications mentioned in the document, especially given the difficulties encountered by governments in the previous two years. She commended in particular the ratifications of the Violence and Harassment Convention, 2019 (No. 190); the ratification of Conventions Nos 87 and 98 by the Republic of Korea; and the ratification of Conventions Nos 87 and 144 by Sudan; her group hoped that the Sudanese Government would implement those Conventions fully.
- 379. Speaking on behalf of GRULAC**, a Government representative of Chile recognized the Office's efforts to boost the number of ratifications of international labour Conventions and the 1986 Amendment. In welcoming the newly appointed Directors and Principal Officers, the group emphasized the importance of maintaining regional and gender balance across the Organization. GRULAC supported the draft decision.

Decision

- 380. The Governing Body:**

- (a) **took note of the information contained in document GB.343/INS/13 regarding the membership of the Organization, progress in international labour legislation and internal administration;**
- (b) **paid tribute to the memory of Mr Newstead Zimba and invited the Director-General to convey its condolences to the family of Mr Zimba and to the Zambia Congress of Trade Unions and the International Trade Union Confederation;**
- (c) **paid tribute to the memory of Mr Timothy Osuolale Olawale and invited the Director-General to convey its condolences to the family of Mr Osuolale Olawale, to the Nigeria Employers' Consultative Association and the International Organisation of Employers.**

(GB.343/INS/13, paragraph 11, as amended by the Governing Body)

Summary of written statements concerning obituaries ³

Mr Newstead Zimba

- 381. The Zambia Congress of Trade Unions (ZCTU)** paid tribute to the former Secretary-General of the ZCTU, Newstead Lewis Zimba, whose career as a trade union leader and politician spanned decades. As a member of the United National Independence Party (UNIP) from 1960 onwards and a member of the National Union of Teachers (NUT) since 1962, Mr Zimba was always active on the political front. In 1971, he became full-time president of the NUT and, later that year, acting president of the ZCTU; in 1974, he was elected Secretary-General of the ZCTU and, while at the helm of the labour movement, he served as a Worker member of the Governing Body. In 1991, Mr Zimba joined national politics following the opening up of the political sphere in Zambia. He later retired after serving as Zambia's ambassador to Sweden.
- 382.** Mr Zimba was a vigorous defender of workers' rights. A series of conflicts between the Government and the unions in the early 1980s confirmed the ZCTU, led by Newstead Zimba as Secretary-General and Frederick Chiluba as Chairman General, as the most significant opposition force at the time. The ZCTU provided the national administrative structure and the critical popular support that gave the Movement for Multiparty Democracy (MMD) legitimacy as a political party. Mr Zimba's desire to free Zambian workers from untold misery under the economic policies of the UNIP made him unpopular with the ruling class, but he persevered until the one-party rule was outlawed in 1991. Mr Zimba was a man of integrity, who went out of his way to promote trade unionism in Zambia. He was committed to his beliefs, led by example, showed strong will and courage, and was admired for his frankness and lucidity, earning great respect, both nationally and internationally.
- 383. The Africa group** offered its sincere condolences to the Republic of Zambia on the death of Mr Zimba, Zambian trade union leader and former Minister of Labour and Social Security. It paid tribute to his achievements, most notably his dedication to his work with the Organization. The Africa group extended its condolences and sympathy to Mr Zimba's family.

Mr Timothy Osuolale Olawale

- 384. The Africa group** expressed its deepest sympathy following the death of Mr Timothy Olawale, employer leader of the Republic of Nigeria, who contributed to poverty reduction and job creation for many people. The Africa group extended its condolences and sympathy to Mr Olawale's family.

13.1. First Supplementary Report: Follow-up to Governing Body decisions (GB.343/INS/13/1)

Decision

- 385. The Governing Body requested the Office to prepare, for its 346th Session (October–November 2022), a supplementary report on the follow-up to the decisions adopted since November 2020.**

(GB.343/INS/13/1, paragraph 5)

³ The complete text of each statement in the original language has been published on the [Governing Body's website](#).

13.2. Second Supplementary Report: Documents submitted for information only (GB.343/INS/13/2)

Decision

386. The Governing Body took note of the information contained in the following documents:

- Approved symposia, seminars, workshops and similar meetings (GB.343/INS/INF/1);
- Report on the status of pending representations submitted under article 24 of the ILO Constitution (GB.343/INS/INF/2);
- Measures identified by the Office to accelerate progress in respect of specific indicators of the ILO Action Plan for Gender Equality 2018–21 (GB.343/INS/INF/3);
- Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO (GB.343/INS/INF/4);
- Work plan on the strengthening of the supervisory system: Proposals on further steps to ensure legal certainty and information on other action points in the work plan (GB.343/INS/INF/5(Rev.1));
- Voluntary contributions and gifts (GB.343/PFA/INF/1).

(GB.343/INS/13/2, paragraph 3)

13.3. Third Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Sri Lanka of the Labour Inspection Convention, 1947 (No. 81), and the Protection of Wages Convention, 1949 (No. 95) (GB.343/INS/13/3)

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

Decision

387. In the light of the conclusions set out in paragraphs 38, 40, 45, 48, 52, 55, 60, 63, 65, 70 and 72 of document GB.343/INS/13/3 with regard to the matters raised in the representation, the Governing Body, on the recommendation of the Committee, decided to:

- (a) approve the report of the Committee;
- (b) request the Government of Sri Lanka to examine ways, in full consultation with the social partners, in which the system for labour inspection can be strengthened, in particular in relation to Article 3(1)(a) of Convention No. 81;
- (c) invite the Government to consider engaging in consultations with the social partners at the national level to find effective solutions to the matters raised in the Committee's conclusions set out in the report;
- (d) invite the Government to send information on the results of those processes in its next report to the Committee of Experts on the Application of Conventions and Recommendations;

- (e) invite the Government to explore ways and means to improve the collaboration between officials of the labour inspectorate and employers and workers and their organizations, with a view to supplying technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions; and
- (f) make the Committee's report publicly available and close the procedure initiated by the representation.

(GB.343/INS/13/3, paragraph 73)

14. Reports of the Officers of the Governing Body

14.1. First report: Finalization of arrangements for the public dialogues with candidates for the position of Director-General and preparation of the hearings and election to be held during the 344th Session (March 2022) (GB.343/INS/14/1(Rev.1))

- 388. The Employer Vice-Chairperson**, noting that the document reflected a consensus that had been reached among the Officers following a prior discussion on the item, said that it was the shared responsibility of the three constituent groups, and of the Office, to ensure that the highest levels of transparency, integrity and impartiality were upheld during the election process. She recalled that the Employers' group had agreed to the request made by some governments to allow for additional interactions, even though those were not foreseen under the current rules applicable to the appointment of the Director-General, as it recognized that such interactions were a way to ensure transparency and ownership of the process. Internal candidates should dissociate themselves from ILO activities, or at least refrain from taking a prominent role during the discussions of the Governing Body or the International Labour Conference, especially on sensitive topics. Integrity checks conducted by an external organization should be introduced for all candidates, in order to preserve the ILO's credibility. Such a practice should be consolidated in Annex III to the Compendium of rules applicable to the Governing Body of the International Labour Office. The questions prepared by the groups to put to the candidates should remain confidential, and they should not be shared with the candidates in advance, in order to ensure that interactions remained frank and spontaneous. Regarding the arrangements for the hearings to be held at the 344th Session (March 2022), it was of the utmost importance for Governing Body members to be physically present, should the public health situation and travel restrictions so allow. Her group supported the draft decision.
- 389. The Worker Vice-Chairperson** expressed support for the proposed arrangements and the Office's efforts to ensure equal conditions for all candidates, and noted with satisfaction the number of candidatures received. Her group agreed that the questions to be put to the candidates should not be shared in advance, to prevent candidates from giving prepared speeches rather than engaging in useful interaction. If the public health situation allowed, her group would prefer to have an in-person meeting between the candidates and voters before the election. Reiterating the importance of the integrity of the process, she expressed full confidence in the current Chairperson of the Governing Body and said that her group would remain open to an evaluation of the election following the completion of the process. The Workers' group supported the draft decision.

- 390. Speaking on behalf of the Africa group**, a Government representative of Morocco noted with satisfaction the proposed new arrangements for the election process. The public dialogues would give the constituents the opportunity to ask each candidate about their views, ambition and vision and to see how each candidate would respond to their concerns. Scheduling the dialogues over two days would allow sufficient time to discuss the diverse aspects of the Director-General's mandate and perspectives for the future, and the 80-minute time limit would ensure good time management. He called on the Office to ensure that all parties would be able to access secure, reliable connections in order to enable them to participate on an equal footing. His group supported the draft decision and remained open to discussing more detailed proposals.
- 391. Speaking on behalf of GRULAC**, a Government representative of Chile expressed appreciation to the Office for heeding the concerns of the Government group expressed at the 341st Session of the Governing Body and for providing an opportunity for the constituents to learn more about the profiles, proposals and vision of each candidate. His group took note of the format suggested by the Office, and although it could be flexible in that regard, it would prefer a panel discussion to be held with the participation of all candidates, to allow them to answer the same questions under equal conditions.
- 392. Speaking on behalf of IMEC**, a Government representative of Canada welcomed the adaptations made to the proposed election process. Transparency, openness and equality were critical for the good governance of the ILO. IMEC commended the proposed public dialogues with the candidates, which would ensure equal participation for all candidates and provide constituents with meaningful opportunities to meet and listen to them. IMEC supported the proposal to defer the decision on the hearings and the ballot process until early 2022 and expected the election to take place using a secret ballot and in person. She asked how the election process, in particular the proposed public hearings, would be evaluated, and how the findings would be communicated to constituents and integrated into the rules governing future elections. IMEC supported the draft decision.
- 393. Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia said that North Macedonia, Montenegro, Serbia, Albania, Iceland and Norway aligned themselves with the statement. The EU and its Member States aligned themselves with the IMEC statement. The highest standards of efficiency, competence and integrity, and a firm commitment to the purposes and principles of the ILO Constitution, as well as those of the United Nations, were key requirements for the role of Director-General of the ILO. A proper electoral process required transparency and accountability, and the proposed virtual public dialogues would contribute to that goal. While expressing a preference for a single collective panel at which all candidates would be asked the same questions, thereby ensuring a level playing field for all candidates and a more dynamic and interactive experience for all those involved, she said that the EU and its Member States could agree to holding individual successive dialogues under the arrangements proposed in the document. They supported the proposal to defer consideration of the organization of the hearings and the ballot process until early 2022 and were strongly in favour of an in-person secret ballot. She welcomed the efforts to safeguard against the questions being shared with the candidates in advance. She encouraged the Office to review the effectiveness of the dialogues, and the election process as a whole, in order to enhance the experience for candidates and constituents in future elections. In that regard, she asked for more information about how the process would be evaluated. The EU and its Member States supported the draft decision.

- 394. The Director-General** gave his assurances that the Office was expending great efforts to ensure that the election process was characterized by the highest levels of integrity and ethics, including with regard to behaviour towards internal candidates. He agreed that the election process as a whole, and the public dialogues in particular, should be evaluated; the evaluation could take place once the new Director-General was in office, and the results would be available to guide the Governing Body in making any improvements it deemed necessary to the rules governing the appointment of the Director-General. Noting that some groups had expressed support for a single collective panel rather than successive individual interviews, he expressed appreciation for the flexibility shown by those groups and noted that there appeared to be a consensus on the draft decision.
- 395. The Employer Vice-Chairperson** noted that the dialogue process was complex and therefore incompatible with a panel structure; it should remain as proposed in the document. As to the suggestion that all candidates should be asked the same questions, she recalled that each group of the Governing Body was autonomous, and their decisions on questions for the candidates should remain free from external interference and confidential to ensure that each hearing was meaningful and spontaneous.
- 396. The Worker Vice-Chairperson** agreed that the evaluation of the election process could take place once the new Director-General was in office. An evaluation of the virtual measures adopted owing to the COVID-19 pandemic would improve preparedness for similar circumstances in the future. The Workers agreed that the autonomy of each group must be respected with regard to their questions for the candidates. To avoid repetition, the provisions for the dialogue required that all representatives seeking to put questions to the candidates should prepare more than one question. The exchange of views should be lively, and excessive planning should therefore be avoided.
- 397. The Chairperson** clarified that efforts to structure the process were intended to ensure equality among candidates. In holding a public hearing, the Governing Body had a responsibility to adhere to the established timelines and to conduct the process appropriately.

Decision

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

- (a) **decided that the dialogues with candidates scheduled on 20 and 21 January 2022 will be organized in accordance with the arrangements contained in the appendix to document GB.343/INS/14/1(Rev.1); and**
- (b) **requested its Officers to prepare and submit for decision by correspondence, in early February 2022, the process and practical arrangements for the hearings and election of the Director-General to be held during the 344th Session of the Governing Body (March 2022).**

(GB.343/INS/14/1(Rev.1), paragraph 8)

14.2. Second report: Representation alleging non-observance by Poland 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 Workers' Representatives Convention, 1971 (No. 135) (GB.343/INS/14/2)

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

Decision

- 399.** In the light of the information contained in document GB.343/INS/14/2, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable and, as it relates to Conventions dealing with trade union rights, to transmit the representation to the Committee on Freedom of Association for examination as per the procedures set out in the Standing Orders on articles 24 and 25 of the Constitution of the ILO.

(GB.343/INS/14/2, paragraph 5)

14.3. Third report: Representation alleging non-observance by France of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (GB.343/INS/14/3)

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

Decision

- 400.** In the light of the information contained in document GB.343/INS/14/3, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was not receivable.

(GB.343/INS/14/3, paragraph 5)

15. Composition, agenda and programme of standing bodies and meetings (GB.343/INS/15)

- 401.** In preparation for the adoption of a decision by correspondence, the Office held a briefing session for Governing Body members on this item on 19 October 2021.
- 402.** The Screening Group agreed to put the item forward for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members by a communication of 1 November 2021.

Decision

- 403.** The Governing Body, upon the recommendation of its Officers, decided:

- (a) to approve the dates and composition of the Meeting of experts on decent work in the platform economy, and to authorize the Director-General to invite as observers the intergovernmental and international non-governmental organizations listed in the appendix to document GB.343/INS/15;

- (b) to approve the dates, composition and agenda of the Meeting of experts for the tripartite validation of technical guidelines on biological hazards, and to authorize the Director-General to invite as observers the intergovernmental and international non-governmental organizations listed in the appendix to document GB.343/INS/15;
- (c) to approve the composition of the tripartite working group on options to ensure decent work in supply chains and the dates of its two meetings; and
- (d) to take note of the programme of meetings contained in Part II of document GB.343/INS/15 as approved by its Officers, subject to regular review depending on the evolution of the COVID-19 pandemic.

(GB.343/INS/15, paragraph 17)

Summary of the written comments received during the consideration of the item by correspondence ⁴

- 404. IMEC** noted that its points relating to the tripartite working group on options to ensure decent work in supply chains had been reflected, and accepted the proposed schedule of holding the Meeting of experts on decent work in the platform economy later than expected as two other important meetings were to be held in the first half of 2022, namely the technical meeting on COVID-19 and sustainable recovery in the tourism sector and the Meeting of experts for the tripartite validation of technical guidelines on biological hazards.

Closing remarks

- 405. The Chairperson** conveyed her thanks to all members of the Governing Body, particularly the consultative group for their tireless efforts to find solutions that could be agreed on by all, and to the colleagues who had shared the chairing responsibilities. She paid tribute to Mr Robert Shepard, who was retiring after representing the Government of the United States of America at the Governing Body and the International Labour Conference for 18 years.
- 406. The Director-General** joined the Chairperson in thanking Mr Shepard for his 18 consecutive years of active participation, noting that he embodied the commitment and values that made the Governing Body a special organ of the ILO.
- 407. The Government representative of the United States of America** thanked the Director-General, the Office and his friends from the Employers', Workers' and Government groups for their excellent work at the current and previous Governing Body sessions. Together they had spent a great deal of time trying to solve what seemed like unsolvable problems, but the ILO had genuinely accomplished many remarkable things during its history and would continue to do so in the future.
- 408. The Worker Vice-Chairperson** paid tribute to Mr Shepard's long years of service to the ILO, his efforts always to find ways forward and his recognition of the importance of social dialogue.
- 409. The Employer Vice-Chairperson** expressed her appreciation of Mr Shepard's commitment to compromise and constructive discussions, particularly during negotiations of the Centenary Declaration.

⁴ The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

► Policy Development Section

Employment and Social Protection Segment

1. Update on ILO occupational safety and health programmes, activities and resources (GB.343/POL/1(Rev.1))

- 410. The Worker spokesperson** said that an emphasis should be placed on the urgency of ILO action in response to the COVID-19 pandemic and its impact on the world of work, as well as on the Organization's unique role in the system of global governance addressing occupational safety and health. It was clear that the funds available for occupational safety and health were insufficient, despite the significant provision of extrabudgetary resources. The percentage of the budget allocated for occupational safety and health had also been reduced in recent years. The Director-General should therefore ensure the appropriate allocation of funds for occupational safety and health programmes and activities, and the right balance between regular and extrabudgetary resources, including for the preparation of future work programmes on budget proposals, particularly given the emergence of new forms of, and increasingly precarious, work, and the impact of climate change. The ILO also required additional resources to support over 40 international labour standards and to participate in discussions with other international forums, so as to contribute to the response to new challenges. Greater expertise in occupational safety and health for the ILO and its stakeholders was necessary. He supported the draft decision.
- 411. The Employer spokesperson** said that the promotion of a preventive approach and safety culture should be an overarching and systematically highlighted element in occupational safety and health. Further action was needed, since the culture of prevention was still not sufficiently mainstreamed, as had been underscored by the COVID-19 crisis. The ILO should focus more on capacity-building for constituents, in order to strengthen occupational safety and health knowledge and services. The ILO should also continue to respond to constituents' needs in terms of up-to-date technical guidance. Specific capacity-building should be made available for micro and small enterprises, for which occupational safety and health remained a challenge. The work should be undertaken at key stages when such enterprises were most receptive to occupational safety and health issues, and with the intermediaries involved in their activities. It was more necessary than ever to bolster efforts in terms of awareness-raising activities, support for the transition from informal to formal work, and capacity-building for organizations working with stakeholders in the formal economy. The ILO should allocate more resources for well-being and mental health issues, with a view to creating leverage and to delivering practical guidance, particularly to employers. Regarding knowledge management, the validation of information studies and research on occupational safety and health remained critical to ensure credibility. The Office's participation in such research should take into account the manner in which some of the trends could provide opportunities to reduce risks, increase the efficiency of the work of inspectorates, and lighten the administrative burden on enterprises. It was important to ensure that the transition was well-framed and well-managed, and that stakeholders were adequately supported throughout the process.
- 412.** Regarding global supply chain engagement as a driver for improved occupational safety and health performance, it was important to recall that supply and contractor chains were an entry point to strengthen national situations and to create positive spill-over effects on occupational safety and health systems. A market-driven approach with mechanisms, tools and projects "by

industry for industry” should be adopted in order to have a real impact. Concerning occupational safety and health instruments, he reiterated that the Standards Review Mechanism Technical Working Group and the Governing Body were two separate and independent bodies. On ILO cooperation with other international organizations, the Office should deepen its relationship with the World Health Organization (WHO), but maintain its decision to end its close connection with the International Organization for Standardization (ISO). The regular evaluation of the results and impact of ILO occupational safety and health activities and programmes was important. Further action should build on lessons learned from such activities, and a genuine reflection on what worked and what did not should be the starting point for future programmes and activities. The document should have provided more information on the insights from recent evaluation of occupational safety and health activities. Exemplary behaviour of all stakeholders involved was essential to maximize efforts and ensure the credibility of the ILO’s occupational safety and health approach. The many examples of mismanagement during the COVID-19 crisis had shown that more work was needed to uphold the “walk the talk” principle.

- 413. Speaking on behalf of the Africa group,** a Government representative of Uganda observed that there was no indication in the document of reprogramming to respond to the heightened burden of occupational safety and health resulting from the COVID-19 pandemic. The current number of occupational safety and health specialists was insufficient to effectively carry out the mandate of the Labour Administration, Labour Inspection and Occupational Safety and Health Branch (LABADMIN/OSH). It was necessary to rationalize the deployment of such specialists to ensure that the majority were based in the field, where the real work was, and not at headquarters. There were only three specialists in Africa, which meant that many constituents were severely underserved. His group proposed that the draft decision be amended by adding the following:

The Director-General updates the 346th Session of the Governing Body on measures taken to:

- (i) review the budget of LABADMIN/OSH in order to address the challenges of OSH in the COVID-19 pandemic;
- (ii) hire more OSH specialists, especially for the field offices; and
- (iii) rationalize the deployment of OSH specialists so the constituents in the field are better served.

- 414. Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC),** a Government representative of Chile requested the Office to provide further information on the memorandum of understanding signed with the WHO to develop a new methodology and regularly update joint estimates of the work-related burden of disease and injury, so that Member States could have accurate estimates of risks in the world of work. The Office should also increase its efforts by focusing on micro, small and medium-sized enterprises and the informal economy, which were particularly important sectors for his region. He welcomed the increased number of technical specialists for occupational safety and health in all regions. It was hoped that the work of the new technical specialist for the Americas would contribute to local needs from a comprehensive perspective and with an approach sensitive to the realities and requirements of the region.

- 415. Speaking on behalf of the Asia and Pacific group (ASPAG),** a Government representative of Australia commended the Office’s commitment to occupational safety and health and noted the importance of progress in that area if the ILO was to address the burden of work-related disease and injury. Her group encouraged the Office to continue its work to improve occupational safety and health at the regional level, reduce work-related fatalities and illness, and strengthen constituents’ capacities to prevent and manage workplace hazards and

traditional and emerging risks. Knowledge dissemination and international cooperation would be effective means of achieving those objectives.

- 416.** Her group hoped that the positive results under the ILO Programme Implementation 2018–19 would continue, along with the ongoing occupational safety and health efforts under output 7.2 of the Programme and Budget for 2020–21. The ILO’s occupational safety and health resources must be used sustainably while taking into account the implications of the Governing Body’s decision on proposals for including safe and healthy working conditions in the ILO’s framework of fundamental principles and rights at work. Her group welcomed the Office’s technical assistance and occupational safety and health development cooperation projects, and it supported the draft decision.
- 417. Speaking on behalf of the group of industrialized market economy countries (IMEC),** a Government representative of the United States of America asked the Office how the increase in the allocation of resources for the development of guidance and technical materials on COVID-19 and the provision of direct assistance to countries in 2020 and 2021 had affected other existing occupational safety and health priorities and activities. Her group also wished to know whether there were other areas in which catch-up would be needed, how service delivery had changed as the result of the pandemic, and whether new methodologies had been developed or if there had been lessons learned that could be applied moving forward. Regarding the memorandum of understanding signed with the WHO, it would be useful to know the status of the methodology and whether “the work-related burden of disease and injury” meant something other than injury or disease sustained on the job. Could the Office indicate how much of the regular budget resources reported in the document focused specifically on occupational safety and health? It would also be pertinent to know what the trend in extrabudgetary funding for occupational safety and health had been in past years and whether the Office was undertaking any specific resource mobilization efforts in the area. She expressed support for the Safety + Health for All flagship programme as well as for ILO programmes key to promoting occupational safety and health, including in global supply chains, in particular the Vision Zero Fund, the Better Work programme, and the Sustaining Competitive and Responsible Enterprises (SCORE) programme. IMEC supported the draft decision.
- 418. Speaking on behalf of the European Union (EU) and its Member States,** a Government representative of Slovenia said that North Macedonia, Montenegro, Serbia, Albania, Iceland and Norway aligned themselves with her statement. She called for occupational safety and health to be elevated to a fundamental principle and right at work by including all stakeholders in occupational safety and health interventions. The COVID-19 pandemic had highlighted the importance of occupational safety and health regulations: some workers, particularly those in vulnerable situations, had been put at increased risk of exposure to diseases, hazardous substances and dangerous working conditions and thus required special protection. She thanked the Office for its efforts to respond to the pandemic and requested specific details of the consequent reallocation of resources.
- 419.** She welcomed the ILO’s focus on occupational safety and health deficits specific to micro and small businesses and the informal economy, and its efforts to foster improvements in safety and health in global supply chains. Given the centrality of global value chains to global trade, it was increasingly important to conduct due diligence to uphold occupational safety and health standards, including by identifying and procuring from reputable companies with a proven record of responsible purchasing and production practices. The Vision Zero Fund strategy entitled Collective Action for Safe and Healthy Supply Chains provided a good basis for improving engagement with the private sector.

420. She supported the document's ambitious schedule for occupational safety and health standard-setting, highlighting the timeliness of the code of practice on safety and health in textiles, clothing, leather and footwear, and welcoming the proposals on setting standards concerning biological hazards in the near future. The Office's efforts to enhance the availability and quality of data, including in collaboration with the WHO, were commendable and would generate evidence to support the development and improvement of measures concerning occupational safety and health. She supported the original wording of the draft decision.
421. **Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)**, a Government representative of Indonesia commended the Office's continued efforts to implement the ILO Global Strategy on Occupational Safety and Health and strengthen hazard and risk prevention capacities among constituents. He welcomed the promotion of occupational safety and health as a pillar of national development strategies and frameworks, including through the Safety + Health for All flagship programme and the Vision Zero Fund. The COVID-19 pandemic had demonstrated the importance of raising awareness and engaging in advocacy on occupational safety and health; it was therefore more crucial than ever for the Office to foster a preventive approach and strengthen partnerships with global and regional stakeholders. To that end, ASEAN governments had developed a work plan to strengthen and promote occupational safety and health standards and capacities in the region.
422. He noted with appreciation that occupational safety and health continued to be included in the ILO programme and budget. He encouraged the Office to step up its provision of relevant assistance to all constituents, and expressed the hope that the new technical positions created in that area at ILO headquarters and regional offices would enhance the delivery of ILO services to its stakeholders. He supported the draft decision.
423. **A Government representative of Bangladesh** commended the Office for its efforts to support Member States during the COVID-19 pandemic. He expressed appreciation for the Office's achievement in exceeding the occupational safety and health targets set for the 2018–19 biennium, but was deeply concerned at the steady decrease in budgetary allocations to occupational safety and health activities over the previous five years, which could jeopardize continued success. He described steps taken by his Government to promote occupational safety and health, noting in particular its collaboration with the Office on the development of standard operating procedures for occupational diseases. He urged the Office to extend coverage of the Safety + Health For All flagship programme and implementation of codes of practice on occupational safety and health, taking into account national circumstances.
424. **A Government representative of the United States** commended the Office for its quick, effective action to respond to constituent needs during the COVID-19 pandemic and asked how that experience would affect the ILO's work on occupational safety and health. He welcomed the Office's efforts to collaborate with development partners to advance occupational safety and health objectives. The ILO should take the lead in responding to occupational safety and health challenges arising from changes in the world of work, the environment and society; the Office should therefore continue to strengthen its expertise and interventions in that area to enable it to continue supporting constituents in strengthening occupational safety and health capacities at the national level.
425. **The Worker spokesperson** called for new regular budget resources to be allocated to four areas: the ratification and implementation of Conventions, especially those concerning the most hazardous sectors; the protection of workers and the environment against chemical hazards; biological agents and risks and ergonomics; and psychological hazards, including work-related mental health issues.

- 426. The Employer spokesperson** supported the draft decision. Since many of the concerns raised by constituents' issues were connected, further discussions would be needed to develop a comprehensive and consolidated approach to occupational safety and health. The call for human, technical and financial resources also required further discussion by the Governing Body.
- 427. A representative of the Director-General** (Deputy Director-General for Policy) took note of constituents' comments on the need to increase the allocation of human and financial resources to occupational safety and health.
- 428.** The COVID-19 pandemic had put a strain on occupational safety and health in all Member States and the Office had responded by quickly shifting focus to address acute constituent needs. While work on topics such as non-communicable diseases and sector-specific risks had continued, it had been necessary to divert financial resources from some existing occupational safety and health work plans to respond to requests for immediate COVID-19 support. Existing occupational safety and health system approaches and guidance had been applied to the management of the pandemic; tools such as manuals and protocols had been developed, adapted and disseminated; and participatory training approaches had been adapted to address the emerging risk of mental health in light of the pandemic. The situation had demonstrated the importance of maintaining flexibility to respond to urgent needs and the need for investment in prevention to foster preparedness in management and occupational safety and health systems. Despite the challenges, the crisis had also provided a unique opportunity to strengthen national institutions and policies concerning occupational safety and health; new modes of service delivery had been developed thanks to the increased use of digital technologies for training and data collection purposes; and some projects had even attracted additional funding thanks to COVID-19 relief efforts.
- 429.** The ILO had emerged from the pandemic as the leading global organization specializing in occupational safety and health. The crisis had highlighted gaps between countries and regions and confirmed that many countries needed to strengthen national occupational safety and health systems to respond to COVID-19 and other challenges. It would be crucial to enhance expertise at headquarters and in the field to respond to constituents' calls for the development of standards and guidelines on chemical, biological, ergonomic and mechanical hazards. Sector-specific occupational safety and health knowledge would be needed, as would a multidisciplinary approach to ensure that the ILO could respond to the multifaceted nature of the topic. The expansion of the development cooperation portfolio on occupational safety and health would also require qualified human resources to work on those projects. The ILO would need to increase its visibility by engaging in inter-agency and multi-stakeholder platforms and task forces. Such efforts would require the ILO to take a leadership role and actively engage with partners, bolstered by dedicated, qualified and competent staff.
- 430.** The Office valued the importance of deepening its collaboration with the WHO. The joint estimates of the work-related burden of disease and injury had been scientifically validated as a way to assess evidence of a link between exposure to an occupational risk factor and a health outcome, such as occupational exposure to benzene and the onset of leukaemia. The calculation also allowed the disaggregation of estimates by country, gender and age. The first joint estimates had been published in September 2021 and examined 41 pairs of occupational risk factors and health outcomes, and the Office was working with the WHO and a global network of scientists to identify other risk factors to add to the initial set to provide a global picture of all work-related deaths. Almost 1.9 million people had died in 2016 because of exposure to 19 occupational risk factors studied, leading to a loss of nearly 90 million healthy life years.

- 431.** During the 2020–21 biennium, around 68 per cent of non-staff regular budget resources allocated to LABADMIN/OSH had been assigned to occupational safety and health activities, whereas 24 per cent had been allocated to labour inspection and compliance activities and 8 per cent to support functions. However, a significant portion of labour inspection activities involved supporting labour inspectorates to strengthen occupational safety and health capacities. The Office acknowledged the need to increase the allocation of resources to occupational safety and health, including in the field, and to be more agile and efficient in the use of its resources.
- 432. Speaking on behalf of the Africa group,** a Government representative of Morocco said that his group had experienced technical difficulties in submitting its amendment to the draft decision. He therefore withdrew the amendment and expressed support for the original wording of the draft decision.

Decision

- 433. The Governing Body noted the report provided by the Office and requested the Director-General to take its guidance into account in the implementation of the Programme and Budget for 2022–23 and when preparing future programme and budget proposals.**

(GB.343/POL/1(Rev.1), paragraph 24)

Social Dialogue Segment

2. Sectoral meetings held in 2021 and proposals for sectoral work in 2022–23 (GB.343/POL/2(Rev.2))

- 434.** In preparation for the adoption of a decision by correspondence, the Office held a briefing session for Governing Body members on this item on 19 October 2021.
- 435.** The Screening Group agreed to put the item for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members on 1 November 2021.

Decision

- 436. The Governing Body:**

- (a) **approved the reports of the meetings referred to in section I of document GB.343/POL/2(Rev.2) and authorized the Director-General to publish the final reports of those meetings;**
- (b) **requested the Director-General to bear in mind, when drawing up proposals for future work, the recommendations for future action by the ILO made by the meetings referred to in section I of document GB.343/POL/2(Rev.2);**
- (c) **authorized the Director-General to notify, in accordance with Guideline B2.2.4 of the Maritime Labour Convention, 2006, as amended (MLC, 2006), the revised amount of the minimum monthly basic pay or wage figure for able seafarers to the Members of the ILO;**
- (d) **approved the convening of the Subcommittee on Wages of Seafarers of the Joint Maritime Commission in the first half of 2022; and**

- (e) **endorsed the proposals contained in Appendices I and II of document GB.343/POL/2(Rev.2) relating to the dates, official title and composition of the global sectoral meetings in 2022.**

(GB.343/POL/2(Rev.2), paragraph 23)

Summary of the written comments received during the consideration of the item by correspondence⁵

- 437. The Workers' group** noted the need for industrial policies that took the environmental emergency into account. The Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) must be considered in all sectoral recommendations and policy briefs, and the Office should therefore increase its efforts to promote and implement it in relation to sectoral policies. The Office had an important role to play in bringing about the major transformations required in the automotive industry; such change would be possible only through a broad, just transition. The workshops and platforms for dialogue agreed upon at the Technical meeting on the future of work in the automotive industry must therefore take place as soon as possible.
- 438.** The Office should pay particular attention to ensuring adequate working conditions for educators which were hindered by factors including the COVID-19 pandemic and armed conflict. The agreement reached by the Subcommittee on Wages of Seafarers of the Joint Maritime Commission was welcome, as was the invitation to convene subsequent meetings of the Subcommittee. The upcoming Technical meeting on COVID-19 and sustainable recovery in the tourism sector should focus on decent work and occupational safety and health in that sector, which had provided vital infrastructure during the pandemic and seen millions of its workers laid off.
- 439. IMEC** supported the draft decision and endorsed the proposed meetings. The invitation to convene a meeting of the Subcommittee on Wages of Seafarers of the Joint Maritime Commission was welcome, as were the updated sectoral briefs, which would contribute to a human-centred recovery from the COVID-19 pandemic. IMEC supported the ILO's approach to sectoral work, which promoted decent work and addressed gender equality, non-discrimination and the implementation of the ILO Centenary Declaration for the Future of Work. It welcomed the conclusions of the Technical meeting on the future of work in the automotive industry and the Technical meeting on the future of work in the education sector in the context of lifelong learning for all, skills and the Decent Work Agenda, supported the Office's commitment to strengthening strategic partnerships and commended the balanced attention afforded to the various sectors and topics in the programme of sectoral meetings for 2022–23.
- 440. The EU and its Member States** supported the statement by IMEC. The review of the sectoral meetings was particularly pertinent given the changes necessitated by the COVID-19 pandemic. Its focus on a just transition, supply chains and the Sustainable Development Goals was particularly welcome. The importance of social dialogue had been clear in the response to the pandemic. The focus on occupational safety and health at the upcoming Technical meeting on COVID-19 and sustainable recovery in the tourism sector was welcome, and that meeting

⁵ The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

should also address reskilling and upskilling as a path to recovery in the sector and to increase its resilience.

- 441.** The EU and its Member States welcomed the outcomes of the meeting of the Subcommittee on Wages of Seafarers of the Joint Maritime Commission, the Technical meeting on the future of work in the automotive industry and the Technical meeting on the future of work in the education sector in the context of lifelong learning for all, skills and the Decent Work Agenda. They welcomed the forthcoming meeting on the protection of whistle-blowers in the public service sector and supported the timetable for sectoral meetings in 2022 and called on the Office to focus the ILO's sectoral work on the transition to formality and for a tripartite meeting of experts on ensuring decent work in the platform economy. The EU and its Member States supported the Office's continuing commitment to strengthening strategic partnerships to promote policy coherence and leverage support for decent work for all, and they supported the draft decision and endorsed the proposed meetings.

Development Cooperation Segment

3. Enhanced programme of development cooperation for the occupied Arab territories (GB.343/POL/3)

- 442. The Employer spokesperson** welcomed the well-structured report and noted the impact of the COVID-19 pandemic on an economy and a labour market that were already struggling. The situation had particularly affected small and medium-sized enterprises (SMEs), women and young people, as confirmed by the results of the Gaza 2021 Rapid Damage and Needs Assessment. Despite the ongoing conflict, she noted that there were signs of progress, as mentioned in Part III of the report.
- 443.** It was regrettable that the issue of support for SMEs, particularly as part of the COVID-19 recovery, was again missing from the report. She asked again how the ILO could help to ensure business continuity, beyond the fund for income support, and provide guidance on developing an enabling environment for business to grow. She strongly recommended that the ILO should extend to employers the support it had provided to the Palestinian General Federation of Trade Unions. Social dialogue and well-functioning industrial relations should be supported by the actions of the social partners and through the ILO's allocation of resources to them. She urged the ILO to provide more training to employers, including through the International Training Centre of the ILO, on upskilling, digitization and harnessing entrepreneurial and core skills. Her group commended the provision of support to enterprises impacted by recent hostilities, and said that interventions should focus on employment, including skills development, employability, active labour market programmes and social protection, rather than on consultative processes. She requested information on progress and setbacks in the next report. Her group supported the draft decision.
- 444. Speaking on behalf of the Arab Employers' group**, an Employer member from the United Arab Emirates noted the progress made under the programme of development cooperation but regretted that, as a result of the major challenges facing Palestinian workers, overall unemployment in the Occupied Palestinian Territory had increased to 31 per cent and unemployment among young people, university graduates and women had passed the 55 per cent mark. He urged Israel to assume responsibility for the rights of Palestinians and called on international organizations, especially the ILO and human rights bodies concerned with the situation of workers, to intervene in order to recover the Palestinian social security arrears held by the occupying authority since 1970. The Appendix to the Report of the Director-General on

the situation of workers of the occupied Arab territories should be added to the agenda of the next session of the International Labour Conference as an item for discussion and it should include recommendations on programmes and interventions to improve the situation of Palestinians. He called on the Office to support an international donors' meeting, with the aim of providing financial support to ensure social security and employment, and to continue to work with international actors and donors to mobilize the financial support required to meet Palestinian development needs and to tackle the COVID-19 recovery, in coordination with the Arab Labour Organization. In his report to the Governing Body, the Director-General should include information on the Office's activities in that regard. He commended the Palestinian Authority for the steps taken to initiate labour reform, to launch the Palestinian National Employment Strategy for 2021–25 and to increase the minimum wage.

- 445. The Worker spokesperson** expressed her group's solidarity with the Palestinian people in their struggle to end the occupation. The ILO's ongoing support was essential in the region, given the multiple political and social challenges facing workers. The Palestinian economy and labour market had been seriously damaged by the long period of occupation, particularly in Gaza, which had been exacerbated by the COVID-19 pandemic and increasing levels of violence. Her group encouraged the social partners to undertake significant efforts to protect social dialogue, and noted that the Palestinian Minister of Labour and the social partners were continuing to work together to respond effectively to immediate and longer-term challenges. She commended the consensus agreement of the tripartite constituents to increase the minimum wage and resume social dialogue on new labour law and social security reforms.
- 446.** She noted that the current programme of development cooperation had mobilized additional resources, alongside Regular Budget Supplementary Account (RBSA) allocations for COVID-19 response. However, a key element of social justice was a universal social security system, and that should be a priority for the Palestinian Authority. Her group supported the ILO's collaboration with the Minister of Labour and the social partners, which had led to the launch of the Palestinian National Employment Strategy for 2021–25, and with the Arab Labour Organization, which would facilitate the preparation of the donors' meeting in March 2022. Her group welcomed the increase in the minimum wage, which it hoped would be implemented as planned, and the work undertaken on cooperatives. It also welcomed the fact that the support for the Palestinian General Federation of Trade Unions had led to the launch of a coalition with members of civil society and sectoral unions, which sought to give voice to women in particular in the labour law reform process.
- 447.** She reiterated the importance of the ILO's action in the Occupied Palestinian Territory to alleviate the social and economic situation of Palestinian workers, particularly women and young people. The Workers firmly supported the assistance provided by the Office to the Palestinian Authority and to the social partners in the framework of mobilizing the funds needed to address the exponential rise in unemployment and to achieve a human-centred recovery. Her group called on the Government of Israel to guarantee the fundamental rights of Palestinian workers.
- 448. Speaking on behalf of the Africa group,** a Government representative of Namibia took note of the progress made under the programme of development cooperation, and the additional resources allocated to it, despite the challenges of the COVID-19 pandemic. Her group hoped that the Palestinian National Employment Strategy for 2021–25 would address the worsening unemployment situation. She emphasized the importance of social dialogue and tripartism in achieving the Decent Work Agenda in the region, and noted the increase in the minimum wage that had been agreed by the tripartite partners. Her group urged the Office to redouble its efforts towards enhancing employment opportunities for Palestinians who had suffered the

loss of jobs and income or the disruption of education and training. It further urged the Office to continue to strengthen labour governance and the realization of the fundamental principles and rights at work through freedom of association, strengthened collective bargaining and improved social dialogue mechanisms. She called on the Governing Body to endorse the resource mobilization required to fully implement the National Employment Strategy and to extend social protection to all. Her group supported the draft decision.

- 449. A Government representative of Indonesia** commended the ILO's efforts to implement the second Palestinian Decent Work Programme 2018–22, mobilize resources and develop relevant partnerships. The ILO should continue to support the Palestinian Authority in advancing decent work principles through tripartite social dialogue. She supported the ongoing effort to strengthen the capacity of the Palestinian Ministry of Labour to address employment and labour market challenges and promote policy coherence. In addition to promoting improvements in labour governance and social dialogue, the ILO should work with relevant stakeholders to protect the rights of Palestinian workers in Israel and the Occupied Palestinian Territory. Furthermore, it should expand its development cooperation assistance to Palestinian workers to include tailor-made initiatives on skills development, employability and social protection, targeted to those in most need. She supported the draft decision.
- 450. A Government representative of Pakistan** said that she shared the concerns of the Office about the worsening socio-economic situation in the occupied Arab territories. The achievements and efforts made on employment and social protection were welcome. She supported the Office's call to mobilize resources to enable the Palestinian Authority and the social partners to address unemployment and achieve human-centred recovery, particularly for women and young people. She expressed solidarity with the people and workers of the occupied Arab territories, and reiterated her support for calls to end the occupation. She supported the draft decision.
- 451. A Government representative of Bangladesh** expressed appreciation for the efforts of the Office and international partners to assist the people of the Occupied Palestinian Territory during the COVID-19 pandemic, noting that the situation in Gaza was untenable. Efforts for an increased minimum wage and the resumption of social dialogue on labour law and social security reforms were welcome. The root cause of the suffering of the Palestinians – foreign occupation – needed to be addressed in order for efforts on fundamental principles and rights at work to bear fruit. He urged the Office and the international community to garner support for a sustainable solution to the Palestinian crisis and provide the necessary resources to bring meaningful change to Palestinians' lives. He reaffirmed his Government's unwavering support for the Palestinian people and their just and legitimate struggle for self-determination. He supported the draft decision.
- 452. A Government representative of Israel**, authorized to speak in accordance with paragraph 1.8.3 of the Standing Orders, said that, despite the common theme of building back better after the COVID-19 pandemic, the Office's report placed responsibility for the situation of Palestinian workers on Israel and absolved the Palestinian Authority of any responsibility, while also failing to mention other relevant elements, such as the inter-Palestinian divide, the control exerted by Hamas on the world of work, discrimination against women and gender pay gaps. A discussion that did not accurately present the reality on the ground would benefit no one.
- 453.** His Government continued to support the ILO's technical assistance and development programmes, including in the Palestinian territory. It had always cooperated with the ILO and facilitated its activities in the territory, including the annual mission. Palestinian workers were

important to the Israeli and the Palestinian economies and it was in his Government's interest for Palestinian workers to enjoy better employment opportunities, working conditions and livelihoods. The discussion should be pragmatic, practical and constructive. He urged Member States to maintain the Organization's credibility and professional standards while working to accomplish its mandate.

454. **The Chairperson** recalled that, while the Standing Orders of the Governing Body did not provide for speaking rights of representatives of liberation movements, it was the prerogative of the Chairperson under paragraph 2.2.2 to accord the right to address the Governing Body. The Officers of the Governing Body had considered the matter and, in keeping with past practice, had decided to allow the representative of the Palestinian Authority to speak, on the understanding that the intervention would be limited to the matter under discussion, which was of direct concern to the Palestinian Authority.
455. **A representative of the Palestinian Authority** expressed his thanks for the support provided by the Office to Palestinian workers, who were experiencing very difficult social and economic conditions. The labour market had been weakened as a result of the restrictions on the movement of people and goods imposed by the Israeli authorities, the appropriation of private property and natural resources, and other repressive and discriminatory practices which had led Palestinian workers to turn to the Israeli labour market for their livelihoods. In that market, the conditions of work for Palestinians were difficult, including in relation to labour contracts, and they faced challenges such as wage discrimination, non-compliance with occupational safety and health standards, and the need to pass checkpoints when travelling to work. Furthermore, Israel had deprived Palestinian workers of their social security rights and had still not paid them the arrears that were owed. The situation had been exacerbated by the COVID-19 pandemic.
456. Among the Palestinian Authority's efforts to promote economic development and alleviate unemployment, he drew particular attention to the adoption of the first National Employment Strategy for 2021–25. That Strategy had been prepared in a tripartite process and in cooperation with the ILO. It reaffirmed the importance of social dialogue and promoted close cooperation with donors, while also proposing long-term structural solutions to challenges and responding to urgent issues.
457. He urged the Office to follow up on its resource mobilization efforts to secure the needed funds for the full implementation of the National Employment Strategy and other pressing needs in the labour area, in particular for women and young people. Furthermore, he called for continued support for the efforts being made by the Minister of Labour together with the ILO and the Arab Labour Organization to organize a donors' meeting in early 2022. He looked forward to tackling a number of priority topics at that meeting. The Appendix to the Report of the Director-General on the situation of workers of the occupied Arab territories should be discussed in plenary by the International Labour Conference. Palestinian workers should be helped to recover the arrears owed to them by the occupiers, and he expressed the hope that, in the future, Palestine would be able to become a Member of the ILO.
458. **The representative of the Director-General** (Regional Director for the Arab States), responding to questions raised, noted that the Office had been working with the Federation of Palestinian Chambers of Commerce, Industry and Agriculture and the different governing chambers to assess the most pressing needs of enterprises operating in the Occupied Palestinian Territory. The findings would be used to develop a strategic plan for the Federation and governing chambers and provide capacity-building for staff. The business environment in the context of a regional project on productivity had been studied in order to identify the main

challenges and propose solutions, and to develop an evidence-based business agenda for the Occupied Palestinian Territory. The Office is considering support for the development of an investors' guide to help strengthen the links between Palestinian entrepreneurs in Jerusalem and West Bank employers. Documentation was being finalized for a project with approximately US\$1 million of funding from the RBSA to provide technical and financial support to SMEs in Gaza.

- 459.** The Office planned to support the convening of the donors' meeting in 2022 to raise funds for the implementation of the National Employment Strategy for 2021–25. It would also support the implementation of the Strategy. Bilateral meetings were being held with interested donors and development actors to identify areas for potential partnership. She agreed that an effective and universal social security system should be established. A tripartite committee, with technical support from the Office, had proposed a revision of the social security law. An actuarial evaluation and feasibility study on unemployment insurance had been completed and a review was under way of the scope and application of employer liability under labour law. An awareness-raising campaign would accompany the dialogue on social security registration. Regarding the need for tailor-made assistance, she confirmed that the National Employment Strategy targeted employment for young people and women in particular.
- 460. The Employer spokesperson** expressed her appreciation for the needs assessment process described by the Office. Work on productivity and structural transformation, and to develop an investors' guide was welcome; she urged the speedy completion of those activities and the anticipation of challenges on the ground in order to boost their implementation. The project to support SMEs was also welcome. A progress update on all of those activities should be provided in future reports.
- 461. The Worker spokesperson** said that she had taken note of the willingness of the ILO to provide technical assistance to re-establish the social security system required for the enjoyment of workers' economic and social rights. Recognition of the urgent need to mobilize resources so that the authorities and social partners could implement the National Employment Strategy for 2021–25 was welcome. The Workers called for the rights of Palestinian workers, and of all women, men and children in the Occupied Palestinian Territory, to be protected, and called on the Government of Israel to assume its responsibilities in that regard.

Decision

- 462. The Governing Body took note of the information provided in document GB.343/POL/3.**
(GB.343/POL/3, paragraph 33)

► Legal Issues and International Labour Standards Section

International Labour Standards and Human Rights Segment

1. Report of the sixth meeting of the Standards Review Mechanism Tripartite Working Group (Geneva, 13–18 September 2021) (GB.343/LILS/1)

- 463. The Chairperson of the Standards Review Mechanism Tripartite Working Group (SRM TWG)** said that the SRM TWG's sixth meeting had been held in September and had reviewed five instruments related to social security. It had considered the follow-up to be taken on five further social security instruments that had previously been determined to be outdated and had proposed specific time-bound and practical packages of follow-up action. The Chairperson had been impressed by the commitment of the SRM TWG's members and a shared sense of responsibility. The follow-up recommendations were complementary, interrelated and mutually reinforcing measures. The Governing Body was also recommended to follow up on gendered language in the social security instruments.
- 464.** The SRM TWG had not been able to reach consensus on all the instruments examined, and some instruments had therefore retained their previous status. The Employment Promotion and Protection against Unemployment Convention (No. 168) and Recommendation (No. 176), 1988, remained up to date, and the Unemployment Provision Convention (No. 44) and Recommendation (No. 44), 1934, were outdated. Guidance from the Governing Body would be welcome, including on the date for the SRM TWG's seventh meeting. It had been suggested that the seventh meeting should consider instruments relating to employment injury, and continue its discussions on standards policy, including the possibility of simplifying the process for the review and regular updating of international labour standards, and ways of encouraging ratification, particularly of standards that had revised older standards.
- 465. The Worker spokesperson** said that the SRM TWG meeting had highlighted the centrality of social protection in the current and future world of work, particularly in the light of the COVID-19 pandemic. The Workers' group emphasized the importance of the follow-up envisaged for the Social Insurance (Agriculture) Recommendation, 1921 (No. 17), since the SRM TWG had recognized that agricultural workers were often excluded from social security coverage in law or in practice.
- 466.** The Workers' group had stood ready, together with the Government representatives, to recommend a comprehensive package of measures on the four instruments on unemployment benefits, recognizing Convention No. 168 and Recommendation No. 176 as up to date. The Employers' group, however, had not joined that consensus. Its key argument had been that Convention No. 168 could not be considered up to date due to a low rate of ratification. She reiterated that the rate of ratification had not been – and could not be – accepted as a relevant criterion for determining whether a standard was up to date. As had been pointed out by the Committee of Experts and several governments during the meeting, Convention No. 168 remained very relevant and provided guidance to countries wanting to adopt social security measures, even if Member States had not ratified it. The Office had confirmed during the meeting that Convention No. 168 served as a point of reference to guide Member States who had asked for assistance to modernize their social security systems. Governments, responsible for ratification of Conventions, were strongly in favour of considering Convention No. 168 up to date. The Employers' group had proposed a compromise

based on the temporary maintenance of the up-to-date status of those instruments, which would have created legal uncertainty for Member States, posed additional obstacles to ratification and introduced a new classification for instruments contrary to that adopted by the SRM TWG earlier. The subsequent proposal by the Employers' group to take into account only some elements of the follow-up package proposed by the Workers and Governments, without providing clarity on the up-to-date nature of Convention No. 168 and Recommendation No. 176, would have created confusion and been counterproductive.

467. The abrogation and withdrawal of outdated Conventions and Recommendations should take place only after countries had been given time, with the support of the Office, to ratify related more up-to-date instruments, in order to avoid gaps in legal protection. Workers would lose the protection provided by the ILO supervisory system if a Convention was abrogated without ratifications of it being replaced by ratifications of newer instruments. The Workers' group had therefore always supported SRM TWG recommendations for follow-up as a package of interconnected, complementary and mutually reinforcing elements. Setting an abrogation date for Convention No. 44, while casting doubt on the continued relevance of Convention No. 168 and Recommendation No. 176, which had been adopted to revise Convention No. 44, would create legal uncertainty and obstacles to ratification, and ultimately lead to gaps in workers' protection. That contradicted the aims of the SRM TWG to ensure a robust and up-to-date body of standards.
468. She had indicated during the sixth meeting of the SRM TWG that she would need to consult the Workers' group prior to agreeing on the date of the following meeting. The unfortunate outcome of the sixth meeting was a cause for concern and had a detrimental effect beyond the discussion on those specific instruments. While never easy, discussion at the SRM TWG required the good faith commitment of all groups to achieve consensus on action aimed at strengthening international labour standards. Her group would continue to measure the success of the SRM TWG in terms of its capacity to adopt new standards for identified gaps in protection, to support up-to-date standards and their ratification, and to avoid the creation of protection gaps as a consequence of withdrawal or abrogation of outdated instruments. Any further attempt by the Employers to disqualify and challenge standards that were clearly up to date for no other reason than a low ratification rate would be considered as seriously undermining the agreed aims of the SRM TWG and would lead her group to reconsider its commitment to participate in it.
469. **The Employer spokesperson** underscored that ensuring that the ILO had a clear, robust and up-to-date body of standards required considering how to simplify standards and ensure that they were balanced, universally relevant, broadly ratified and implemented, and able to be effectively supervised in a balanced manner. Consensus was different from unanimity. The failure to classify Convention No. 168 and Recommendation No. 176 as up to date was not a setback for the SRM TWG's work, but rather was evidence of the complexity of the matters addressed and the serious efforts to reach consensus decisions to ensure the fulfilment of the SRM TWG mandate. Achieving consensus required listening and creativity. In situations where consensus was not possible, it was important that the report to the Governing Body accurately reflected the divergent views, as well as proposals for decisions discussed within the SRM TWG, so that the Governing Body could take its own decision. It would be useful for the SRM TWG to take greater responsibility for the drafting of its recommendations, and for its members to draft the conclusions themselves instead of working on the basis of the text prepared by the Office.
470. He drew attention to the specific relationship between the SRM TWG and the Governing Body, and the fact that there was no automatic mechanism to guarantee that the Group's

recommendations would always be accepted by the Governing Body. Obsolete instruments should be abrogated or withdrawn as soon as they were classified as such and it was clear that they were no longer relevant. The abrogation of an obsolete Convention would not necessarily nor automatically result in a gap in legal protection in countries that had ratified the Convention in question. The Employers' group considered that there was confusion in the SRM TWG's discussions and documents over the terms "gap in coverage" and "gap in protection", which had different meanings, and which related to the body of ILO standards and domestic legislation, respectively. His group supported the draft decision.

- 471. Speaking on behalf of the Government group**, a Government representative of the Philippines welcomed the fact that it had been possible to hold the sixth meeting of the SRM TWG virtually. However, he hoped that in-person meetings would be resumed as soon as possible, given that face-to-face exchanges were crucial in complex negotiations. It was regrettable that the SRM TWG had been unable to agree on recommendations regarding some of its agenda items. The Government group would continue to work proactively with the social partners to find common ground and reach agreements that could be accepted by all constituents. It attached great importance to the continuity of the SRM TWG's work in reviewing the ILO's body of standards. The Governing Body should remain committed to ensuring appropriate follow-up on the recommendations of the SRM TWG, including in particular Office efforts to provide timely, effective and tailored technical assistance to Member States, in particular those willing to ratify up-to-date labour standards. He supported the draft decision.
- 472. Speaking on behalf of the Africa group**, a Government representative of Cameroon, with reference to the regrettable lack of consensus at the meeting, said that social dialogue and tripartism were appropriate means to overcome any difficulties that might arise, and to reach consensual solutions that would increase the relevance of the ILO's work. The Office should continue to provide effective technical assistance to all States wishing to ratify and implement ILO Conventions. He endorsed the draft decision.
- 473. Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)**, a Government representative of Chile encouraged all constituents to continue to contribute to the work of the SRM TWG. He recalled that a government spokesperson had been appointed in recent years to separate chairing duties from the role of representing governments, in the interest of maintaining neutrality. Given the potential for governments to take a proactive role in consensus-building within a tripartite structure, the early inclusion of the government spokesperson in the recommendation drafting process could be helpful to achieve tripartite consensus. His group supported the draft decision.
- 474. Speaking on behalf of the group of industrialized market economy countries (IMEC)**, a Government representative of the United Kingdom of Great Britain and Northern Ireland said that while the achievements of the SRM TWG had had far-reaching institutional impact and were important to the development of labour standards, significant work remained. Several instruments still needed to be reviewed and efforts were required to ensure the efficient and effective implementation of its recommendations. Failure to reach consensus on the unemployment benefit instruments should not deter the SRM TWG from working towards fulfilling its mandate and completing its remaining tasks while striving for consensus on topics in the future. A low ratification rate did not necessarily indicate that a standard was not up to date and therefore should not be used as the criterion for determining the status of instruments. Although discussions in the Group were intense and difficult at times, they bore fruit. The work of the SRM TWG was especially relevant in the context of the COVID-19 pandemic as labour standards were a trusted foundation for policy responses focused on a

sustainable and equitable recovery. Keeping the standards up to date was more necessary than ever. She welcomed the request for a background paper on the implications of gendered language in certain social security standards for discussion at future Governing Body sessions. IMEC fully supported the draft decision.

- 475. Speaking on behalf of the Asia and Pacific group (ASPAG)**, a Government representative of Saudi Arabia requested the Office to provide clarification on its next steps with regard to the SRM TWG's failure to reach consensual recommendations on all the instruments it had reviewed at the sixth meeting, as that might affect progress in its initial programme of work. He noted that inclusion of the Government spokesperson early in the recommendation drafting process would be helpful for arriving at tripartite consensus. His group was concerned at the impact of the limited frequency of the SRM TWG's meetings on its ability to review all instruments within the allocated time. It was therefore important to continue to fund the follow-up to the SRM TWG's work within the existing resources. Poor ratification of some international labour standards did not reduce their importance, nor their ability to support constituents. The Office was encouraged to develop a more effective plan to promote the ratification of standards, including timely, effective and tailored technical assistance to Member States. ASPAG endorsed the draft decision.
- 476. Speaking on behalf of the European Union (EU) and its Member States**, a Government representative of Slovenia said that Albania, Serbia, Iceland, Norway and Switzerland aligned themselves with her statement. The far-reaching institutional impact of the achievements of the SRM TWG had engendered opportunities for tripartite discussions and thorough research on the status and promotion of instruments, and progress had been made in the review of several instruments at its most recent meeting. She supported the draft decision and welcomed the request to the Office to prepare a background paper on the implications of gendered language in certain ILO social security instruments to be discussed by the Governing Body, but expressed regret that consensus had not been reached on the instruments concerning unemployment benefits, including Convention No. 168, especially in the current environment.
- 477.** At its most recent meeting, some SRM TWG constituents had suggested using the ratification rate of Conventions to determine their status. However, it would be more appropriate to evaluate the relevance of an instrument's content to the world of work and then determine and address the reasons for low ratification in order to promote further ratification. She therefore encouraged the Office to conduct more robust research to mitigate potential barriers to ratification and called for continued constructive engagement to achieve consensus in challenging circumstances.
- 478. A representative of the Director-General** (Director, International Labour Standards Department), responding to a question from ASPAG, said that the SRM TWG would continue to follow its initial programme of work as adopted, meaning that the review of instruments not yet addressed would not be affected by the absence of consensus on one instrument. That instrument would retain its current classification, and the divergent views of constituents would be included in the meeting report.
- 479. The Worker spokesperson** thanked the Government group for its interventions regarding the criteria to be used in determining the status of Conventions. She emphasized that the view of the Employers' group that ratification rates and the simplification of standards were criteria relevant in a determination of the status of Conventions was inconsistent with the terms of reference of the SRM TWG and not part of the SRM TWG's joint approach, as was the suggestion that divergent views should be submitted for discussion by the Governing Body. She also

disagreed with the view that the work of the SRM TWG should not be guided by the Office, which provided thorough and indispensable support.

- 480.** Once ratified, Conventions had an importance beyond that specific moment in time. Abrogation was therefore difficult: a Convention ratified by a government was binding on successive governments of that country until and unless one of them denounced it. Failure to replace ratification of an abrogated Convention with ratification of a more modern instrument would pose a risk to the maintenance of labour conditions in the country if a future government, untethered to the ratification of a relevant Convention, passed legislation that did not uphold those same labour standards. Convention No. 168 was the successor to Convention No. 44; ratification of the former automatically led to denunciation of the latter. It was therefore difficult to address the abrogation of Convention No. 44 without also addressing the promotion of Convention No. 168.
- 481.** Her group was ready to accept the proposed dates for the seventh meeting of the SRM TWG on the understanding that time would not be given to the consideration of ratification rates as a measure of the relevance of an ILO instrument.
- 482. The Employer spokesperson** said that he was pleased that consensus had been reached on the draft decision. He reiterated his group's appreciation of the SRM TWG and its commitment to providing the ILO with modern, simplified and clear standards for the benefit not just of ILO Member States which might ratify them, but also academics and members of the judiciary and civil society.
- 483.** It was important to ensure that the most modern ILO standards had broad coverage and to support Member States in complying with ratified instruments, even if only partially. However, that did not mean that older standards were no longer relevant. For that reason, his group had repeatedly proposed objective criteria that could support the SRM TWG's discussions, although no conclusion on those proposals had ever been reached. One such criterion was the ratification rate of a given instrument; technical discussion of the content of a standard was irrelevant without analysing how that content was put into practice on the ground. ILO instruments did not need to remain in force until Member States that had ratified that instrument had committed to ratify more recent, latest generation instruments. He therefore invited the Workers' and Government groups once again to consider objective criteria to facilitate discussions and the reaching of conclusions. It was natural for different groups to hold divergent opinions, but it was also important to listen to others and work creatively to draft recommendations that could achieve the desired consensus.
- 484.** He had been pleased to hear governments express their wish to participate more actively in the SRM TWG's work. In other ILO bodies, such as the Committee on the Application of Standards, agreement had been reached on how conclusions should be prepared. He urged constituents to consider whether it was necessary to have the Office draft conclusions for consideration by the SRM TWG.
- 485.** Although the SRM TWG had originally been requested to discuss the possibility of gaps in coverage, that was completely different to gaps in protection, which were national. Since there was no evidence that a gap in protection would immediately result from an instrument being deemed obsolete, there was no reason to wait several years to abrogate it, given the speed at which the world was changing and the importance of having a strong, up-to-date body of standards. While it would be important to help governments to align their national legislation with developments in labour standards, Member States could not be forced to ratify Conventions. He requested the Chairperson of the SRM TWG to provide more guidance on how constituents could reach consensus at the following meeting.

Decision

486. The Governing Body took note of the report of the Officers concerning the sixth meeting of the Standards Review Mechanism Tripartite Working Group (SRM TWG) and, in approving its recommendations:

- (a) **thanked the SRM TWG for undertaking its review of the instruments in question and regretted that it was not able to reach consensual recommendations on the review of all the instruments on the agenda at its sixth meeting;**
- (b) **decided that the instruments concerning social security that were reviewed by the SRM TWG should be considered to have the classifications it had recommended;**
- (c) **called upon the Organization and its tripartite constituents to take concerted steps to follow up on all its recommendations as organized by the SRM TWG into practical and time-bound packages of follow-up action, noting in particular plans of action encouraging States party to the Sickness Insurance (Industry) Convention, 1927 (No. 24), and the Sickness Insurance (Agriculture) Convention, 1927 (No. 25), to ratify related up-to-date Conventions;**
- (d) **requested the Office to take the necessary follow-up to the recommendations of the SRM TWG at this and previous meetings as a matter of institutional priority;**
- (e) **noted that certain follow-up required actions by the Governing Body to be discussed at the earliest possible session in relation to:**
 - (i) **the SRM TWG's recommendations concerning the abrogation and withdrawal of certain instruments, it will consider placing on the agenda of the 118th Session (2030) of the International Labour Conference an item concerning the abrogation of the Conventions Nos 24 and 25 and the withdrawal of the Sickness Insurance Recommendation, 1927 (No. 29); and**
 - (ii) **the SRM TWG's recommendation that Office work on the application of social security to agricultural workers should be carried out in the context of the forthcoming Plan of action on social protection (social security) to follow up on the 2021 Conference conclusions on the recurrent discussion;**
- (f) **requested the Office to prepare a background paper providing information on the implications of gendered language used in certain provisions of ILO social security standards, and in particular of the Social Security (Minimum Standards) Convention, 1952 (No. 102), to be placed on the agenda of the Governing Body for discussion at the earliest possible date with a view to deciding on appropriate follow-up actions;**
- (g) **decided to convene the seventh meeting of the SRM TWG from 12 to 16 September 2022, at which it should review the one instrument concerning employment injury and examine the follow-up to the six outdated instruments in that topic within set of instruments five of the initial programme of work, and discuss certain matters of standards policy; and**
- (h) **decided that the cost of the SRM TWG estimated to cost up to US\$957,500 would be financed in the first instance from savings that might arise under Part I of the budget for 2022–23 or, failing that, through the use of the provision for unforeseen expenditure, in Part II. Should that not prove possible, the Director-General would propose alternative methods of financing at a later stage in the biennium.**

(GB.343/LILS/1, paragraph 6)

2. Choice of Conventions and Recommendations on which reports could be requested under article 19, paragraphs 5(e) and 6(d), of the ILO Constitution in 2023 (GB.343/LILS/2)

- 487. The Worker spokesperson** said that on the understanding that a new cycle of recurrent discussions under the ILO Declaration on Social Justice for a Fair Globalization would start in 2025 with social dialogue, her group supported the second option.
- 488.** A General Survey of the Labour Administration Convention, 1978 (No. 150), and the Labour Administration Recommendation, 1978 (No. 158), would, crucially, show the role that national labour administration systems needed to play in ensuring a human-centred recovery from the COVID-19 crisis that was rights-based, inclusive, sustainable and resilient, and would also allow for a stocktake of the role that the social partners had played in responding to the pandemic and the role that they must play in building back better. The need stressed in Convention No. 150 for labour administration systems to formulate, implement and supervise national labour standards was particularly relevant in a post-pandemic world of work, and the General Survey would allow for a timely assessment of the functioning of labour administration systems. In addition, it would help to highlight the significant challenges faced by Member States with less formalized or developed labour markets and provide a global picture of how labour administration bodies were reviewing national employment policies, regulations and laws, which was crucial in addressing the need to accelerate the creation of decent jobs alongside safeguarding workers' rights to protect them from the vulnerabilities brought about by the pandemic. Furthermore, the General Survey would be helpful in identifying obstacles to ratification and providing guidance on overcoming those obstacles in the light of the developments in the area of labour administration in several Member States since 1997, the date of the most recent General Survey on Convention No. 150 and Recommendation No. 158. It would also support the participation of workers and employers in social dialogue and the handling of national labour policies.
- 489.** Her group preferred the second option because the first option did not offer added value in identifying obstacles to ratification, given the robust ratification record of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). Her group did not support the third option as the issue of worsening inequalities, which predated the pandemic, required a deeper consideration of the global recovery and the role of collective bargaining as a key tool. In that light, when compared with the benefits of the General Survey under the second option, a focus on workplace representation and cooperation was not a good choice.
- 490. The Employer spokesperson** said that all three options were relevant and warranted due consideration, but that the first and second options were of particular and equal importance to his group. Obligated to choose, the group had, with difficulty, chosen the first option, which would allow for greater strength and flexibility in the face of any further crises. Social dialogue was a cornerstone of the Organization expressly recognized as such in the Centenary Declaration. Convention No. 144 was a governance Convention ratified by 156 Member States and the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152) and the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205) were equally up-to-date. But first and foremost, a General Survey on Convention No. 144, Recommendation Nos 152 and 205 would demonstrate how Member States managed their tripartite consultations on ILO standards in a rapidly changing world of work and would reveal the challenges that they faced in that regard. Furthermore, having more information on a more regular basis about Convention No. 144, as well as an analysis of its implementation in law and practice, would be welcome, while

Recommendation No. 152 supported tripartite consultations and Recommendation No. 205 underscored the key role of consultation, encouraging active participation by employers' and workers' organizations in the planning, roll-out and follow-up of measures for recovery and resilience.

491. Overall, his group believed that conducting an in-depth analysis of tripartite consultation and a discussion on that topic would be helpful for facilitating collective understanding of tripartite consultation and for drawing greater attention to its importance during progress towards a post-COVID recovery. While open to supporting consensus on the second option, if necessary, his group favoured the first option. He expressed the hope that the Workers' group would show equal flexibility should the general tripartite preference lean towards the first option.
492. **Speaking on behalf of the Africa group**, a Government representative of Nigeria restated his group's commitment to ensuring that General Surveys provided the desired links between recurrent discussions and outcomes of standards without adding to the obligations of Member States. As a new cycle of recurrent discussions was beginning, his group favoured the first option. Convention No. 144 fostered effective consultation between governments and the social partners with respect to standard-setting, thereby facilitating tripartite social dialogue and consultation, which was likely to play a critical role in the recovery from the COVID-19 crisis, especially in developing economies. In addition, the first option would provide a better understanding of existing laws, regulations and practices relating to the Convention and the two Recommendations covered by the General Survey, while highlighting gaps for immediate consideration.
493. His group underscored the opportunities and possibilities associated with the first option, which would be instrumental to strengthening the ILO tripartite relationship and encourage constructive consultation on the design and implementation of national recovery plans, policies and social pacts for a swift recovery from the COVID-19 crisis. The report form should be simply designed and contain clearly worded questions and explanations for technical terms in order to facilitate the submission of appropriate responses, either electronically or in hard copy. His group endorsed the draft decision with due consideration of the views and guidance provided by those Member States in favour of the first option.
494. **Speaking on behalf of GRULAC**, a Government representative of Chile said that his group considered the second option to be the most appropriate in view of the challenges posed by the post-pandemic recovery in his region. He noted the benefits of that option as set out in the document, including the relevance of Convention No. 150 and Recommendation No. 158, to the Sustainable Development Goals (SDGs).
495. **Speaking on behalf of IMEC**, a Government representative of the United States of America expressed her group's support for the second option, noting its particular relevance to the post-pandemic recovery and the fact that it would facilitate examination of the role of labour administration systems in developing immediate and long-term responses to the pandemic and in consultations with the social partners. She encouraged the Office to organize informal consultations on the draft report form prior to the March 2022 session of the Governing Body.
496. **Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia said that the Republic of North Macedonia, Montenegro, Serbia, Albania, Iceland and Norway aligned themselves with her statement. The EU and its Member States supported making better use of article 19 of the ILO Constitution. The process of selecting Conventions and Recommendations helped align the General Survey with the follow-up to the ILO Declaration on Social Justice for a Fair Globalization. Efforts to address obstacles to ratification contributed significantly to maintaining a robust, up-to-date body of international labour

standards, while the linking of discussions on the General Survey to other recurring discussions and to the Standards Review Mechanism, as well as to discussions relating to the ILO Centenary Declaration for the Future of Work, helped to strengthen the supervisory system.

- 497.** Turning to the options set out in the document, she noted that special attention must be paid to the impact of the COVID-19 pandemic. While all three options were timely and relevant and would contribute to discussions on social dialogue, her group preferred the second option, in view of the relatively low ratification rate of the two instruments concerned and the fact that they had last been reviewed in 1997. A General Survey on those instruments could promote social dialogue by identifying challenges, facilitating the exchange of experiences and good practices and advancing post-pandemic recovery strategies, policies and programmes. Nevertheless, her group remained open to any consensus that emerged.
- 498. The Chairperson** invited the Employer spokesperson to comment further given that there appeared to be majority support for the second option.
- 499. The Employer spokesperson** said that his group's difficulty in choosing between the first and second options indicated that both were highly relevant. However, his group maintained its preference for the first option, which allowed for an overview that was broader and more human-centred than would be possible with the second; such a perspective was essential in the context of the post-pandemic recovery. Moreover, it would strengthen the effectiveness of tripartite social dialogue and consultation and address the standard-setting framework.
- 500. Speaking on behalf of the Africa group**, a Government representative of Nigeria highlighted his group's difficulty in choosing between the options. While his group considered that the first option was the rational choice in view of the post-pandemic recovery, it was prepared to be flexible in order to achieve consensus.
- 501. The Worker spokesperson** said that her group supported the second option because it would provide a comprehensive review of the impact of the pandemic on national systems and facilitate examination of how to build back better. The lower ratification rate of the instruments addressed by the second option meant that it offered the best added value. Given some groups' difficulty in reaching a decision and the opinions voiced by other members, she believed that the majority was in favour of the second option.
- 502. Speaking on behalf of GRULAC**, a Government representative of Chile said that his group's preference was based on the view that the second option would be most helpful in the post-pandemic recovery, as well as on the need to strengthen labour inspection institutions and to link the instruments concerned to the SDGs.
- 503. The Employer spokesperson** noted that his group's difficulty in deciding between the first and second options indicated that both were highly relevant. In the interest of consensus, the Employers would therefore not object to the selection of the second option.
- 504. Speaking on behalf of the Africa group**, a Government representative of Nigeria said that his group did not wish to block consensus and would therefore accept the second option.

Decision

- 505. The Governing Body requested the Office to prepare, for its consideration at its 344th Session (March 2022), the article 19 report form on the Labour Administration Convention, 1978 (No. 150), and the Labour Administration Recommendation, 1978 (No. 158), for the General Survey to be prepared by the Committee of Experts on the**

Application of Conventions and Recommendations (CEACR) in 2023 for discussion by the Conference Committee on the Application of Standards in 2024.

(GB.343/LILS/2, paragraph 27, as amended by the Governing Body)

3. Procedure for the appointment of members of the Committee of Experts on the Application of Conventions and Recommendations (GB.343/LILS/3)

506. The Governing Body had before it two amended versions of the draft decision. The first had been proposed by the Employers' group and read:

The Governing Body requested the Director-General:

- (1) To apply the following modifications to the procedure for appointment of members of the Committee of Experts on the Application of Conventions and Recommendations:
 - (a) vacancies in the membership of the Committee of Experts are given wide publicity through a call for expression of interest on the ILO's global and regional public website nine months before the start of the session of the Committee of Experts that will have a known vacancy;
 - (b) the selection process is carried out by the Director-General who closely consults the tripartite constituents throughout the process;
 - (c) ~~the selection process does not entertain any endorsement by ILO constituents, interventions or public statements concerning the candidates or the selection process~~ ILO constituents should not interfere with the proper conduct of the selection process by supporting particular candidates or making interventions or public statements about them;
 - (d) the Director-General makes proposals to the ~~Officers of the Governing Body~~ tripartite constituents with a view to further clarifying and strengthening the and ~~publicizing~~ existing criteria for the selection of experts, including while preserving the essential criteria of independence, impartiality and technical expertise;
 - (e) the Director-General submits a detailed report ~~on the selection process~~ to the Officers of the Governing Body, which contains full details of the profiles of proposing up to five candidates that the Director-General has shortlisted in prior close consultations with the tripartite constituents for consideration for appointment to the Committee of Experts;
 - (f) the Officers present a report to the Governing Body ~~proposing the appointment of one expert per vacancy;~~
 - (g) experts are appointed for a five-year term, which is renewable ~~twice~~ once;
 - (h) the ~~Director-General~~ tripartite constituents proposes the renewal of mandates to the Governing Body, except when a member is failing to deliver on his or her duties in a timely manner or to attend the Committee sessions, or when a member no longer fulfils the selection criteria, such as independence or impartiality;
 - (i) the Governing Body proceeds with the ~~appointment of three experts and the renewal of the mandates of four experts in 2022 on the basis of current procedures to ensure the uninterrupted functioning of the Committee of Experts and applies without delay the new rules and procedures for enhanced transparency and tripartite governance to the appointment of new experts.~~
- (2) ~~To prepare proposals for its 344th Session (March 2022), based on its guidance, for increasing the number of members of the Committee of Experts and for extending the duration of the Committee's annual session to ensure sufficient time is allocated to discharge the workload of the Committee of Experts.~~

507. The second amended version had been proposed by a significant majority of Latin American and Caribbean countries and read:

The Governing Body decided to ~~requested the Director-General:~~

- (1) request the Director-General to apply the following modifications-adjustments to the procedure for appointment of members of the Committee of Experts on the Application of Conventions and Recommendations, with the understanding that the procedure should continue to be carried out as per the established practice in respect of all other aspects:
 - (a) the three currently open vacancies in the membership of the Committee of Experts are given wide publicity through a call for expression of interest on the ILO's global and regional public website, as soon as possible;
 - (b) future vacancies in the membership of the Committee of Experts are given wide publicity through a call for expression of interest on the ILO's global and regional public website nine months before the start of the session of the Committee of Experts that will have a known vacancy;
 - ~~(b) the selection process is carried out by the Director-General;~~
 - ~~(c) the selection process does not entertain any endorsement by ILO constituents, interventions or public statements concerning the candidates or the selection process;~~
 - ~~(cd)~~ the Director-General makes proposals to the Officers of the Governing Body with a view to further clarifying and publicizing existing criteria for the selection of experts, while preserving the essential criteria of independence, impartiality and technical expertise;
 - ~~(de)~~ the Director-General submits a detailed report on the selection process to the Officers of the Governing Body proposing up to five candidates for consideration for appointment to the Committee of Experts;
 - ~~(ef)~~ the Officers present a report to the Governing Body proposing the appointment of one expert per vacancy;
 - ~~(fg)~~ experts are appointed for a five-year term, which is renewable twice; and
 - ~~(gh)~~ the Director-General proposes the renewal of mandates to the Governing Body, except when a member is failing to deliver on his or her duties in a timely manner or to attend the Committee sessions.
 - ~~(i) the Governing Body proceeds with the appointment of three experts and the renewal of the mandates of four experts in 2022 on the basis of current procedures to ensure the uninterrupted functioning of the Committee of Experts.~~
- (2) establish a tripartite working group that would carry out discussions and present its first report back to the Governing Body in November 2022 for further decisions on the following issues, on the basis of a background paper and proposals presented by the Director-General elaborated through tripartite consultations:
 - (a) evaluation and follow-up action on the modified procedure applied for the vacancies currently open;
 - (b) proposals for formalizing and publicizing criteria for the selection of experts, while preserving the essential criteria of independence, impartiality and technical expertise;
 - (c) proposals for further improvement of the procedures for selection, nomination and renewal of the mandates of CEACR members, with a view to rendering the process more clear, open, transparent, democratic, inclusive and regionally balanced, taking into account the tripartite nature of the Organization; and
 - (d) To prepare proposals for its 344th Session (March 2022), based on its guidance, for increasing the number of members of the Committee of Experts and for extending

the duration of the Committee's annual session to ensure sufficient time is allocated to discharge the workload of the Committee of Experts.

- 508. The Employer spokesperson** emphasized the important role of the CEACR in the technical preparations for the supervisory work of the International Labour Conference and said that it was regrettable that her group had not been consulted in the preparation of the document. It was also regrettable that the document did not reflect the proposal made by her group at the 341st Session (March 2021) with regard to the establishment of an ad hoc tripartite committee to improve the procedure for the appointment of members of the Committee of Experts.
- 509.** Under Section A of the document, she agreed with the proposal to publish vacancies widely nine months before the end of an expert's term. Agreeing with the need for more transparency, she said that the selection process should not be conducted solely by the Director-General; the tripartite constituents should be involved throughout. That would also improve governance and strengthen the ILO's supervisory system. Regarding Section B, she agreed that geographical diversity and gender balance were important and that other diversity factors should be taken into account. However, competence was still the most important criterion.
- 510.** Concerning the proposals put forward in paragraph 22 (Section C), she said that a maximum term of ten years would represent a better balance between the need for continuity among experts and the need to reflect changes in the world of work, which could be achieved through a five-year term renewable once. Reasons for the non-renewal of the mandate should also include the fact that an expert no longer fulfilled the selection criteria. Noting the information provided in Section D, she emphasized that the experts appointed to UN human rights bodies were nominated by national governments or were government representatives, which did not reflect the independent and tripartite nature of the Committee of Experts.
- 511.** Concerning the possible improvements set out in paragraph 39 (Section E), she agreed with the proposals in subparagraphs (a), (b) and (d) and suggested that at least two candidates should be proposed for each vacancy. She did not agree with subparagraphs (c) and (f), for the reasons she had already provided. Concerning paragraph (e), she agreed that the Officers of the Governing Body should present a report to the Governing Body with recommendations and that experts should be appointed in their personal capacity, but the number of candidates per vacancy should not be limited and should be decided on by the Officers of the Governing Body.
- 512.** Regarding the three existing vacancies, she suggested the application of a differentiated approach. Existing procedures should be applied to current members of the Committee of Experts, whereas new procedures agreed on at the current session of the Governing Body should immediately be applied to new appointments. She disagreed with the proposal to increase the number of experts and to extend the duration of the Committee's annual session, which was not sustainable. The size of the Committee should be guided by the need to ensure effective interaction between the members and to ensure geographical representation and diversity, and not by the ever increasing number of ratifications of international labour standards. Other measures should be considered to stabilize the Committee's workload, including the consolidation of ILO standards or a focus on the most relevant and up-to-date standards.
- 513.** As for the amended version proposed by a significant majority of Latin American and Caribbean countries, she supported the proposal in subparagraph 2 to establish a tripartite working group to conduct an evaluation of the procedure, and therefore could agree to subparagraph 2(a)-(c), but she did not support the proposed subparagraph 2(d) for the

reasons already given. She reiterated that any improvements to the procedure agreed at the current session of the Governing Body should be implemented without delay and should be applied to the three existing vacancies on the Committee.

514. **The Worker spokesperson** reiterated the need for the Committee of Experts to be independent, objective and impartial, and for individuals to be appointed in their personal capacity. She expressed support for the proposed procedure set out in paragraph 39, and for the criteria for the selection of candidates and selection procedure contained in paragraphs 14–16. Continued emphasis should be placed on encouraging geographical and gender diversity among candidates and on finding a balance between judicial and academic experience. Her group envisaged no role for tripartite constituents in organizing candidate interviews, to avoid politicizing the selection procedure. The proposals made by the Employers in that regard would lead to a public recruitment process in front of the Governing Body, which was likely to lead to a decrease in the number of applicants. The three current vacancies on the Committee should be filled using the current procedure as a matter of urgency. In that regard, she agreed that transitional measures would be necessary, as set out in paragraph 40. She noted the information provided relating to the selection of experts in UN human rights mechanisms and emphasized that the differences in the nature and functions of the organizations needed to be taken into account.
515. In principle, her group supported the proposal to extend the duration of the sessions of the Committee of Experts, as set out in paragraph 41, which would enhance efficiency, and could give preliminary support for the proposal concerning the remote preparatory examination of files and a pre-session working group. Her group also supported the proposed increase in the number of experts; the cost increase associated with the honorarium, travel costs and daily subsistence allowance would be reasonable in the light of the essential work of the experts. The Office should submit specific proposals in that regard to the Governing Body at its session in March 2022.
516. Her group supported the draft decision in paragraph 42 of the Office document without amendment.
517. She expressed her group's serious concern regarding the amended version proposed by the Employers' group, which sought to fundamentally change the current system by giving a central role to the tripartite constituents and limiting the participation of the Director-General and the Office in the selection process. Allowing the tripartite constituents to propose the renewal of mandates, and extending the criteria for non-renewal, opened the process to political and ideological pressure and undermined the independence, impartiality and authority of the experts. Moreover, it was not clear where the final responsibility and accountability for the process would lie, if not with the Director-General. The changes would result in a chaotic process that would ultimately weaken the Committee of Experts. Therefore, her group would not accept any of the amendments proposed by the Employers' group.
518. The amendments proposed by a significant majority of Latin American and Caribbean countries reflected a more nuanced approach, and retained the current process with minor changes. She understood that, according to that proposal, the current procedure would be followed to fill the three existing vacancies. Her group would state its position on the amendments proposed to subparagraph 1 after hearing the views of other representatives. However, her group could not accept the proposals in subparagraph 2 concerning the establishment of a tripartite working group. The current procedure was functioning well and did not require further adaptation, other than the wider publicization of vacancies. Many of the

amendments proposed seemed to address problems with the functioning of the Committee of Experts that had never been raised in the Governing Body.

- 519. Speaking on behalf of a significant majority of Latin American and Caribbean countries,** a Government representative of Chile emphasized the important role of the Committee of Experts. Being committed to the ILO's supervisory system meant keeping it up to date while maintaining its integrity and the independence and impartiality of its members. In terms of the proposed improvements, his group agreed that the timely organization of the procedures, the wider publicization of vacancies and the issuance of a public call for expressions of interest would ensure a more democratic and transparent process in line with best practices of good governance. Further modernization of the selection process would require a more detailed examination of the selection criteria and consideration of ways to ensure that the process was responsive to constituents, while safeguarding impartiality, technical expertise, independence and regional balance.
- 520.** The ILO's unique tripartite nature meant that successful practices from other organizations were not directly applicable. However, the participation of constituents in newer processes was increasingly common, and a detailed review of the procedures in the UN human rights system, and the participation of Member States therein, could be useful.
- 521.** Accordingly, his group was proposing the establishment of a tripartite working group to consider and develop proposals for further improvements to the selection process and other relevant questions, including the extension of the duration of the Committee of Experts' annual session and an increase in the number of experts.
- 522.** His group proposed the adoption of a provisional procedure on the basis of the proposals set out in the Office's document, in order to ensure that the three vacant positions could be filled prior to the Committee's next annual session, in November 2022. That provisional procedure would then be reviewed by the proposed tripartite working group.
- 523. Speaking on behalf of the Africa group,** a Government representative of Gabon highlighted the need for transparency and inclusivity in the selection of experts. His group welcomed the proposals to publicize vacancies more widely and sufficiently in advance and encouraged the Office to increase its preliminary outreach efforts to ensure that vacancies were filled in a timely manner. The selection process must apply clear criteria relating to, for example, experience and geographical representation, and should be led by the Director-General in consultation with the tripartite constituents, in order to enhance the independence and impartiality of the Committee of Experts. The Office should submit specific proposals to improve those criteria for consideration at the Governing Body's 344th Session. His group supported a five-year mandate for experts, and remained flexible on the question of renewal. His group agreed that additional forms of diversity should be taken into account, and the Office should encourage applications from persons with disabilities. The Africa group supported the draft decision as put forward by the Office.
- 524. Speaking on behalf of IMEC,** a Government representative of Australia said that her group appreciated the Office's efforts to reflect the points of view that had been shared during the discussion of the item at the 341st Session. Her group supported the existing appointment process, which ensured the selection of candidates on the basis of their qualifications and experience. It was, however, open to some of the proposed changes to the appointment process, including the proposal to advertise vacancies more widely. She emphasized the importance of diversity and inclusion – including in terms of gender, ethnicity and disability – and the need for the process to be conducted in an efficient and timely manner. The unique nature of the Committee of Experts meant that comparisons could not be drawn between its

appointment process and those of other UN agencies. The Committee itself had set the maximum term of 15 years, and the Office already endeavoured to ensure geographical diversity among its members.

525. IMEC supported the proposal for calls for expressions of interest in vacancies, and agreed that it was important to enhance the capacity of the Committee of Experts to deal with the increased workload by improving efficiency, including by conducting remote preparatory work and extending its annual session. An increase to the number of members should be considered only if those measures proved unsuccessful. Her group supported a five-year mandate, renewable twice, and objected to the politicization of the appointment process, in which constituents must not intervene; the impartiality, technical competence and independence of the Committee of Experts were vital. Her group supported the draft decision put forward by the Office, but proposed the deletion of the words “for increasing the number of members of the Committee of Experts and” from subparagraph 2.
526. **Speaking on behalf of ASPAG**, a Government representative of Pakistan noted that, in order to maintain Member States’ trust in the work of the Committee of Experts, it was vital to preserve its independence, objectivity, neutrality, competence and transparent selection process. That, along with the aim of enhancing its efficiency and effectiveness, should guide the Governing Body’s deliberations. Equitable geographical representation and gender equality must be maintained, and her group supported the wider publicizing of vacancies.
527. **Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia said that North Macedonia, Montenegro, Serbia, Albania and Norway, aligned themselves with her statement. The EU and its Member States fully supported the initiative to publish vacancies more widely, thereby improving the timeliness and transparency of the selection process. An extension of the experts’ mandates would mean that their expertise was available for a longer period and would enable newly appointed experts to adapt to a new role, fully understand the issues in detail and make a greater substantive contribution to the Committee’s work. Any comparison of the ILO’s selection processes with those of other United Nations agencies would not take into account its unique tripartite structure and constitutional mandate in relation to international labour standards. The objectivity, impartiality and independence of the Committee of Experts were vital to ensure that the Committee’s work enjoyed the highest authority and credibility within the ILO supervisory system. Its members should continue to be appointed in their personal capacity as independent and impartial individuals with distinguished backgrounds in the law and direct experience of the relevant legal, economic and social systems.
528. The EU and its Member States supported the existing selection process and the Office’s efforts to increase its transparency. However, they rejected any attempt to erode the selection process that would weaken experts’ impartiality and independence, which would undermine the credibility of the supervisory system as a whole. The selection process must ensure that the impartiality and independence of members were unassailable. That was adequately safeguarded by the existing selection process together with the changes proposed by the Office. The EU and its Member States supported subparagraph 1 of the original draft decision and did not support either of the proposed amended versions. However, they could not support subparagraph 2 for the reasons explained by IMEC, and requested information on how the proposed increase in the number of experts would be managed.
529. A Government representative of China said that the appointment of members of the Committee of Experts should respect the principles of equitable geographic representation, impartiality, transparency and tripartism in the appointment process itself, and the selection

criteria for experts should include objectivity, impartiality and professionalism and competence. The expansion of the membership and reduction of the maximum duration of mandates would facilitate adherence to those principles. Her Government supported the amendment proposed by the significant majority of Latin American and Caribbean countries with regard to the establishment of a tripartite working group.

- 530. A Government representative of India** expressed appreciation for the fact that the Office had incorporated the suggestion made by India at the 341st Session of the Governing Body of publicizing vacancies for the Committee of Experts more widely. Furthermore, vacancies should be circulated to all Member States to attract the best talent in the field. Calls for expressions of interest should be published for the three current vacancies on the ILO global and regional websites as soon as possible. Members of the Committee should be selected to represent a diversity of backgrounds and should have the requisite qualifications, independence, impartiality and integrity. Efforts should be made to ensure that members were selected through a fair, competitive and transparent process.
- 531. The Employer spokesperson** clarified that she had not suggested that the Director-General or the Office should no longer have a role in the appointment procedure; rather, she had proposed that the Director-General should play the important role of consulting the tripartite constituents. The group wished not to weaken the system, but instead to strengthen it by establishing a procedure that guaranteed acceptance of the experts and their impartiality. Her group was proposing that constituents should be consulted, not to make the selection process political, but because they might be able to provide additional relevant information about applicants.
- 532.** The Employers' group considered that the amended version of the draft decision proposed by the majority of Latin American and Caribbean countries provided a good basis for further discussion. A number of other speakers had noted the need for a more in-depth discussion so as to reach consensus on how to improve the selection process to make it more transparent and impartial, and to increase the constituents' acceptance of the outcome.
- 533. A representative of the Director-General** (Director, International Labour Standards Department) explained that the objective of subparagraph 2 of the draft decision was to gauge the Governing Body's opinion on how best to address the increased workload faced by the Committee of Experts. There were two parts to the proposal. The first was to formally extend the duration of the session of the Committee of Experts by two weeks to recognize the remote preparatory work done by Committee members before the meeting in Geneva. That would take full advantage of the investment in computerizing case management and in enabling the Committee to work remotely. The second part of the proposal was to increase the number of members of the Committee of Experts, which was an approach that had already been used in the Organization. If there was support for that proposal, the precise arrangements, including the number of experts, guarantees of geographical parity and possible rotating positions, would have to be defined.
- 534. The Worker spokesperson** welcomed the general agreement on the importance of having a Committee of Experts of the highest independence, impartiality and expertise. It was not her perception that the majority of Governing Body members sought further discussion on how to achieve that, and noted that a number of Governments supported the current procedure along with the changes proposed by the Office.
- 535.** She welcomed the fact that the Employers' group envisioned an important role for the Director-General in the selection process, but did not see that vision reflected in the group's proposed amended version of the draft decision, which had not gained support from other

Governing Body members. Furthermore, only one Government member had supported one aspect of the proposal from the majority of Latin American and Caribbean countries. Instead, there was clear support for adopting the original draft decision.

- 536.** Regarding subparagraph 2 of the draft decision, the Workers' group was willing to be flexible. She suggested first experimenting with extending the duration of the annual session of the Committee of Experts. Noting the strong support for the immediate use of widespread publication for the three current vacancies, she asked the Office whether that would require an amendment to the draft decision.
- 537. The representative of the Director-General** (Director, International Labour Standards Department) responded that the Office could commit to widely publicizing the current vacancies without amending the draft decision. However, it would not be possible to publish those three vacancies nine months before the start of the next session of the Committee of Experts.
- 538. Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia clarified in response to the Worker spokesperson that she had expressed support for subparagraph 1 but had not supported subparagraph 2.
- 539. Speaking on behalf of a significant majority of Latin American and Caribbean countries**, a Government representative of Chile requested an adjournment of the discussion to allow for more time to consider the various contributions, which could enrich the draft decision.
- 540. The Employer spokesperson** strongly supported the request for more time.

(The Governing Body resumed its consideration of the item at a later sitting.)

- 541. The Chairperson** announced that, following extensive consultations, and in the light of proposals from various groups and countries, a revised version of the draft decision had been circulated by the Office for consideration by the Governing Body. She drew attention to the clause in square brackets in subparagraph 3, which read:

To report to its 347th Session (March 2023) on the implementation of the adjustments made to the existing procedure and on any further improvements, if deemed necessary, preceded by tripartite consultations [to be convened by the Chairperson of the Governing Body].

- 542. The Worker spokesperson** thanked the Employers' group for its willingness to work with her group to overcome their differences and achieve consensus, noting the ability of social dialogue to help to bridge gaps when opinions were divided. The revised draft decision was far from ideal, but it did reflect a degree of common ground.
- 543.** Her group fully supported the current appointment process and sought only small changes but, acknowledging the different views of other Governing Body members, stood ready to support the revised version of the draft decision, without the text in square brackets in subparagraph 3. Appropriate procedures already existed for tripartite consultations preceding a report by the Office to the Governing Body; her group saw no need to change those.
- 544. The Employer spokesperson** thanked the Workers' and Government groups for their spirit of compromise and welcomed the revised version of the draft decision, which contained adjustments that would bring the Committee of Experts' appointment process up to date and more in line with the principle of tripartism, and would also render it more transparent. She welcomed the new arrangements planned for advertising vacancies and selecting new members of the Committee. They represented important improvements that would ensure transparency and good governance, which were somewhat lacking in the current procedure.

545. She expressed her group's commitment to continuing to discuss the present issue through comprehensive and meaningful tripartite consultations. Her group supported the revised version of the draft decision and agreed that the text in square brackets should be deleted.
546. **Speaking on behalf of a significant majority of Latin American and Caribbean countries**, a Government representative of Chile thanked all tripartite constituents for their efforts to draft a text that encompassed a broad range of opinions and provided a basis for consensus. The revised draft decision incorporated important elements of the proposals made by his group.
547. Reiterating the importance that his group attached to the ILO supervisory system, he acknowledged the fundamental role of the Committee of Experts as an independent body with impartial and knowledgeable experts. Accordingly, further improvements could be made to the selection process in relation to transparency, accountability, good governance and constituent participation. For example, although his group welcomed the broad support for the proposal to advertise vacancies widely through public calls for expressions of interest, it was crucial to ensure proper follow-up, involving careful evaluation of the amended procedure. For the consideration of additional changes, a tripartite working group would provide the most appropriate institutional framework. However, his group was prepared to accept that the modified process would be reviewed, and further improvements considered, by the Governing Body during its session in March 2023. In line with the revised draft decision, any such considerations must follow on from tripartite consultations, which must be comprehensive, transparent and inclusive with open participation from all tripartite constituents, whose opinions must be duly included in preparatory documents to be submitted to the Governing Body. In addition, the Office should keep the Chairperson of the Governing Body informed of any progress made in such tripartite consultations.
548. On the understanding that the opinions expressed during the current session of the Governing Body would be used as guidance, his group was prepared to support the revised draft decision without the text in square brackets.
549. **Speaking on behalf of IMEC**, a Government representative of Canada said that the current selection process was adequate and had served the ILO well for many years. It was her group's long-standing position that ILO constituents should have no involvement whatsoever in the process of appointing experts to the Committee of Experts, which was carried out by the Director-General. However, recognizing that other Governing Body members had requested some adjustments, IMEC agreed to the revised draft decision, provided that the text in square brackets was removed.
550. **Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia said that North Macedonia, Albania and Norway aligned themselves with her statement. The EU and its Member States aligned themselves with the IMEC statement. She thanked the Office for having provided further clarifications and for having engaged in consultations on the appointment procedure, and acknowledged the contributions of the social partners and governments towards achieving a compromise.
551. She welcomed the adjustments made to the working methods of the Committee of Experts, particularly the extended duration of its annual session, which would facilitate the effective management of the Committee's increasing workload. She emphasized that, in order to ensure the uninterrupted functioning of the Committee, the appointment of three new experts and the renewal of four experts' mandates in 2022 in a timely manner and in accordance with the principles outlined in the revised draft decision were of the utmost importance.

- 552.** The EU and its Member States reiterated their commitment to the principles of independence, objectivity and impartiality, which underpinned the work of the Committee of Experts, and would continue to support the Committee and the ILO supervisory system as a whole. The EU and its Member States believed that the adjusted selection process would remain true to those principles and the Office should continue to play a leading role to ensure that experts were not nominated by any one particular group. They considered that the revised draft decision gave due consideration to the concerns expressed by all constituents but saw no need for the bracketed text. The EU and its Member States therefore supported the revised draft decision, with the text in square brackets removed.
- 553. Speaking on behalf of several countries, among which the majority from ASPAG,** a Government representative of Pakistan recalled the need to preserve the independence, objectivity, neutrality, competence and transparency of the supervisory system while maintaining equitable geographical representation and gender equality. While leaving the social partners to reach a consensus to the exclusion of the governments brought practical benefits, it violated the principle of tripartism. Governments must be part of tripartite consensus building and participate meaningfully in processes that placed burdens on them. That was particularly relevant to the debate at hand, given that it was governments that were required to respond before the Committee of Experts.
- 554.** The oversight role should belong the Governing Body, in order to ensure that institutions, and not individual positions, were strengthened. The review of the procedure for the appointment of members of the Committee of Experts should therefore be led by the Chairperson of the Governing Body, rather than by the Office. She requested that the Chairperson should launch and supervise that process. Nevertheless, her group would not block consensus on the draft decision.
- 555. The Worker Vice-Chairperson** said that the Workers would always seek to discuss the matters addressed by the Governing Body with the Government group.

Decision

- 556. With a view to ensuring the transparency, geographical balance, inclusiveness and effectiveness of the procedure for the appointment of members of the Committee of Experts on the Application of Conventions and Recommendations while preserving their independence, impartiality and technical expertise, the Governing Body requested the Director-General:**
- (1) To apply the following adjustments to the procedure for appointment of members of the Committee of Experts on the Application of Conventions and Recommendations, with the understanding that, with regard to all other aspects, the procedure should be carried out in accordance with the established practice:**
 - (a) the three currently open vacancies in the membership of the Committee of Experts are given wide publicity through a call for expression of interest on the ILO's global and regional public website, as soon as possible;**
 - (b) future vacancies in the membership of the Committee of Experts are given wide publicity through a call for expression of interest on the ILO's global and regional public website nine months before the start of the session of the Committee of Experts that will have a known vacancy;**
 - (c) the selection process does not entertain any interference or public statements by ILO constituents concerning the candidates or the selection process;**

- (d) the Director-General makes proposals to the Officers of the Governing Body with a view to further clarifying and publicizing existing criteria for the selection of experts while preserving the essential criteria of independence, impartiality and technical expertise;
 - (e) the Director-General informs the Officers of the Governing Body and submits to them a detailed report on the selection process for their consideration at a dedicated sitting;
 - (f) the Director-General informs the Officers of the Governing Body of upcoming renewals of mandates and proposes the renewal of mandates to the Governing Body, except when a member is failing to deliver on his or her duties in a timely manner or to attend the Committee sessions;
- (2) To prepare proposals for its 344th Session (March 2022), based on its guidance for extending the duration of the Committee's annual session to ensure that sufficient time is allocated to discharge the workload of the Committee of Experts;
 - (3) To report to its 347th Session (March 2023) on the implementation of the adjustments made to the existing procedure and on any further improvements, if deemed necessary, preceded by tripartite consultations.

(GB.343/LILS/3, paragraph 42, as amended by the Governing Body)

4. Fourth meeting (Part I) of the Special Tripartite Committee established under the Maritime Labour Convention, 2006, as amended (19–23 April 2021): Report of the Chairperson (GB.343/LILS/4)

- 557.** In preparation for the adoption of a decision by correspondence, the Office held a briefing session for Governing Body members on this item on 19 October 2021.
- 558.** The Screening Group agreed to put the item for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members on 1 November 2021.

Decision

- 559.** The Governing Body took note of the report of the Chairperson of the Special Tripartite Committee established under the Maritime Labour Convention, 2006, as amended (MLC, 2006), concerning its fourth meeting (Part I, 19–23 April 2021), welcomed the work conducted by the Special Tripartite Committee in relation to the review of 39 international maritime labour instruments, and decided to:
 - (a) appoint Mr Martin Marini (Singapore) as Chairperson of the Special Tripartite Committee for a three-year period (2021–24);
 - (b) classify Conventions Nos 55, 56, 68, 69, 70, 75, 92, 108, 133, 134, 147, 163, 164, 165 and 178 and the Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976, as well as Recommendations Nos 9, 10, 28, 48, 75, 76, 78, 105, 106, 108, 138, 140, 141, 142, 155, 173 and 185 as “outdated”, and request the Office to take the necessary follow-up action;
 - (c) request the Office to launch an initiative to promote the ratification on a priority basis of the MLC, 2006, among those Member States still bound by outdated

Conventions, namely Angola, Azerbaijan, Cameroon, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Czechia, Dominica, Egypt, Equatorial Guinea, Georgia, Guatemala, Guinea, Guinea-Bissau, Guyana, Iraq, Israel, Kyrgyzstan, Mauritania, Mexico, North Macedonia, Pakistan, Papua New Guinea, Peru, the Republic of Moldova, Sierra Leone, Somalia, Tajikistan, Trinidad and Tobago, Turkey, Ukraine, the United States of America, Uruguay and the Bolivarian Republic of Venezuela;

- (d) request the Office to launch an initiative to promote on a priority basis the ratification of the Work in Fishing Convention, 2007 (No. 188), among those Member States still bound by Conventions Nos 55, 56, 134, 164 and 178, namely Azerbaijan, Costa Rica, Czechia, Dominica, Egypt, Guinea, Iraq, Israel, Kyrgyzstan, Mexico, North Macedonia, Peru, Tajikistan, Trinidad and Tobago, Turkey, the United States of America and Uruguay;
- (e) encourage Member States which have already ratified the MLC, 2006, or Convention No. 188 or both but remain bound by outdated Conventions with respect to non-metropolitan territories, namely China, France, the Netherlands and the United Kingdom of Great Britain and Northern Ireland, to extend the application of the MLC, 2006, or Convention No. 188 or both, as the case may be, to such territories;
- (f) convene a tripartite meeting of experts of four days' duration, aimed at sharing knowledge concerning the implementation of the Seafarers' Pension Convention, 1946 (No. 71), in 2024, that would be prioritized for funding based on a composition of 8-8-8 in the Programme and Budget proposals for 2024-25;
- (g) encourage Member States which are still bound by the Seafarers' Identity Documents Convention, 1958 (No. 108), to ratify the Seafarers' Identity Documents Convention (Revised), 2003, as amended (No. 185), and to this end, convene a tripartite meeting of experts of four days' duration in 2023 to examine the challenges that remain for the implementation and ratification of this Convention, and decide that the cost of the meeting based on a composition of 8-8-8 be financed in the first instance from savings in Part I of the budget or, failing that, through Part II, on the understanding that, should this subsequently prove impossible, the Director-General would propose alternative methods of financing at a later stage in the 2022-23 biennium;
- (h) encourage one Member State (France) which has already ratified Convention No. 185, but remains bound by Convention No. 108 for non-metropolitan territories, to extend the application of Convention No. 185 to those territories;
- (i) note the Special Tripartite Committee's recommendations concerning the withdrawal of Conventions Nos 70, 75, 165 and 178 and the Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976, as well as of Recommendations Nos 9, 10, 28, 48, 75, 76, 78, 105, 106, 108, 138, 140, 141, 142, 155, 173 and 185, in relation to which it will consider placing an item on the agenda of the 111th Session (2023) of the International Labour Conference (see GB.343/INS/2);
- (j) note the Special Tripartite Committee's recommendations concerning the abrogation of Convention No. 163, in relation to which it will consider placing an item on the agenda of the 111th Session (2023) of the International Labour Conference (see GB.343/INS/2);
- (k) note the Special Tripartite Committee's recommendations concerning the abrogation of Conventions Nos 22, 23, 55, 56, 58, 68, 69, 92, 133, 134, 146, 164 and 166,

in relation to which it will consider placing an item on the agenda of the 118th Session (2030) of the International Labour Conference (see GB.343/INS/2);

- (l) approve the establishment of a Joint ILO-IMO Tripartite Working Group to identify and address seafarers' issues and the human element, in accordance with the resolution set out in Appendix I, with a composition of eight Governments to be nominated by the IMO, eight Shipowner representatives and eight Seafarer representatives, and decide that the relevant cost of the three-day annual meetings for 2022 and 2023 be financed in the first instance from savings in Part I of the budget or, failing that, through Part II, on the understanding that, should this subsequently prove impossible, the Director-General would propose alternative methods of financing at a later stage in the 2022-23 biennium; the 2024 meeting would be prioritized for funding in the Programme and Budget proposals for 2024-25;
- (m) request that the outcome of the Joint ILO-IMO Tripartite Working Group's work is reported to the Governing Body and appropriate IMO body.

(GB.343/LILS/4, paragraph 15)

Summary of the written comments received during the consideration of the item by correspondence ⁶

- 560. The Workers' group** reiterated that any abrogation or withdrawal of outdated instruments should be accompanied by an active promotion of the ratification of the Maritime Labour Convention, 2006, as amended (MLC, 2006), and the Work in Fishing Convention, 2007 (No. 188). The Office should prioritize such initiatives in Member States which were still bound by the outdated Conventions. The Office should continue working with Member States bound by the MLC, 2006, and Convention No. 188 to ensure application of those Conventions in non-metropolitan territories.
- 561.** The group expressed support for the proposed recommendations contained in Appendix II concerning the Seafarers' Identity Documents Convention, 1958 (No. 108), and the Seafarers' Pension Convention, 1946 (No. 71), and hoped that the meeting of experts on the latter would pave the way for future action.
- 562.** Welcoming the information provided on the follow up to the resolutions adopted by the Special Tripartite Committee and noted by the Governing Body on the implementation and practical application of the MLC, 2006, during the COVID-19 pandemic and on COVID-19 vaccination for seafarers, the group called upon Member States to step up their implementation of those resolutions to alleviate the impacts on global supply chains and on seafarers' lives, particularly concerning access to medical care ashore and repatriation.
- 563.** The ILO should enhance collaboration with the IMO on the abandonment of seafarers and the fair treatment of seafarers detained on suspicion of committing maritime crimes.
- 564. The United States of America** agreed with the findings of the Special Tripartite Committee concerning those instruments that were appropriate candidates for abrogation or withdrawal. It noted that the ILO had explained that the abrogation of a Convention, within the meaning of article 19, paragraph 9, of the ILO Constitution, entailed only the end of the ILO's role in

⁶ The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

supporting the implementation of the Convention and not the termination of the Convention itself or of the rights and obligations under it. Accordingly, any action taken by the ILO to abrogate particular Conventions would not affect the legal status of those Conventions among the States that were parties to them.

Legal Issues Segment

5. Proposed agreement between the International Labour Organization and the International Civil Aviation Organization and proposed agreement between the International Labour Organization and the African Union (GB.343/LILS/5)

- 565. In preparation for the adoption of a decision by correspondence, the Office held a briefing session for Governing Body members on this item on 19 October 2021.
- 566. The Screening Group agreed to put the item for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members on 1 November 2021.

Decision

- 567. **The Governing Body approved the text of the proposed agreement between the International Labour Organization and the International Civil Aviation Organization (ICAO) and the proposed agreement between the International Labour Organization and the African Union (AU), and authorized the Director-General or his representative to sign the agreements on behalf of the ILO.**

(GB.343/LILS/5, paragraph 11)

Summary of the written comment received during the consideration of the item by correspondence ⁷

- 568. **The Workers' group** welcomed the proposed agreement between the ILO and the International Civil Aviation Organization (ICAO) as the need for a better understanding between the two organizations had been exacerbated by the COVID-19 pandemic. While welcoming the scope of the agreement, the group noted that it fell short of the coordinated response required from the UN system to respond to the labour challenges facing the aviation industry. The implementation of the agreement should ensure that the ratification and implementation of international labour standards and health and safety issues were addressed in a timely manner, prior to future discussions on a green, sustainable and inclusive economic recovery for the civil aviation sector.
- 569. While it agreed with the proposed agreement between the ILO and the African Union, the group was of the view that the language in the third preambular paragraph that described the ILO could have better reflected the unique added value of international labour standards and tripartism. That should be addressed during the implementation of the agreement.

⁷ The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

► Programme, Financial and Administrative Section

Programme, Financial and Administrative Segment

1. Update on the headquarters building renovation project (GB.343/PFA/1)

- 570.** In preparation for the adoption of a decision by correspondence, the Office held a briefing session for Governing Body members on this item on 19 October 2021.
- 571.** The Screening Group agreed to put the item forward for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members by a communication of 1 November 2021.

Decision

572. The Governing Body:

- (a) **approved the proposed budget for phase 2 of the headquarters building renovation project set out in document GB.343/PFA/1, in line with the resources available from the sale of the land; and**
- (b) **requested the Office to present the budget for the headquarters security perimeter project to the Governing Body at its 344th Session (March 2022).**

(GB.343/PFA/1, paragraph 14)

Summary of the written comments received during the consideration of the item by correspondence ⁸

- 573. The Workers' group** welcomed the additional savings realized following the close out of accounts for phase 1. Regarding phase 2, the group welcomed the choice made of upcycling the temporary structure and recycling it following the renovation, and the fact that the increased costs associated with the lack of continuity between phases 1 and 2 remained within the total funding available. It welcomed the fact that despite the reduction in conference facilities, temporary meeting facilities would permit seating capacity to largely be maintained, allowing meetings to take place as planned throughout the renovation. It noted with satisfaction that the full project was expected to be finalized by late 2025 – one year earlier than estimated in March 2021. The group noted the information on the headquarters' security perimeter project and looked forward to receiving the budget in March 2022. It was important that ILO constituents continue to have access to the ILO building without major obstacles, while ensuring its security.
- 574. The Asia and Pacific group (ASPAG)** noted with pleasure that the close out of phase 1 was complete, with anticipated savings of CHF200,000, and expressed appreciation for the efforts of staff involved in the project. It noted the slight increase in the budget for phase 2, but within previously approved funding available from the sale of the land, and welcomed the fact that work had started on the conference rooms and the security perimeter project. It expressed

⁸ The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

appreciation for Office efforts to ensure continuity of ILO work during phase 2 and for the temporary arrangements being made to house the conference rooms during the renovation. The group noted that design work was progressing on the security perimeter project and had been approved by the United Nations Department of Safety and Security (UNDSS) in consultation with physical security experts and the Swiss authorities. That was very important work, which would bring the ILO into line with UN security expectations and ensure the safety of all ILO constituents and guests. ASPAG thanked the Office for managing those major projects efficiently and within approved budgets. It supported the draft decision.

- 575. The group of industrialized market economy countries (IMEC)** expressed its sincere congratulations to the Office for completing phase 1 on schedule and under budget, despite the interruptions caused by COVID-19. That was no mean feat. It welcomed the appointment by the Office of a contractor to complete phase 2 within the available funding realized through the sale of the land, and the scheduled completion date of late 2025; it supported the proposed budget. IMEC welcomed the innovative and green solution found for a temporary structure to house conference rooms, offices and storage areas during the renovation, noting that the structure, formerly a temporary supermarket, had been upcycled for ILO use and would be recycled following the renovation. It looked forward to seeing the proposed budget for the security perimeter project in March 2022. IMEC noted with satisfaction that the funding for those measures would also come out of the sale of the land.

2. Proposed 2022–23 budgets for extrabudgetary accounts: Inter-American Centre for Knowledge Development in Vocational Training (CINTERFOR) (GB.343/PFA/2)

- 576.** In preparation for the adoption of a decision by correspondence, the Office held a briefing session for Governing Body members on this item on 19 October 2021.
- 577.** The Screening Group agreed to put the item forward for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members by a communication of 1 November 2021.

Decision

- 578. The Governing Body approved the income and expenditure estimates of the Inter-American Centre for Knowledge Development in Vocational Training (CINTERFOR) extrabudgetary account for 2022–23, as set out in Appendix I of document GB.343/PFA/2.**
(GB.343/PFA/2, paragraph 31)

Summary of the written comment received during the consideration of the item by correspondence ⁹

- 579. The Workers' group** welcomed the alignment of the proposed 2022–2023 budgets for extrabudgetary accounts with the ILO's strategy for the development of skills. Just as it was important for CINTERFOR's work to take into account the ILO Centenary Declaration for the Future of Work and the framework established by the Human Resources Development Recommendation, 2004 (No. 195), and the Human Resources Development Convention, 1975

⁹ The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

(No. 142), it must also take other relevant standards into account, including 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 enablers of social dialogue, Convention No. 111 (discrimination), Convention No. 122 (employment policy), Convention No. 140 (paid educational leave), Convention No. 102 (social security), and Recommendation No. 204 (the transition from the informal to the formal economy). During the recovery from the crisis, reskilling, skills upgrading and other employment policies would be essential to address the needs and expectations of working people in respect of the work of the future. Social dialogue was fundamental to ensure that development, production and employment were aligned and promoted the just integration of all workers into the labour market. Consideration must be given to migrant workers, workers with disabilities and informal workers in the development of skills so as to achieve the goal of leaving no one behind.

- 580.** Concerning the first of the four areas outlined in the document, strengthening the capacity of vocational training institutes and systems, it was important to highlight the role of workers and trade union organizations in those processes given their knowledge of current modes of work organization and up-to-date knowledge of the working conditions and environment in the various sectors of production, forming a broad overview of qualifications in the various sectors of activity. Social dialogue was fundamental for planning sector-wide strategies, strategies for equitable transition and strategies to define development policies, all key economic elements. However, vocational training should not only be shaped by market and supply chain demands, but should also respond to the requirements of workers faced with the uncertainty brought about by change.
- 581.** Regarding the important role of national and sectoral skills systems, their institutional framework and tripartism to strengthen skills and lifelong learning policies, governance models and financing systems, the role of workers' representatives was also essential because it was often trade union organizations that ensured the sustainability of those systems, their management and implementation, and institutionalized social dialogue was fundamental in that regard. The Workers' group emphasized the importance of developing programmes to strengthen the capacity of workers' organizations to promote vocational training clauses in collective bargaining at the workplace and sectoral levels, with a gender focus and introducing rights such as paid educational leave and vocational training.
- 582.** Regarding the matter of designing and delivering innovative, flexible and inclusive learning options, it was key for innovative proposals in terms of learning to keep sight of the fact that it must be workers who benefited from the process, building on their experiences and needs to promote processes that facilitated opportunities that could be transferred to the working population as a whole.
- 583.** Finally, the group highlighted the need for training systems to facilitate the digital transition of skills development systems and to strengthen digital skills. To achieve that, it was important to start with the differential impact of those processes on each sector of production and also on the situation of the various segments of workers (with various levels of training and skills) that coexisted within each sector, in order to comprehensively manage those digital transition processes. While digitalization and automation were facilitating many tasks, they were replacing many others and were also progressing unevenly due to the digital divide, with many workers being excluded from the labour market. A just transition for those workers was also urgent.

3. Programme and Budget for 2020–21: Regular budget account and Working Capital Fund (GB.343/PFA/3)

- 584.** In preparation for the adoption of the decision by correspondence, the Office held a briefing session for Governing Body members on this item on 11 October 2021.
- 585.** The Screening Group agreed to put the item for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members on 19 October 2021.

Decision

- 586. The Governing Body delegated its authority under article 16 of the Financial Regulations to the Chairperson who may approve any transfers within the 2020–21 expenditure budget that the Director-General may propose, if needed, prior to the closing of the biennial accounts and subject to the endorsement of such approval by the Governing Body at its next session.**

(GB.343/PFA/3, paragraph 11)

Summary of the written comment received during the consideration of the item by correspondence ¹⁰

- 587. The Workers' group** thanked the Governments that had already settled their statutory contributions, welcoming the fact that one more State had done so compared to the last biennium, and invited those Governments that had not yet done so to settle their contributions before the end of the year. The group endorsed the draft decision.

4. ILO Information Technology Strategy 2022–25 (GB.343/PFA/4)

- 588. The Worker spokesperson** acknowledged the Office's efforts to support constituents during the COVID-19 pandemic through greater reliance on digital means. However, many workers' organizations still lacked the technological infrastructure to fully participate in ILO digital events and use digital tools. As the proposed ILO Information Technology Strategy 2022–25 (IT Strategy) rightly recognized, in order to ensure equal access to ILO products and services and equal participation, the digital divide would need to be bridged. The Office should share more information on how it intended to do that, bearing in mind that maintaining a balance between virtual and face-to-face interactions was also important.
- 589.** He took note of the key lessons, particularly the importance of more sophisticated security controls due to the use of cloud services. Regarding the reliance on external collaborators, the Workers' expectation was that such reliance would diminish in the future by investing in enhancing the skills of current staff. He asked for clarification from the Office in that regard.
- 590.** The Workers supported the two proposed outcomes and stressed that it was important for the Office to enhance the digital skills of its staff and continue to monitor and assess the value of its digital products. Regarding outcome 1 (a more efficient, agile and responsive ILO), the Office must prioritize the protection of sensitive ILO information, including personal data. In that regard, the milestone of 50 per cent by the end of 2023 for indicator 1.3.b. (percentage of

¹⁰ The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

ILO staff who have been recertified in IT security awareness training) seemed low. The Office should comment on the possibility of increasing that percentage. Furthermore, it should provide more information on the impact of the Office's automation efforts on staff, in particular the impact of the deployment of computer-assisted translation software under output 1.1 on translators. Regarding output 1.2 on the enhanced use of virtual and mobile technologies to support remote working, it was important to reinforce the protection of data, privacy and a work-life balance, and to strike a balance between telework and a physical presence at the Office in order to protect in-person relationships with colleagues and constituents.

591. For outcome 2 (a more collaborative, insightful and transparent ILO), it was key to support constituents in accessing ILO products, tools and meetings. The group welcomed the implementation of an Office-wide electronic records management system, which should be a priority, given that the Governing Body had not approved the additional funding for its introduction in the period covered by the IT Strategy 2018–21. It also welcomed the proposal to make the resources contained in the ILO's digital repository freely available online and supported the commitment to ensuring that ILO websites were accessible to people with disabilities.
592. The fact that the Staff Union had not been consulted was a matter of concern, given the implications of the proposed IT Strategy for staff. The Staff Union must be consulted with respect to its implementation, including in respect of the indicators under each output. The Workers' group endorsed the proposed IT Strategy.
593. **The Employer spokesperson** said that the key lessons learned from the COVID-19 crisis should be continually harnessed during the recovery and beyond. The document did not clearly demonstrate how the IT Strategy would increase the transparency and business efficiency of the ILO, nor how the lack of digital skills among staff would be tackled. No training or recruitment outputs were provided. The Office should seek ways to enhance training for staff in respect of developing skills in new technologies and data management and to accelerate the recruitment of people with the requisite technological, data and digital literacy in line with human resources policy.
594. For outcome 1, the process of digitizing employee personnel files should be conducted in line with the Human Resources Strategy 2022–25 and should allow for a better overview of staff members' experience relevant to the three groups of constituents. Furthermore, the digitization process should allow for business analytics, which would help with ILO workforce planning. The NORMLEX and NATLEX databases required a more user-friendly interface and should be connected with other IT initiatives aimed at strengthening the ILO knowledge base.
595. For outcome 2, IT alone was not enough to deliver a cultural shift in the ILO; the Office must break silos by exercising greater leadership, encouraging shared commitment and enhancing accountability. Regarding the vast volume of digital media uploaded since the onset of the COVID-19 crisis, improvements were needed to ensure easy searches and accessibility. Similarly, the ILO public website needed to be redesigned to allow for improved cataloguing, tagging and search functions, and ILO web pages for all units and field offices needed to be intuitive and accessible. The IT Strategy should further increase ILO internal capacities and exposure to new technologies, including machine learning and robotics, in order to improve efficiencies and reduce paper-pushing. Means of converting the ILO to a data-driven organization should also be considered and reflected in outputs in the IT Strategy. Improved data analytical capabilities and data management were needed across the Organization. An improved capacity to integrate data from many different sources was also needed.

IT resources in developing countries must be strengthened through support for staff and constituents, taking into account the fact that technologies evolved and led to regular changes.

- 596. Speaking on behalf of the Africa group**, a Government representative of Eswatini welcomed the development of an IT Strategy for the ILO, particularly in the light of the role of digital products in delivering the outcomes in the Programme and Budget for 2022–23. He recalled that, during the discussions at the 341st Session, his group had encouraged the Office to improve information technology programmes using savings realized during the pandemic in order to reduce the digital divide and maintain social dialogue for those affected by COVID-19. It had also expressed support for the establishment of a new unit to drive innovation in the ILO. However, there was no mention in the document of such a unit or of the value it would add in terms of driving the implementation of the IT Strategy. The group sought clarification from the Office on that matter, and also on whether the IT Investment Fund would be sufficient for the successful delivery of the IT Strategy.
- 597.** The group noted with great concern the absence of any outcomes or outputs on mitigating the risks of the IT-related threats identified in the document. A third outcome that focused on building organizational resilience to such threats should be developed, with clear outputs, deliverables and indicators. In the absence of an indicator on improved productivity, the Office should explain how it sought to leverage the IT Strategy to measure developments in that regard in the Organization. It should also develop an indicator to measure the progress made through inclusive dialogue so as to gauge the inclusivity and efficiency of virtual meetings and their impact on meaningful social dialogue. Subject to a satisfactory response from the Office to the questions raised, the Africa group could support the draft decision.
- 598. Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)**, a Government representative of Chile agreed with the importance of facilitating new ways of working, with effective and safe support services, to achieve an efficient, agile, collaborative and responsive ILO that promoted transparency. He asked the Office to provide information on: the total estimated costs of the IT Strategy for each biennium; a list of priorities for each activity, in the short and medium terms and for each biennium, on the basis of available resources; a road map; and sources of funding.
- 599. Speaking on behalf of ASPAG**, a Government representative of Australia supported the focus in the document on delivering IT capacity to ensure a more efficient, agile, responsive and transparent organization; enhancing digital skills; and ensuring that risks to data privacy and IT security were anticipated and addressed. She encouraged the Office to incorporate specific measures into the IT Strategy to support equitable access to ILO digital products, services and events, and asked the Office for further information on how the IT Strategy could support ILO constituents directly, including by enhancing the performance of field operations and development cooperation activities, and improve organizational effectiveness, outreach and capacity development. The group encouraged the Office to ensure a coordinated approach towards implementing the IT Strategy. ASPAG supported the draft decision and looked forward to working with the Office to ensure the effective delivery of the IT Strategy.
- 600. Speaking on behalf of IMEC**, a Government representative of Canada noted that the ILO's IT infrastructure should be up to date, easy to use, relevant and interoperable, and should allow for the highest levels of flexibility. She encouraged the ILO to continue to explore measures to ensure that its IT users were frequently informed of emerging cybersecurity risks and other communication risks, and agreed that enhancing digital skills must be a priority. The ILO should be at the forefront to proactively shape, implement and promote a common IT approach. She asked what was the Office's vision to collaborate with other agencies and the

UN International Computing Centre to commonly design, implement and utilize digital innovation. The Office should take every opportunity to increase outreach and integration in the digital world.

601. The group generally supported the outcomes, but the IT Strategy could benefit from the integration of further aspects. First, it would be interesting to learn how the potential of digital tools could be used to deliver the ILO's mandate. Those tools might include applications to facilitate direct contact between the ILO and beneficiaries; upcoming technologies such as blockchain, artificial intelligence and supply chain tracing; and the IT Strategy itself in relation to the implementation of the Development Cooperation Strategy 2020–25. Second, it would be interesting to know how the IT Strategy would foster an organizational set-up that ensured constant innovation in digital service delivery, and whether any links would exist between the planned innovation unit and the Programme and Budget for 2022–23. Third, consideration should be given to how the enormous potential for synergies with the United Nations (UN) system could be harnessed. The ILO should be at the forefront of any such developments. In that regard, the group would welcome information on the Office's vision for collaboration on digital innovation with other agencies, especially the UN International Computing Centre.
602. **Speaking on behalf of ASEAN**, a Government representative of Indonesia supported the Office's efforts to respond to the disruption caused by the COVID-19 crisis through the IT Strategy. ASEAN leaders had recognized the importance of accelerating the inclusive digital transformation as one of the key strategies for the region to recover from the COVID-19 crisis. The ILO and other international organizations must focus on using and enhancing information technology to be able to function properly during the pandemic and beyond. The group wished to see stronger emphasis on support for constituents in both outcomes of the IT Strategy. For example, an output on improved IT platforms and services to support constituents could be included under outcome 2, or support for constituents could be mainstreamed through all outputs. The group supported the draft decision.
603. **A Government representative of Cuba** said that a high-speed internet connection with sufficient bandwidth was still not within the reach of all ILO constituents. The digital divide was an undeniable reality. She expressed appreciation for the Office's efforts to ensure that constituents from countries that were subject to unilateral coercive measures could participate in virtual meetings of the International Labour Conference. The blockade imposed by the United States prevented access from Cuba to virtual platforms such as Zoom and hindered equitable access to international meetings. She underscored the call for an end to the blockade, made during the general debate of the 76th session of the UN General Assembly. Access of all countries to the virtual meetings of the Organization was of paramount importance in achieving universal tripartite participation and should be part of the IT Strategy. She urged the Office to pay careful attention to that situation when implementing the IT Strategy in order to ensure that all countries and tripartite constituents could participate in virtual ILO meetings on an equal footing.
604. **A Government representative of the Islamic Republic of Iran** noted that connectivity was one of the main IT challenges and the measures and activities proposed in the IT Strategy were insufficient to address it. As a result of sanctions imposed on the Islamic Republic of Iran, the delegation had encountered numerous connectivity issues during the first part of the 109th Session of the International Labour Conference, which would continue in the second part if the necessary measures were not taken. The IT Strategy must therefore incorporate specific activities to guarantee equal access for all constituents to ILO digital products, services and events. He supported the draft decision.

- 605. A representative of the Director-General** (Director, Information and Technology Management Department), responding to questions, said that work was under way to redesign the public website so that materials were easier to find. The Office took note of the strong message on the need to address the digital divide and poor connectivity and would adopt a multi-faceted approach. It would also build the capacity of staff to facilitate online interactions and to increase inclusion and participation in hybrid meetings. It would select secure, well-designed and well-supported mainstream technologies that could deliver content in situations of poor connectivity. Cybersecurity had been a cross-cutting focus for the previous IT strategy, under which tools, processes and training programmes had been implemented to reduce exposure to and mitigate risks. A security operations centre ensuring round-the-clock IT security had been deployed, and information security and risk management were incorporated into the delivery of all IT products. The Office responded to cyberthreats rapidly and consistently, and also participated with other entities in the UN system to identify common threats and learn from them.
- 606.** Indicator 1.3.b. on IT security awareness referred to recertification. Over 93 per cent of staff had already completed the initial training, but as recertification was recommended every three years, 50 per cent of staff would need to redo the training by 2023. Consultations on the IT Strategy had regrettably begun late owing to staff illness and had been further constrained by the departure of staff for the summer holidays; however, in recent years the Office had consulted with the Staff Union each time a major IT initiative had been implemented, and would continue to do so. The introduction of computer-assisted translation and transcription services was unlikely to have an impact on staff contracts; the main aim was to enable faster initial translation and transcription, but translators would still need to review documents to ensure that appropriate levels of quality were achieved. The Office was likely to continue to rely on external collaborators to fill temporary skills gaps and deliver ad hoc services, particularly when new projects were implemented, given the department's workload and the mix of technologies required to ensure effective delivery to constituents. Additional internal posts would be created where a long-term need for skills was observed and where risk mitigation was needed.
- 607.** Preliminary discussions were under way on the potential replacement of the NATLEX database, and integration of the NORMLEX database into the workflow for the system for the Committee of Experts was almost complete. Training to meet workforce needs was included in the Human Resources Strategy. Once that strategy had been approved, a learning plan would be developed, which would include digital skills and management of the hybrid workplace. She agreed that internal capacities needed to be strengthened to enhance delivery. The Office was already using machine learning to analyse the big data collected for IT security interventions, and would increase that use in the following biennium. The ILO would also participate in a UN-led pilot project to explore the deployment of blockchain technology to create digital identities and enable the secure sharing of private information. The project had the explicit aim of delivering the common UN agenda and increasing efficiencies and coordination between UN agencies. She agreed that there was significant potential for efficiency gains through the digitization of personnel files, but it had to be approached with careful consideration of potential data privacy issues.
- 608.** Regarding the availability of IT investment funds for the delivery of the IT Strategy, US\$4.5 million had been allocated in the Programme and Budget for 2022–23 for the implementation of the enterprise records management system and the completion of the updated intranet. As to the links with the Development Cooperation Strategy 2020–25 and the improvement of field operation performance, the IT Strategy was designed to support all of

the Office's activities, regardless of funding source or location. The implementation of Microsoft Teams had improved collaboration and knowledge-sharing among staff and with constituents, and efforts had been undertaken to improve secure information access for staff in the field as well as at headquarters in the 2020–21 biennium.

- 609.** The contribution of IT to innovation and knowledge management was addressed in outcome 2 of the IT Strategy; the Information and Technology Management Department would work with the Innovation and Knowledge Management Unit to deliver what it required. The Office intended to implement an open data policy for sharing ILO data with other agencies and the general public, and had undertaken additional work to improve metadata and taxonomies to make data more accessible. The ILO was already using a number of services of the UN International Computing Centre, such as managed services for SharePoint, emergency notification services and disaster recovery hosting services. It also collaborated with the UN on the system-wide data cube and participated in the shared global procurement marketplace.
- 610.** With regard to maintaining a focus on delivery to constituents, the Programme and Budget for 2022–23 contained outcomes designed to help constituents respond to the economic and social impact of the pandemic. The related outputs included online workshops, websites, toolkits and many other kinds of data, which would be created with significant input from the Information and Technology Management Department. The deliverables would be detailed in the work plans published during the period of the IT Strategy.
- 611.** As to the budget for the delivery of the IT Strategy, the Programme and Budget for 2022–23 provided for US\$51.5 million regular budget funds for staff and non-staff costs, US\$2 million for support costs, and US\$4.5 million as part of the IT investment funds. It was impossible to foresee what the Governing Body would decide for the Programme and Budget for 2024–25. The main priorities for the current biennium were the two major projects that were funded by the IT investment funds: the electronic records management system and the intranet. The Office also needed to keep business systems running and secured for headquarters and the field. It supported innovation and knowledge-sharing as a priority, and would deliver the outputs identified to support the policy outcomes set out in the programme and budget documents. The details of what the Office would deliver over the next biennium would be determined in the work planning process, which would take place after the approval of the IT Strategy.
- 612. Speaking on behalf of GRULAC**, the Government representative of Chile said that, in the light of the Office's explanations, the group could support the draft decision.

Decision

- 613. The Governing Body endorsed the ILO Information Technology Strategy 2022–25 and requested the Director-General to take into account the guidance provided by the Governing Body in implementing the Strategy.**

(GB.343/PFA/4, paragraph 61)

5. Proposal for the funding of postponed 2020–21 meetings in the biennium 2022–23 (GB.343/PFA/5(Rev.1))

- 614.** In preparation for the adoption of the decision by correspondence, the Office held a briefing session for Governing Body members on this item on 11 October 2021.

- 615.** The Screening Group agreed to put the item for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members on 19 October 2021.

Decision

- 616.** The Governing Body took note of the information provided in document GB.343/PFA/5(Rev.1) and proposed to the International Labour Conference at the resumed part of its 109th Session (November–December 2021) that part of the projected underspending for 2020–21, amounting to US\$3,312,842, be used to finance the holding in 2022–23 of the meetings listed in the appendix to document GB.343/PFA/5(Rev.1), and that it adopt a resolution in the following terms:

The General Conference of the International Labour Organization,

Noting that, for the biennium 2020–21, there is a significant projected underspending resulting from the cancellation or postponement of budgeted official meetings in the context of the COVID-19 pandemic,

Decides that, on an exceptional basis and owing to the unprecedented circumstances created by the COVID-19 pandemic, part of the projected underspending for 2020–21, in the amount of US\$3,312,842, be used to finance the holding in 2022 or 2023 of meetings postponed from the biennium 2020–21, as listed in the appendix to document GB.343/PFA/5(Rev.1);

Notes that, with the above appropriation, the amount available for the 2020–21 financial period under article 18.2 of the Financial Regulations for reducing the

assessed contributions of Member States will have been reduced by the same amount, expressed in Swiss francs; and

Delegates to the Governing Body the authority to deal with any residual financial issues arising out of the holding of these meetings.

(GB.343/PFA/5(Rev.1), paragraph 9)

Summary of written comments received during the consideration of the item by correspondence ¹¹

- 617.** The Workers' group considered it vital for the Office to be authorized to use part of the projected underspending in 2020–21 to fund the holding in 2022–23 of the meetings listed; it was important that the meetings cancelled as a result of the pandemic should take place in the next biennium. The group therefore supported the draft decision and Conference resolution, including the exceptional derogation of article 18.2 of the Financial Regulations.
- 618.** The group expressed the hope that the public health situation would allow all those meetings to take place in person. If, however, meetings continued to be held virtually or in a hybrid format, greater consideration should be given to the hidden costs that workers might incur if they could not join meetings from their office premises or easily join from home due to the lack of proper information technology facilities. In such circumstances, the Office should seek to address the constraints in the best possible way for the situation.
- 619.** IMEC noted that the Governing Body had decided to postpone six official meetings to the biennium 2022–23, and to convene four additional meetings for which no specific budgetary allocation had been made, which could not be organized before 2022. In view of the

¹¹ The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

unprecedented circumstances in 2020 and 2021 due to the COVID-19 pandemic, IMEC agreed that the amount of US\$3,312,842 that had not been spent in 2020–21 could be used exceptionally to fund the holding in 2022 or 2023 of the ten meetings specified in document GB.343/PFA/5(Rev.1). When calculating the cost of conducting the deferred meetings, the Office should take into account lessons learned on teleworking measures. On the understanding that the decision would not create a precedent or continuing obligation for future ILO budget cycles, IMEC could exceptionally support the approach set out in the draft decision.

620. The Government of Slovenia supported IMEC's comments.

6. Other financial matters: Appointments to the Investments Committee of the International Labour Organization (GB.343/PFA/6(Rev.1))

621. In preparation for the adoption of the decision by correspondence, the Office held a briefing session for Governing Body members on this item on 11 October 2021.

622. The Screening Group agreed to put the item for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members on 19 October 2021.

Decision

623. The Governing Body renewed the appointment of Mr René Zagolin, Mr Xavier Guillon and Mr Max Bärtsch as members of the Investments Committee for a further period of four years, expiring on 31 December 2025.

(GB.343/PFA/6(Rev.1), paragraph 3)

Summary of the written comment received during the consideration of the item by correspondence ¹²

624. The Workers' group supported the draft decision, and thanked the members of the Investments Committee for their willingness to serve for another four years. However, it was important to have a succession plan in place so as not to lose the members' knowledge and expertise if they did decide to stand down in the future. The Office should also attempt to achieve greater gender balance in future appointments to the Investments Committee.

Audit and Oversight Segment

7. Arrangements for the appointment of the External Auditor (2024–27) (GB.343/PFA/7)

625. In preparation for the adoption of the decision by correspondence, the Office held a briefing session for Governing Body members on this item on 11 October 2021.

626. The Screening Group agreed to put the item for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members on 19 October 2021.

¹² The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

Decision

627. The Governing Body:

- (a) endorsed the proposed calendar and key dates set out in document GB.343/PFA/7 for the selection and appointment of the External Auditor of the ILO, for a term of office to commence on 1 April 2024 covering the 79th and 80th financial periods; and
- (b) requested the Director-General to establish a selection panel for this purpose, consisting of four Government representatives and two representatives each of the Employers' and Workers' groups.

(GB.343/PFA/7, paragraph 5)

8. Appointments to the Independent Oversight Advisory Committee (GB.343/PFA/8)

628. In preparation for the adoption of a decision by correspondence, the Office held a briefing session for Governing Body members on this item on 19 October 2021.

629. The Screening Group agreed to put the item forward for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members by a communication of 1 November 2021.

Decision

630. The Governing Body decided to:

- (a) convey its appreciation to Mr Frank Harnischfeger and Mr N.R. Rayalu for the valuable contributions they have made to the work of the Independent Oversight Advisory Committee (IOAC) during the periods 2016–18 and 2019–21;
- (b) appoint Mr Gonzalo Castro de la Mata and Mr Marcel Jullier as members of the IOAC for a first term of three years commencing on 1 January 2022;
- (c) extend the appointment of Ms Malika Aït-Mohamed Parent, Mr Verasak Liengsriwat and Ms Marian McMahon for a second term of three years commencing on 1 January 2022; and
- (d) retain the candidatures of Mr Mukesh Arya, Mr Rohil Hafeez, Ms Eva Mavroiedi and Mr Suresh Raj Sharma on a reserve list.

(GB.343/PFA/8, paragraph 13)

Summary of the written comments received during the consideration of the item by correspondence ¹³

631. The Workers' group noted with satisfaction the agreement reached by the Governing Body selection panel regarding the candidates. It thanked the IOAC for its inputs regarding the complementary skills and competences needed for the Committee's work, which had proved useful in the final selection of candidates, and recommended that the practice be continued in future selection processes. It concurred that for the next selection process the identification of

¹³ The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

potential conflicts of interest should be consolidated and, if necessary, the IOAC terms of reference updated. It welcomed the fact that independent reference checks had been undertaken by the consultancy firm and that no concerns had been raised.

- 632. IMEC** thanked the Office for facilitating the process to fill vacancies in accordance with the IOAC terms of reference. It welcomed the implementation of an advertising process to solicit a qualified and diverse candidate pool and asked the Office to consider any further modifications to the process in order to achieve geographic and gender balance in the list of final candidates. The technical assessment of short-listed candidates provided by current members of the IOAC provided valuable insight that facilitated deliberations. IMEC would welcome further consideration, prior to the next selection process, of the issue of independence criteria and the potential or perceived conflict of interest that might arise in respect of candidates who were serving officials of other UN system organizations. IMEC thanked the outgoing IOAC members for their contributions to the work of the IOAC and supported the appointment of new members Mr Gonzalo Castro de la Mata and Mr Marcel Jullier.

9. Annual evaluation report 2020–21 (GB.343/PFA/9)

- 633. The Worker spokesperson** welcomed the Office's continued efforts to strengthen the ILO's evaluation function, despite the challenges posed by COVID-19. Referring to Part I of the report, which outlined the progress made towards achieving the biennial milestones identified in the Evaluation Strategy 2018–21, she noted with satisfaction that 18 out of 19 milestones had been either fully or partially achieved. Regarding the efforts to build internal evaluation capacities and the challenges observed in that regard in regions with already heavy workloads, and the proposal to review cost-recovery options to compensate managers for the time their staff devoted to evaluation-related tasks, it was important to maintain an adequate balance between such tasks and other staff responsibilities. In view of the need to reduce pressure on staff and increase efficiencies, she welcomed the achievement of the milestone on the use of cluster evaluations.
- 634.** As the indicator under sub-outcome 2.3 on credible impact evaluations had not been achieved, the Office should take action to ensure that the proposed end target for the sub-outcome was met in 2022. The appropriate implementation of guidelines and recommendations was key in that regard. The Office should also improve on the percentages of project evaluations that satisfactorily included questions relevant to international labour standards, tripartism and social dialogue. In that regard, the guidance note developed by the Evaluation Office on adapting evaluation methods to the ILO's normative and tripartite mandate was welcome.
- 635.** Her group agreed with recommendation 1 concerning the topics for high-level evaluations for 2022 and 2023 and the extension of the Evaluation Strategy's implementation period by one year.
- 636.** With regard to Part II of the report, on assessing the ILO's effectiveness and results, while the improvements in 2020 in respect of the relevance and cost-efficiency of interventions – despite the pandemic – were welcome, the decline in overall performance for 2021 in terms of strategic relevance, efficiency and sustainability was disconcerting. She noted with concern the decreased involvement of constituents in development cooperation projects and the drop in the rating for the promotion of international labour standards, policy influence and capacity-building within development cooperation projects. Such shortcomings should be addressed in the future.

- 637.** The Workers' group took note of the synthesis review of the ILO's response to the impact of COVID-19 on the world of work and the lessons learned and agreed with recommendation 2 that the ILO should continue real-time learning on the response to the pandemic and use evaluation results optimally to advance the global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient. The reduction in the performance on sustainable development, disability inclusion and the integration of environmental issues in development cooperation projects was a matter of concern and should be addressed by the Office in a more systematic manner. The group supported the draft decision.
- 638. The Employer spokesperson,** referring to Part I of the report, noted with satisfaction the progress made in implementing the Evaluation Strategy and expressed support for the proposal to extend the Strategy's implementation period until 2022, with the introduction of additional targets.
- 639.** With regard to outcome 1, in view of the ongoing capacity constraints, the Evaluation Office should build in better incentive mechanisms to increase evaluation completion rates and make its services more readily available for ILO projects, in particular at the inception stage, so as to increase awareness of evaluation requirements. It would be useful for the Office to report back on the use of evaluation findings by management, constituents and donors. Concerning the selection of high-level evaluation topics, his group had previously suggested that the evaluations to be conducted in 2024 should focus on international labour standards rather than on social dialogue, and on the ILO's engagement in the UN reform and development systems or the strategic allocation of resources, rather than on labour statistics. If the rolling work plan in table 1 could be amended accordingly, his group could endorse recommendation 1. To ensure the relevance of the proposed tailored evaluation training for employers' organizations, the Evaluation Office should look beyond the role of employers in the evaluation of Decent Work Country Programmes (DWCPs) and development cooperation activities and consider how employers' organizations could improve the overall monitoring and evaluation of the ILO's work and enhance constituent engagement.
- 640.** Regarding outcome 2, the upward trend of using clustered evaluations was welcome, as it provided a more strategic overview and reduced evaluation fatigue. On evaluation quality, contracted evaluators were required to fully assess the ILO's tripartite structure and mandate, and obtain effective insights into the Office's working methods. Recent evaluation experience had shown that data collection methods could be improved. The Evaluation Office should consult the Bureau for Workers' Activities (ACTRAV) and the Bureau for Employers' Activities (ACT/EMP) and the policy departments concerned regarding critical points, without jeopardizing the impartiality of evaluations.
- 641.** With regard to outcome 3, it would be pertinent to know whether a macro-level analysis of the lessons learned and recommendations concerning the *i-eval* Discovery system had been conducted. Office-wide learning and follow-up to evaluations were required. He recalled that his group had previously requested further information on the composition of the Evaluation Advisory Committee, and stressed the importance of the participation of ACTRAV and ACT/EMP. Concerning table 4, on management responses to evaluation recommendations, information should be provided on what measures were being taken to address the recommendations for which no action was planned or had been taken.
- 642.** Referring to Part II of the report, on assessing the ILO's effectiveness and results, he noted with concern that, in the area of strategic relevance and alignment, the steady drop in performance since 2019 in terms of constituent support and the validity of design showed no

signs of improvement. In the area of effectiveness, sustainability and impact, the decline in performance in terms of capacity-building, policy influence and sustainability of interventions was also worrying, particularly given that the pandemic had provided an opportunity for the Office to take an innovative approach in that regard. In its post-COVID-19 strategy, the ILO should focus not only on the groups that had been disproportionately affected, but also on rebuilding the institutions of work and enhancing the resilience and productive capacity of enterprises.

- 643. Speaking on behalf of ASPAG**, a Government representative of China commended the Evaluation Office for fulfilling its mandate despite the challenges posed by the COVID-19 pandemic, and emphasized his group's commitment to support it in its work. The Office should step up its efforts in respect of the milestones that had been partially achieved or had not been achieved. His group agreed to extend the Evaluation Strategy's implementation period by one year, accepted the high-level evaluation topics for 2022 and 2023 identified in the rolling work plan, and encouraged the Office to harness the evaluation of the ILO's response to the COVID-19 pandemic in 2022 to generate high-quality evaluation outcomes to inform the improvement of the ILO's work.
- 644.** He thanked the Office for providing the terms of reference for the independent evaluation of the evaluation function in 2022 and requested it to fully leverage the opportunity provided by that evaluation to strengthen the ILO's evaluation function. The findings and recommendations arising from that evaluation should be shared with the Governing Body at a future session. ASPAG fully supported recommendation 2 and requested the Office to draw upon the lessons identified in the report and to implement the proposed recommendations in full in order to achieve a human-centred recovery from the COVID-19 crisis. The Office should also redouble its efforts to ensure that the design and planning of development cooperation projects was in line with the ILO's strategic priorities, and enhance coordination with other UN agencies in the project implementation phase, while taking into account national development strategies. ASPAG endorsed the draft decision.
- 645. Speaking on behalf of GRULAC**, a Government representative of Chile noted with appreciation the efforts that the Evaluation Office had made to continue its evaluation work despite the challenges faced by the pandemic. The group agreed that it was necessary to extend the Evaluation Strategy's implementation period until the end of 2022, with additional targets, for the purposes of consolidating the work undertaken to date and for preparing the new Evaluation Strategy 2023–25. Furthermore, the Office should inform the Governing Body of the measures it would take to make improvements in the areas identified in Part II as having an unsatisfactory assessment score, continue to adopt a learning-oriented attitude in response to the COVID-19 pandemic and take action to ensure an inclusive, sustainable and resilient recovery. His group supported the draft decision.
- 646. Speaking on behalf of IMEC**, a Government representative of Iceland also expressed her group's appreciation of the Evaluation Office's proactive approach to the pandemic and its efforts to ensure the continuation of evaluations. IMEC welcomed the progress made and supported the proposed end targets for 2022, in the expectation that serious efforts would be made to achieve them. It also welcomed the proposed cost-recovery scenario for evaluation managers and agreed with recommendation 1.
- 647.** Noting with concern the lack of a consistent trend reflected in Part II of the report on various dimensions of the ILO's development effectiveness, and the relatively low scores on a substantial number of those dimensions, IMEC considered that the next evaluation strategy should be ambitious in promoting an increase in development effectiveness, especially for

dimensions with a score of below 50 per cent, and a consolidation of the ratings. Credible evaluations conducted during the crisis would help future decisions. Furthermore, the finding that adaptive approaches should be continued was an important one. The ILO should strengthen strategic relationships with other UN agencies and the development community to promote the goals set out in the global call to action for a human-centred recovery from the COVID-19 crisis.

648. On strategic relevance and alignment, the weak results recorded in evaluation reports in the area of validity of design/approach was a concern. IMEC welcomed, however, the positive development in respect of poverty reduction and gender strategies. The ILO should increase its efforts to improve the effectiveness, sustainability and impact of its projects, and include the promotion of its core values of equality, inclusion, standards, social dialogue and tripartism in its interventions, particularly in the response to the socio-economic challenges caused by the pandemic. In that respect, IMEC endorsed recommendation 2.
649. Noting the concerns raised with regard to the achievement of the Sustainable Development Goals (SDGs), IMEC considered that the ILO had an important role to play in mitigating the negative consequences of the COVID-19 pandemic, and should further improve its organizational agility, the coherence of its actions, and its effectiveness. IMEC supported the draft decision.
650. **Speaking on behalf of the Africa group**, a Government representative of Malawi acknowledged the steps taken by the Evaluation Office to ensure that it continued to fulfil its mandate amid the challenges encountered due to the COVID-19 pandemic and took note of the process followed to select topics for high-level evaluations. Social dialogue had proved to be a useful tool for helping Africa to address the challenges it was encountering as a result of the pandemic. He took note of the evaluative insights on a way forward for the ILO's post-COVID-19 strategy, welcomed the adaptive measures being proposed and called on the Office to assist African countries in implementing DWCPs that specifically targeted vulnerable groups, particularly women and children. Implementing the global call to action for a human-centred recovery from the COVID-19 crisis should be a priority for the ILO. The Africa group supported the draft decision.
651. **A representative of the Director-General** (Director, Evaluation Office) welcomed the comments, which would guide the Evaluation Office in improving its work. While good progress had been made on all indicators, only limited progress had been made on the impact evaluation indicator because projects often only had sufficient resources to cover standard performance evaluations. The Evaluation Office had provided support for more extensive impact evaluations where there had been expressions of interest, but such evaluations were conducted for learning rather than accountability purposes and work was carried out directly by the technical departments concerned, with technical support from the Evaluation Office. He recalled that extending the Evaluation Strategy 2018–21 by one year would enable the Evaluation Office to consolidate the work done thus far and incorporate findings from the independent evaluation of the ILO's evaluation function in 2022 into the new evaluation strategy. Nineteen additional targets had been added to facilitate the transition to the new evaluation strategy.
652. In response to a question by the Employers' group, he said that it would be almost impossible to describe all the ways in which the findings of evaluations were being used. A number of examples were provided in the report. Furthermore, findings from 83 per cent of high-level evaluations had been reflected in the Programme Implementation Report for 2018–19 and two out of three high-level evaluations had been reflected in the Programme and Budget for 2022–

23 and in the ILO's Strategic Plan for 2022–25. In addition, the recommendations of many project evaluations were used to inform the Office's work. The Office was also very responsive to recommendations, with 90 per cent of responsible officers responding to evaluation recommendations and a recommendation completion rate of 78 per cent. The Evaluation Advisory Committee, which did not operate under the authority of the Evaluation Office, was available to oversee follow-up to the recommendations of high-level evaluations. He would consult with the chairperson of that committee as to whether it would be possible to involve Employer and Worker representatives in its work.

653. With regard to completion of evaluations, the Evaluation Office prioritized independent evaluations to ensure sufficient oversight of its work and demonstrated high compliance with independent evaluations. Compliance with internal evaluations had increased from 45 per cent to 65 per cent, and the rate of timely completion of independent evaluations had fallen only 10 per cent as a result of the COVID-19 pandemic, from the 100 per cent the previous year. Good progress had also been made in clustering evaluations, despite initial hesitancy: over four years, 80 project evaluation needs had been met through 20 cluster evaluations, reducing the Office's workload and increasing the efficient use of resources. In response to comments from IMEC, he confirmed that the Evaluation Office had worked with other organizations in the UN system on joint evaluations, including in the context of the funding for the COVID-19 response and the SDGs, and had been actively involved in the COVID-19 Global Evaluation Coalition set up by the Development Co-operation Directorate of the Organisation for Economic Co-operation and Development. A number of groups had welcomed the investments made during the COVID-19 response in terms of the evaluation process and the Evaluation Office's efforts to glean the first lessons from ILO's response to the pandemic. Although it was too early to pass final judgement in that regard, positive trends had been observed in various parts of the response. The high-level evaluation of the COVID-19 response planned for 2022 would consider in more detail the Office's efforts to adapt its methods and the resulting outcomes.
654. In response to questions from the Workers' group, he elaborated on steps taken to improve the way in which the ILO's mandate for normative work and social dialogue was reflected in evaluations, a concept that had arisen in the independent evaluation of the ILO's evaluation function in 2016, but had not been addressed in past evaluations. In the period under review, 95 per cent of project evaluations had yielded evaluative information on normative work and standards promotion, and 100 per cent had yielded information on tripartism, but findings had indeed shown that the level of effort in the evaluated projects to promote ILO standards and social dialogue was not enough. That demonstrated the importance of keeping track of performance, and the figures would prove useful in the long term.
655. Turning to Part II of the document, he said that the ILO's overall effectiveness and results was evaluated on the basis of evaluation reports. The Evaluation Office could not provide a single definitive picture of the ILO's overall performance, but used the reports as proxies to assess the ILO's progress against 26 performance indicators. The Evaluation Office had been using the methodology to report on the ILO's performance for eight years and it was now possible to see trends in the results. From the figures in the document, performance might appear to have been highly fluctuating, because the Office used the median rather than the mean to calculate performance scores. Performance was observed to have improved in 2020, but had dipped slightly in 2021. The sample for 2021 was small, because the data reporting cut-off date had been June 2021; the Evaluation Office expected that once it was possible to evaluate all data from 2021, the figures might show a similar level of performance as in 2020.

656. Responding to a request from the Employers' group, he explained that some high-level evaluation topics had not featured on the rolling work plan because the Office was currently only asking for approval for evaluation to be undertaken in 2022 and 2023. The evaluation topics for 2024 and 2025 were indicative and would be discussed the following year.

Decision

657. **The Governing Body endorsed the recommendations of the annual evaluation report 2020–21 (paragraphs 11 and 92 of document GB.343/PFA/9) for implementation by the ILO.**

(GB.343/PFA/9, paragraph 95)

10. High-level evaluations of strategies and Decent Work Country Programmes (GB.343/PFA/10)

658. **The Employer spokesperson** noted that the high-level evaluation of the ILO's strategy and actions for promoting fair and effective labour migration had correctly assessed that employers' organizations were most concerned about skills, yet there were no recommendations to place addressing skills gaps at the centre of the strategy. Recommendation 6 should include an assessment of labour market needs and the promotion of appropriate migrant labour policies to make more of a measurable impact. On coherence, the Office should examine how to pursue synergies and opportunities in the work of its constituents, such as working with business to improve regulatory frameworks to promote labour mobility and reduce improper recruitment practices. Regarding recommendation 3, the plans to ensure the sustainability of development cooperation should include measures allowing the social partners to increase their ownership of ILO interventions and incorporate dedicated capacity-building activities for their benefit.
659. As to the high-level evaluation of the ILO's gender equality and mainstreaming efforts, the quality and methodology were concerning. The key findings had not taken into account the genuine institutional efforts, and the recommendations were too generic to result in tangible improvements in the ILO's work. The evaluation did not mention the Governing Body's decision to introduce a dedicated policy outcome on gender equality and non-discrimination in the Programme and Budget 2020–21, nor did it refer to how the ILO supported employers' and workers' organizations in promoting gender equality. There was also little information on the work of the Equal Pay International Coalition or capacity-building activities at the International Training Centre of the ILO. As key finding 8 referred to a lack of systematic monitoring and reporting on specific gender programme objectives, he asked whether the Office had a mechanism for that purpose. In terms of efficiency, the Office should identify synergies across field offices to avoid duplicating work and optimize the use of resources. He asked how the evaluators had concluded that the ILO's work on gender equality lacked an overall strategy, despite its inclusion as a policy outcome of the Programme and Budget for 2020–21, the ILO's Strategic Plan for 2022–25 and the ILO Action Plan for Gender Equality 2018–21. The Office response would likely be more effective in improving the ILO's work on gender equality and should therefore be prioritized over the evaluation's recommendations to avoid creating parallel strategies and action plans. The Employers' group therefore proposed amending the draft decision to include a reference to "the Office responses and the guidance provided during the discussion to pursue follow-up".
660. On the independent high-level evaluation of the ILO's programme of work in Bangladesh, Nepal, Pakistan and Sri Lanka, he noted that many points reflected concerns already raised by

the Employers' group, but the Office appeared reluctant to follow up on the recommendations of past evaluations. In relation to key finding 2 on relevance, strengthening capacities among employers' organizations to address relevant labour market issues was a shared responsibility and should be supported across all policy outcomes. As to key finding 6 on coherence, given the limited availability of resources for the areas in greatest need of ILO support, the Office should consult more with donors to better align the priorities and needs of constituents with those of donors. The Office should also assess the capacity of ILO country offices to create the space needed for constituents in the UN development system. He welcomed recommendation 1, which clearly articulated the need to align future projects and resource allocation with the needs and capacities of the social partners and to strengthen institutional capacities of organizations of employers and workers. However, the group disagreed with recommendation 5, as maintaining relationships with the social partners was the main responsibility of specialists acting as direct points of contact.

- 661. The Worker spokesperson** expressed concern that the evaluation on labour migration had not recognized the ILO's normative mandate as part of its added value. The ILO's work on migration must be grounded in the protection of migrant workers' rights in line with international labour standards. The group fully agreed that there was an overlap of the ILO's work and that of the International Organization for Migration (IOM), and that responsibilities should be better divided in accordance with each organization's mandate. She thanked the Office for its efforts to mitigate the effects of the COVID-19 pandemic on migrant workers and supported the suggestion in recommendation 6 to enhance efforts to address the challenges caused by COVID-19 on social protection for migrant workers and refugees. The Office should now focus on accelerating the ratification of Conventions on migrant workers and on addressing the heavy workload and the lack of staff with sufficient technical expertise in labour migration. She endorsed recommendation 1 of the evaluation on labour migration, which would increase the ILO's visibility in terms of its vision, activities and standing in the UN system. The adoption of the new five-year Fair Recruitment Initiative and Knowledge Hub was welcome, as it would help constituents to implement ILO standards and guidance. Greater emphasis should be placed on the protection of migrant workers in cross-border recruitment processes, in particular by imposing sanctions for the charging of unfair fees, and on the prevention of brain drain.
- 662.** She agreed with the Employers' statement. It was regrettable that the full high-level evaluation of the ILO's gender equality and mainstreaming efforts had been posted online only days before the Governing Body's discussion. The ILO's work in that area was a key priority, and the limited gains had been reversed during the COVID-19 pandemic. The evaluation therefore provided a timely reminder of the urgent need for the transformative agenda on gender equality called for in the ILO Centenary Declaration for the Future of Work. She expressed regret that country programme outcomes linked to the ratification and application of international labour standards had registered the lowest frequency of gender-responsiveness results and requested the Office to address those gaps in the future. The Office should also enhance the ILO's profile on gender matters, including within the UN system, by building on its added value of its normative mandate and social dialogue. The capacity-building support envisaged under recommendation 2 should focus on the institutions of work, such as promoting the inclusion of gender equality clauses in collective bargaining agreements. The transition to telework during the pandemic had particularly affected women, so the Office should consider the impact of telework from a quantitative and qualitative angle in the implementation of recommendation 4. When designing the next action plan, the Office should take into account the Office response, the relevant recommendations of the evaluation and

the measures already identified for accelerating progress on specific indicators of the ILO Action Plan for Gender Equality 2018–21.

- 663.** The Workers' group welcomed the high-level evaluation of the ILO's programme of work in Bangladesh, Nepal, Pakistan and Sri Lanka. The group supported recommendation 1, as the largest share of time and resources in DWCPs was currently allocated to national governments, whereas capacity-building support should be shared more evenly among tripartite constituents. Urgent steps should be taken to improve the effectiveness of DWCPs in promoting social dialogue and international labour standards and to better address environmental concerns in country programming. The evaluation's finding that some of the ILO's corporate administrative procedures had hindered DWCP results must be considered in a human resources policy, as it went beyond the mandate of regional offices. The Office should identify, promote and retain qualified personnel in order to respond to constituents' needs, therefore recommendations 6 and 8 were welcome. Noting the priorities identified under recommendation 3, regarding the socioeconomic recovery from the COVID-19 crisis, she stressed the importance of social protection and occupational safety and health, and called on the Office to address international labour standards, social dialogue and environmental concerns in its support to constituents to address the gaps identified in the evaluation. The Workers' group supported the draft decision as amended by the Employers' group.
- 664. Speaking on behalf of the Africa group,** a Government representative of Eswatini emphasized that the recommendations contained in the report should be instrumental in the implementation of the Development Cooperation Strategy 2020–25, the Programme and Budget for 2022–23 and the ILO's Strategic Plan for 2022–25.
- 665.** Regarding the evaluation of labour migration, he agreed that the ILO's role in migration governance should be clearly defined to avoid overlap with that of other international bodies and to ensure better use of limited resources. Development cooperation on labour migration should be aligned with the ILO's labour migration priorities, and should focus on fair recruitment, social protection, non-discrimination and combating stereotyping of migrant workers. He asked why the Office had carried out only eight detailed studies, just two of which had included countries in Africa, when a detailed review across all regions would have provided more balanced results. The ILO's work to ensure fair and effective governance of labour migration must be an integral part of the COVID-19 recovery efforts, particularly in countries of destination. To sustain the progress made on labour migration, the Office should take into consideration all the recommendations of the evaluation, and in particular recommendations 1, 2, 5 and 6 in relation to Africa.
- 666.** On the evaluation of gender equality and mainstreaming, he reaffirmed the Africa group's commitment to gender mainstreaming in the design, development and implementation of ILO programmes and strategies and commended the focus on capacity-building for constituents to promote gender equality. The SDGs should be integrated into new DWCPs to ensure that the principles of gender equality, non-discrimination and a just transition to environmental sustainability were well reflected. He asked whether the diagnostic instruments to support the planning, monitoring and evaluation of DWCPs with respect to the SDGs were in use for gender analysis. He endorsed the recommendations made in the evaluation and noted with satisfaction that the Office had already begun to implement them. The Africa group supported the draft decision, and could support the amendment proposed by the Employers' group.
- 667. Speaking on behalf of GRULAC,** a Government representative of Chile agreed that the ILO's work on labour migration was unique owing to its added value based on tripartism and social dialogue. The ILO should develop partnerships to raise its visibility and consolidate its

leadership on labour migration and fair recruitment, without duplicating the efforts of other organizations. It should also demonstrate the impact of its actions in the field, by working on an appropriate sustainability and follow-up plan based on data. The group welcomed the development cooperation and technical assistance provided by the ILO at the national and regional levels, particularly during the COVID-19 pandemic, and encouraged the Office to continue building the capacities of technical teams in field offices.

- 668.** GRULAC recognized the ILO's efforts on gender equality and non-discrimination. It was important to include gender and non-discrimination in programme indicators and Programmes and Budgets 2016–21, which was consistent with its mandate for social justice. Tripartite efforts and the ILO Action Plan for Gender Equality 2018–21 were particularly welcome, and were in line with the Centenary Declaration, the ILO Global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient, and the ratification of the Violence and Harassment Convention, 2019 (No. 190), by eight Member States. The group urged the ILO to continue to maintain coherence among its plans and strategies, to generate inter-agency partnerships and to implement programmes to promote women's access to the labour market and the representation of women in political and social positions of influence. GRULAC supported the draft decision as amended by the Employers' group.
- 669. A Government representative of Bangladesh** urged the Office to examine the causes of the low-scoring areas of the evaluations, particularly in relation to efficiency and likelihood of impact and sustainability, and take action to address them, taking national and regional circumstances into account. In the pursuit of effective labour migration, the Office should enhance technical support to Member States for skills enhancement and fair recruitment of the potential migrant workforce, and should develop partnerships with stakeholders in countries of origin and destination to support returning workers, particularly in the light of the COVID-19 pandemic. Gender equality and women's empowerment should be a top priority within the ILO's tripartite structure, and accountability should be ensured to produce visible impact. In relation to DWCPs, the Office should remedy its corporate administrative procedures to improve efficiency in achieving DWCPs, in close consultation with the tripartite partners at the country level. In the case of the DWCP in Bangladesh, he called on the Office to enhance technical support and mobilize global resources to facilitate progress towards a world of decent work.
- 670. A Government representative of Pakistan** expressed appreciation for the recommendations of the high-level evaluation of DWCPs in four countries of South Asia, which should contribute to further improvements in the ILO's operations at the country level. Pakistan valued the support provided by the ILO Country Office. International support was crucial to a successful human-centred recovery from the pandemic, and the ILO could make a key contribution to improving job creation and protection, social protection and decent working conditions.
- 671. A representative of the Director-General** (Director, Evaluation Office), focusing on methodological questions, explained that the high-level evaluations were conducted by an independent team of external consultants in accordance with the ILO's evaluation policy and protocols. The Evaluation Office worked with them to ensure a good level of quality and accuracy but did not alter findings. The evaluation teams assessed the topics using a combination of data collection methods. Those included secondary data review, surveys and case studies. The latter usually involved field visits, but they had been replaced by virtual interviews as a result of COVID-19. While there were limitations with that approach, sufficient data had been gathered to validate all evaluation findings through triangulation. For the case studies, Africa had possibly been underrepresented in the evaluations, which would be

rectified in subsequent evaluations. He noted that document GB.343/PFA/10 contained only a short summary and did not do justice to the richness of the full evaluation reports, which were typically between 80 and 100 pages. For example, for the evaluation of gender equality and mainstreaming, the full report contained the details sought by the Employers' group on employers' activities and capacity-building. The full evaluation reports had initially been published online on 12 October, followed by fully formatted versions on 29 October 2021.

- 672. Another representative of the Director-General** (Director, Conditions of Work and Equality Department (WORKQUALITY)), responding to comments on Part II of the report, confirmed that the ILO had mechanisms to monitor progress towards meeting gender-related indicators under the ILO Action Plan for Gender Equality 2018–21. There was also a mechanism related to the programme and budget proposals. The Employers' group had rightly noted that a policy outcome dedicated to gender equality and equal opportunities and treatment for all in the world of work had been introduced in the Programme and Budget for 2020–21, as well as a gender and non-discrimination marker for all policy outcomes, which introduced more stringent requirements compared to the former cross-cutting policy driver on gender equality. The Office response had highlighted the importance of developing a theory of change that connected the high-level commitments on gender equality in the Centenary Declaration and the Global Call to Action with both the Action Plan for Gender Equality and the Programme and Budget to ensure that the Office could deliver more effectively. The Office was currently identifying and developing swift methodologies to trigger chains of changes to deliver the intended results in different countries and regions, taking into account their specific circumstances.
- 673.** With regard to the concern that country programme outcomes linked to the ratification and application of international labour standards had registered the lowest frequency of gender-responsive results, discussions were under way with the International Labour Standards Department to examine possible reasons and remedies. One possible cause might be that standards specialists considered only those standards labelled as relating to gender, whereas ratification and implementation of standards on a broad range of issues, including social protection, transition to the formal economy and minimum-wage fixing, had clear gender dimensions and policy implications. On enhancing the ILO's visibility within the UN system and the broader multilateral arena on gender issues, the Office would build on the lessons learned from past and current partnerships to identify partnerships more strategically in the future. The diagnostic instrument being used to develop the new generation of DWCPs did indeed incorporate a gender lens; the Office would assess the exercise in early 2022 and its impact on gender equality. As to accountability and delivering on gender equality and women's economic empowerment, the ILO Action Plan for Gender Equality 2018–21 contained indicators relating to accountability and leadership, which were essential for visible and sustained impact. To follow up on a request from the Governing Body at its 340th Session, the Office had published a document for information on measures to accelerate progress in respect of specific indicators of the Action Plan, including leadership.¹⁴ Regular and related discussion within the ILO's global management team had encouraged positive competition and sharing of good practices among regional directors, and was expected to facilitate understanding of why progress under some indicators was faster in certain regions.

¹⁴ GB.343/INS/INF/3.

Decision

- 674. The Governing Body requested the Director-General to take into consideration the recommendations of the three high-level independent evaluations presented in document GB.343/PFA/10 (paragraphs 26–37, 78–90 and 112–132), the Office responses and the guidance provided during the discussion to pursue follow-up, and to ensure appropriate implementation.**

(GB.343/PFA/10, paragraph 142, as amended by the Governing Body)

11. Matters relating to the Joint Inspection Unit (GB.343/PFA/11)

- 675.** In preparation for the adoption of the decision by correspondence, the Office held a briefing session for Governing Body members on this item on 11 October 2021.
- 676.** The Screening Group agreed to put the item for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members on 19 October 2021.

Decision

- 677. The Governing Body took note of the information contained in documents GB.343/PFA/11, GB.343/PFA/11/REF/1 and GB.343/PFA/11/REF/2 and provided guidance to the Office.**

(GB.343/PFA/11, paragraph 21)

Summary of the written comments received during the consideration of the item by correspondence ¹⁵

- 678. The Workers' group** supported the Office's position on the recommendations concerning the review of the investigation function in the UN system and the ongoing consultative process on recommendation 3, given that provisions related to the resolution of harassment grievances are subject to a collective agreement that would have to be renegotiated to make any changes. The group also concurred with the Office's position on the imposition of time limits for the Chief Internal Auditor and its incompatibility with the ILO staff rules and regulations.
- 679.** The Workers' group also agreed with the Office on the report covering policies and platforms to support learning, in particular recommendation 6 on external platforms, which had not been accepted due to concerns over effectiveness, increased learning uptake and an inadequate level of diversity in external course content. Any consideration around a more collaborative approach to capacity-building within the UN system must respect the unique role of the ILO Turin Centre at the international level in providing capacity-building to ILO constituents.
- 680.** The Workers' group agreed that the report on UN common premises went beyond its designated topic by including statements on the UN reform, and therefore supported the position of the Office on the recommendations. The group reiterated the need to ensure free access to workers' organizations to UN/ILO common premises and, more generally, the importance of securing respect for the tripartite nature of the ILO and its rights-based mandate as part of the UN reform, especially at the country level.

¹⁵ The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

- 681.** The ILO's tripartite structure was also important when discussing greater collaboration on public-private partnerships within the UN system. Despite the potential merit in learning from best practices among UN agencies, the group was not in favour of any attempt to centrally administer public-private partnerships that may circumvent the ILO's internal mechanism, one of whose criteria was the need for companies to respect ILO values and international labour standards. On enterprise risk management, the group agreed with the Office and considered the frequency of the Governing Body's discussions on risk management to be sufficient.
- 682.** Lastly, the Workers' group agreed with the statements made by the Chief Executives Board for Coordination (CEB) and the Office on the recommendations relating to multilingualism, notably their non-acceptance of two recommendations owing to the existence of other relevant inter-agency arrangements, and noted with satisfaction that the ILO had appointed an ILO CEB Focal Point Coordinator on Multilingualism.
- 683. The Government of Colombia** commented that it would have liked document GB.343/PFA/11 and the two reference documents to contain more detailed information on the recommendations that were not accepted and the reasons for not accepting them.

Personnel Segment

12. Statement by the Chairperson of the Staff Union

The statement by the staff representative is reproduced in the [Appendix](#).

13. Amendments to Staff Regulations

(No amendments were submitted to the Governing Body at this session.)

14. Human Resources Strategy for 2022–25 (GB.343/PFA/14)

- 684. The Employer spokesperson** said that the Human Resources Strategy for 2022–25 was inadequate for multiple reasons. The document did not present any specific strategy on how the ILO would effectively ensure that its workforce composition would better relate to and deliver on constituents' needs. No key deliverables addressed the importance of practical knowledge of the world of work and its constituents to rebalance and strengthen the diversity of the ILO. The key indicators aimed at monitoring the achievements of the key deliverables did not serve the purpose of tracking the ILO's performance in the focus areas. She reiterated her group's request for information on the status of the skills mapping exercise to understand workforce needs and existing skills, and to be able to provide relevant input. The mapping should include an internal assessment of the ILO's capabilities and limitations, an external environment scan to review constituents' needs and service functions such as human resources to assess whether ILO departments providing support services to frontline staff were adequately equipped with the right client-oriented skills. The section on lessons learned did not provide a comprehensive analysis of what had or had not worked in the previous Human Resources Strategy. Regarding workforce planning, the Office should take a more proactive and strategic approach, reinforced by an organization-wide inventory of existing workforce talent including skills profiles for staff at all levels.
- 685.** The focus area on planning for future workforce needs provided no action points or deliverables that safeguarded organizational continuity or preserved institutional knowledge. As most retirements involved senior ILO officials with substantial institutional knowledge, it was critical to establish a structured transition and handover process to prevent significant

disruptions and inefficiency in ILO operations. ILO workforce diversity should be more comprehensive and include elements such as age, religion, ethnicity, experience and expertise. The Employers wished to know why certain regular budget positions were left unfilled for excessive periods, and what action the Office was taking to address such bottlenecks. The Office could hold managers accountable for delegated authority for selections and take remedial action to resolve delays. The revised functional and geographical mobility mechanisms should promote mobility as an intrinsic part of career development.

- 686.** Managers must be trained in and ultimately held accountable for their team's engagement, with high performance recognized and underperformance addressed. They must also receive adequate support in terms of administration, time and resources to be accountable for staff performance. It was necessary to maintain a healthy balance between providing tools and designing processes and assignments for managers, and increasing their engagement with staff. Greater efforts were required to support those transitioning into management roles, in order to assess their strength and skills gaps and enable them to obtain the necessary knowledge. Regarding the focus area on a respectful and ethical workplace, the ILO should strengthen its approach to allow staff at all levels to navigate ethical dilemmas and meet the highest expectations for workplace conduct. Her group requested the Office to foresee mandatory training on ethics and harassment for all staff as part of the key deliverables. The Office must also enhance the human resources experience for staff more proactively, by undertaking a review of human resources services and capacities to identify gaps, increase responsiveness, improve conditions of service and address staff health and well-being. She proposed amending the draft decision to read as follows:

The Governing Body endorsed the Human Resources Strategy for 2022–25 and requested the Office to take the guidance provided into account in implementing the Strategy, and set clear deliverables to attract, recruit and retain a more diverse workforce with experience relevant to the three constituent groups, as well as the target groups such as women, youth and young professionals, under-represented nationalities and persons with disabilities.

- 687. The Worker spokesperson** said that his group fully supported the proposed human resources strategy and in particular its efforts to ensure that the conditions of employment of development cooperation project colleagues were aligned with those of regular Office staff. He invited the Office to negotiate with the Staff Union on the modalities for a framework of flexible work arrangements. It was important to find the right balance between virtual and face-to-face contact, taking into account the remaining barriers to the transition to a digitalized world of work and the nature of the ILO's work and support to constituents. It was too early to draw many concrete conclusions from the experience collected and the working methods used during the pandemic; the crisis was not over, and additional empirical evidence was needed before permanent changes to working methods could be introduced.
- 688.** His group supported efforts to map current and future skills needs and to introduce more robust tools for workforce planning, which should go hand in hand with a succession plan, and the Office's commitment to diversity. In that regard, the deliverables on outreach, training and career development for selected target groups should include applicants with experience relevant to the three constituent groups. The Workers expected the increase in the gender gap for D-1 and D-2 posts observed in the mid-term report on the implementation of the ILO Action Plan for Gender Equality 2018–21 to be reversed in the period 2022–25. It would be crucial to maintain a positive and constructive climate between the Office and the Staff Union in the implementation of the Strategy. His group supported the original draft decision.

- 689. Speaking on behalf of the Africa group**, a Government representative of Rwanda recommended the Office to take bold steps to implement the Strategy, including by mobilizing resources and setting clear annual targets in line with its objectives and expected outcomes. It was important to ensure an assessment of future workforce needs that would cater for global and specific regional and national requirements. Internship programmes should be strengthened to allow young people to gain experience and to be better prepared for recruitment opportunities. The Office should ensure the effective implementation of strategies aimed at providing outreach training and career development for women, under-represented minorities and persons with disabilities, in line with the targets set out in the ILO Action Plan for Gender Equality and the ILO Disability Inclusion Strategy. He emphasized that the number of women in senior professional posts remained at 38 per cent and needed to be increased. His group supported the original draft decision.
- 690. Speaking on behalf of ASPAG**, a Government representative of Japan commended the Office's commitment to strengthening its human resources function and expressed support for all three key priorities of the Strategy. Geographical diversity was of particular importance, including for the smooth implementation of development cooperation projects by ILO country offices. He therefore encouraged the Office to improve geographical diversity beyond the target set and requested it to consider adding further indicators on geographical representation to the Strategy, including one relating to senior positions. He also requested the Office to provide, in the follow-up document of the Strategy or in a separate document, detailed annual data on underrepresentation at all grades and on progress achieved. Furthermore, he proposed that requirements such as extensive international experience and language skills should be removed from generic job descriptions if not needed for particular positions. In order to improve workforce diversity, the Office should also focus on disability inclusion and gender parity; conduct a strategic outreach campaign targeting under-represented groups and nationalities; and raise awareness of diversity among managers and staff involved in the recruitment process, including through unconscious bias training. In addition, it should remain open to talented external candidates rather than focusing solely on internal career progression. Geographical mobility should be promoted by factoring it into decisions on moving to high-level positions at headquarters. The ILO's work at the central level would also be strengthened by recruiting high-performing staff from ILO regional and country offices, to enable the Office to capitalize on their experience in the field and interaction with local constituents, which would increase the capacity to take into account the needs of constituents. He requested the Office to make specific plans to improve geographical mobility and report on its progress to the Governing Body; increase the proportion of ILO officials working in the field to help manage increased workloads due to UN country teams; provide a detailed mapping of potential vacancies for the coming three years; and increase transparency in the recruitment process.
- 691.** Turning to priority 2, he called on the Office to steadily proceed with the ongoing revision of the disciplinary framework and raise awareness of its zero-tolerance approach to workplace discrimination and harassment to enable employees to reach their full potential. Although flexible working arrangements could boost diversity and inclusion, the Office should remain mindful of potential challenges, such as difficulties in coordinating work, mental health issues and insufficient guidance for young staff including junior professional officers (JPOs). He expressed appreciation for the increased frequency and granularity of the performance evaluation. Developing additional recognition schemes would help to build a self-motivated workforce; to that end, it was worth considering higher salary or bonuses for high performers. With regard to priority 3, in its work to leverage technology for efficient human resources services, the Office should prioritize measures conducive to the achievement of outcomes 1

and 2, and ensure coordination in the implementation of different ILO strategies in areas such as human resources and information technology in its efforts to innovate and digitalize the human resources function. Provided that the Office heeded its guidance, considered reporting detailed annual data on representation and progress achieved and further considered more appropriate indicators to monitor geographical diversity, his group would support the draft decision.

- 692. Speaking on behalf of GRULAC**, a Government representative of Chile urged the Office to continue its development of action plans that helped fulfil its objectives. Expressing his group's broad agreement with the Strategy's key priorities and expected results, he drew attention to the need for vacancy announcements to promote the recruitment of women, young people and persons with disabilities. The measures to accelerate progress in respect of specific indicators of the ILO Action Plan for Gender Equality 2018–21 ([GB.343/INS/INF/3](#)), while welcome, should not replace in-depth analysis of job profiles to address possible barriers for people with more diverse profiles. The Strategy's gender, diversity and inclusion approach must be translated into measures that addressed the factors preventing women and officials from all regions from accessing senior management positions.
- 693.** The ILO should inform all staff of additional conflict resolution communication channels that could be used without fear of reprisals. His group would welcome further information on the medical and mental health support provided by the Office to its staff during the COVID-19 pandemic, and on the measures adopted in relation to the UN zero-tolerance policy on sexual exploitation and abuse. Although the ILO's human resources and information technology strategies were closely linked, neither the document under discussion nor the ILO Information Technology Strategy 2022–25 ([GB.343/PFA/4](#)) addressed the material or human resources required to achieve their objectives. Staff surveys should be undertaken to help measure the impact of human resources strategies, and the Strategy should reach all staff and remain on-budget. His group supported the draft decision, as amended by the Employers' group.
- 694. Speaking on behalf of IMEC**, a Government representative of Canada said that she welcomed the proposed Human Resources Strategy for 2022–25 and the Office's commitment to recruiting staff with the highest standards of competence and integrity through a competitive and transparent process based on merit and qualifications. The low level of ambition for gender parity among ILO staff was cause for concern; every effort should be made to achieve gender equality within 3 per cent parity in senior positions by 2025. Her group would appreciate receiving detailed information from the Office on development towards achieving gender parity for ILO's senior positions, including the trends and direction over time. The Office should make disability inclusion an additional selected key indicator under outcome 1 of the Strategy. She noted the importance of hiring qualified JPOs and wished to know how staff members were prepared for their role as supervisors of junior professional officers and requested an update on recruitment policies for junior professional officers following completion of their contract.
- 695.** Noting that the Strategy referred to action to prevent and address harassment, including sexual harassment, she reiterated the importance of tackling that issue among ILO staff, implementing partners and with respect to beneficiaries. She noted the importance of a standing ILO policy to prevent and address sexual harassment, as well as sexual exploitation, abuse and other forms of harassment and abuse of authority, and sought assurances that the policy is available online, is regularly updated and broadly communicated to staff and implemented both at headquarters and in regional and country offices. Information on flexible working arrangements and how they had contributed to the retention of women in senior

positions would be appreciated. The ILO had a duty to act as a leader on workforce management practice in the UN system. IMEC supported the original draft decision.

- 696. A Government representative of the Russian Federation** welcomed the fact that the ILO's human resources development strategy sought to recruit staff with the highest standards of competence, efficiency and integrity. Concerning geographical representation, he said that the phrase "less-than-adequately represented nationalities", which was used in the Appendix to the document, should be replaced by "under-represented countries" in line with the terminology used in the rest of the document.
- 697.** The transition to remote working, made necessary by the COVID-19 pandemic, should be considered to be an exceptional measure. Introducing flexible working arrangements would require financial investment and a review of the contract system and salary scales. Such an important decision should not be rushed, and should first be discussed within the framework of the International Civil Service Commission (ICSC) and the Human Resources Network of the UN System Chief Executives Board for Coordination. Regarding staff mobility, the ICSC had recommended linking mobility with professional development, and he encouraged the ILO to take that into account when developing new staff mobility mechanisms. The ILO should continue to work constructively with the ICSC, and any conditions of service approved by the UN General Assembly should form the basis for ILO human resources policy.
- 698.** He welcomed the inclusion of focus area 2.1 and said that effective human resources management policies required incentives and penalties to ensure accountability for performance. Turning to gender equality, he noted that there were more women than men in positions at the P1 to P4 levels, and said that gender equality must apply to both sexes.
- 699.** Finally, regarding the amendment put forward by the Employer spokesperson, he proposed adding the phrase "continue recruitment and appointment processes in accordance with the ILO Constitution and Staff Regulations" after "implementing the Strategy,".
- 700. A representative of the Director-General** (Director, Human Resources Development Department) took note of the guidance provided by constituents, which would help the Office in the implementation of the Human Resources Strategy for 2022–25. The Strategy applied to all staff, including those recruited on contracts financed through extra budgetary development cooperation projects, and was underpinned by a "One ILO" approach.
- 701.** The ILO's commitment to geographical diversity had been evidenced in a recent UN report commissioned by the ICSC, which had confirmed that the Organization was one of few in the UN system that had defined criteria for monitoring and measuring equitable geographical representation. In line with the Action plan for improving the diversity of the ILO workforce, adopted by the Governing Body in 2019, constituents received a detailed breakdown of statistics each year, and the current figures showed that progress had been made. It must be noted that, like other organizations in the UN system, the ILO's calculation of geographical diversity only took into account positions in the Professional and Director categories that were financed under the regular budget, which only amounted to 23 per cent of total ILO staff. It would therefore be pertinent to expand the scope of the topic to include staff employed through other contract modalities in order to provide the full picture of the Office workforce diversity.
- 702.** In the interest of concision as requested by the Governing Body, the document had not described all relevant strategies and initiatives developed by the Office on relevant areas such as gender parity and disability as that information was available in other ILO strategies. Recent actions taken to improve diversity included increasing targeted job advertising to qualified

potential candidates and enhancing collaboration with platforms such as LinkedIn. Over 3.5 million people had visited the ILO recruitment platform, demonstrating that many people viewed the ILO as a desirable employer. The Office had also taken steps to rejuvenate its workforce by strengthening its excellent Junior Professional Officer Programme, which allowed young professionals to learn from senior managers with extensive expertise. Senior staff members received support from the Office to ensure that they were well prepared to engage in all stages of the programme, from the drafting of job descriptions to the selection and training of new staff members. Over 50 per cent of junior professional officers continued their careers at the ILO on contracts financed both through the regular budget and development cooperation projects. Although certain roles were not open to Junior Professional Officers on development cooperation contracts until they had five years of experience, those staff members could benefit from training to enable them to apply for internally and externally advertised positions.

- 703.** He shared the concerns raised by some constituents regarding the work still to be done to secure gender parity, especially at the senior positions levels of the Organization. However, it was important to be realistic about the progress that could be made in only four years: achieving full gender parity by 2025 would require each upcoming position to be filled by a woman. The goals in the Strategy had therefore been established on the basis of current staff numbers, upcoming vacancies, and current trends. The Office was implementing several actions to support female staff, including training, coaching and mentoring programmes. He expressed his hope that the new ways of working would facilitate an increase in female staff in senior roles.
- 704.** In response to questions posed by the Employers' group, he said that ILO's vacancy announcements indicated clearly that applicants with the relevant experience to the tripartite constituents are encouraged to apply. Although all positions required applicants to have experience relevant to the three constituent groups of the Organization, he recognized that many vacant positions may not always be attractive to members of workers' or employers' organizations. The Office would continue to work with ACT/EMP and ACTRAV to make vacancies more attractive and to encourage members of such organizations to apply for them. Concerning the employment of persons with disabilities, he noted that the ILO was already implementing its policy on disability inclusion. He also recalled that flexible working arrangements had been introduced successfully well before COVID-19. They were used effectively during the pandemic largely as a result of the commitment of ILO staff. It was now necessary to compile the lessons learned into a new and updated policy, and the ILO would work with other UN agencies to ensure that any new measures introduced were relevant, effective and functional.
- 705.** Concerning respectful and ethical conduct, the ILO was participating in a number of UN working groups and all personnel had been informed of the ILO's policy of zero tolerance for acts of sexual exploitation and abuse. He could provide more information about work in that area if required. He also confirmed that the ILO's current part-time position of Ethics Officer would be converted into a full-time position in 2022. Finally, while a pilot project had been rolled out in some departments, the planned Office-wide skills mapping exercise would be carried out in 2022, at the start of the Strategy's implementation period.
- 706. The Employer spokesperson** said that it was important to ensure that the Office was given clear deliverables concerning attracting, recruiting and retaining a more diverse workforce, which was the purpose of the amendment she had proposed to the draft decision. In that regard, she supported the additional amendment proposed by the Government representative

of the Russian Federation. Thanking GRULAC for its support of her proposed amendment, she urged the constituents to seek a consensus.

- 707. The Worker spokesperson** said that the amendment proposed by the representative of the Russian Federation did not follow the Governing Body's usual practice and that it was unnecessary to mention the ILO Constitution and Staff Regulations in the decision. If the draft decision was going to be amended to include more precise guidance for the Office, then wording from the Governing Body's decision (GB.341/PFA/16, paragraph 42, as amended by the Governing Body) in March 2021 should be used, by adding "including with a view to attract, recruit and retain a workforce of the highest standards of competence, efficiency and integrity, with due regard being given to the Action plan for improving the diversity of the ILO workforce (GB.337/PFA/11), including in terms of gender, geographical diversity, also addressing under-representation, experience relevant to the three constituent groups, and opportunities for youth and young professionals" after "implementing the Strategy," in the original version. The inclusion of a reference to setting clear deliverables seemed to imply that the Governing Body was trying to micromanage the work of the Office. In his opinion, there was little support for the amendment proposed by the Employer spokesperson, and several constituents had supported adopting the draft decision without amendment.
- 708. A Government representative of the Russian Federation** asked the Office to comment on the plan to introduce more flexible ways of working, which he believed would require an overhaul of the ILO's contract and remuneration system. Moreover, the introduction of remote working during the COVID-19 pandemic had affected many organizations, and therefore any decision on such working arrangements should also be agreed across the UN system. The International Civil Service Commission was the ideal body in which that decision should be made, and it had considered matters relating to flexible working arrangements at its Ninety-second Session in August 2021, concluding that any decision on changing remuneration parameters for remote work would be premature.
- 709.** Finally, he said that he supported the original draft decision, and said that the amendment he had proposed would only be required if the original text of the draft decision was not adopted.
- 710. Speaking on behalf of IMEC,** a Government representative of Canada said that her group would like to see greater ambition on gender parity but recognized that the targets were realistic and could be exceeded. On diversity and inclusion, she took it that the Office was prepared to consider integrating a dedicated target in that regard in the future. She said that further clarification of the Junior Professional Officer Programme would be required to ensure that it was successful for the UN system and for the young professionals who participated in it. Finally, her group supported the original draft decision.
- 711. The Worker spokesperson** emphasized that he supported the original draft decision as contained in paragraph 49 of document GB.343/PFA/14. His proposal to use wording from the decision adopted in March 2021 would only be necessary if agreement could not be reached on the original version.
- 712. The Chairperson,** noting the wide support for the original draft decision as contained in paragraph 49 of document GB.343/PFA/14 and in light of the clarifications provided by the Office, asked whether the Governing Body was ready to adopt that draft decision without amendment, on the understanding that the guidance provided during the meeting would guide the future work of the Office during its implementation of the Strategy.
- 713. The Employer spokesperson** said that there was no consensus on the draft decision and recalled that the amendment she had proposed had received some support. Therefore,

constituents should be given more time to reach a consensus. The Governing Body was required to provide specific instructions to the Office for its future work, which should not be confused with attempts to micromanage its work.

714. A representative of the Director-General (Director, Human Resources Development Department) said that the ILO's flexible working policy had in fact been in place prior to the COVID-19 pandemic and that the Office was now seeking to take into account the lessons learned during that period. The work of the ILO's Global Management Team concerning flexible working was aligned to that of the rest of the UN system. The work of the International Civil Service Commission on this matter had just begun.

715. The Chairperson proposed postponing the decision on the Human Resources Strategy for 2022–25 until consensus could be reached.

(The Governing Body postponed consideration of the item until a later sitting.)

716. When the discussion resumed, **the Chairperson** announced that the consultative group had endorsed a proposal for a revised draft decision, which had been circulated to Governing Body members.

717. The Worker spokesperson supported the revised proposal.

718. The Employer spokesperson emphasized that the diversity of ILO staff must be more expansive. Familiarity with workplaces and their actors was key, as was experience of social dialogue and tripartism in action in different cultural contexts throughout the world. Several groups had expressed dissatisfaction with aspects of the HR Strategy, particularly on diversity, but further consultations had led to a consensus-based decision. It took into account the need for a proactive approach extending beyond merely the inclusion in vacancy announcements of a requirement for candidates to have experience that was relevant to particular constituents. However, the removal of a reference to the action plan for improving the diversity of the ILO workforce could leave a substantial gap. She suggested that the Office should consult the groups on whether to update and strengthen the existing action plan or to adopt a new one, and on the potential content; that would mean that it would not have to be submitted for the Governing Body's consideration. The Employers' group would be closely following progress at future sessions and paying particular attention to indicators and deliverables regarding profiles with experience relevant to the three constituent groups. She requested the Office to include that information in the document on the composition and structure of staff. Her group supported the amended draft decision.

719. Speaking on behalf of GRULAC, a Government representative of Chile supported the amended draft decision, which brought together the positions of the three constituent groups, and included a reference to persons with disabilities, as requested by GRULAC. However, he echoed the concern that there would be no new plan to replace the action plan for improving the diversity of the ILO workforce that would expire at the end of 2021. He requested the Office to include, in the document on the composition and structure of the ILO workforce, actions and measures to meet the requests of constituents, along with appropriate deadlines. He urged the Office to keep the Governing Body informed of the results and progress achieved under the action plan on diversity.

720. The Chairperson informed the Governing Body that the Director-General had confirmed that consultations would be conducted on the action plan on diversity.

Decision

- 721. The Governing Body endorsed the Human Resources Strategy for 2022–25 and requested the Office to take the guidance provided into account in implementing the Strategy, with a view to attracting, recruiting and retaining a workforce of the highest standards of competence, efficiency and integrity, with due regard being given to gender; geographical diversity, also addressing under-representation; experience relevant to the three constituent groups; and opportunities for youth and young professionals and persons with disabilities.**

(GB.343/PFA/14, paragraph 49, as amended by the Governing Body)

15. Matters relating to the Administrative Tribunal of the ILO: Recognition of the Tribunal's jurisdiction by other international organizations (GB.343/PFA/15)

- 722.** In preparation for the adoption of the decision by correspondence, the Office held a briefing session for Governing Body members on this item on 11 October 2021.
- 723.** The Screening Group agreed to put the item for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members on 19 October 2021.

Decision

- 724. The Governing Body approved the recognition of the Tribunal's jurisdiction by the Global Water Partnership Organisation (GWPO) with effect from 19 October 2021.**

(GB.343/PFA/15, paragraph 11)

Summary of the written comment received during the consideration of the item by correspondence¹⁶

- 725. The Workers' group** noted with satisfaction the request by the GWPO to recognize the ILO Administrative Tribunal's jurisdiction, which would extend the Tribunal's jurisdiction to 57 organizations other than the ILO. The group welcomed the fact that the Tribunal continued to attract new international organizations, which was surely because of its reputation, independence and impartiality. The Workers' group supported the draft decision.

15.1. Matters relating to the Administrative Tribunal of the ILO: Administrative arrangement to improve case management (GB.343/PFA/15/1)

- 726.** In preparation for the adoption of a decision by correspondence, the Office held a briefing session for Governing Body members on this item on 19 October 2021.
- 727.** The Screening Group agreed to put the item forward for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members by a communication of 1 November 2021.

¹⁶ The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

Decision

- 728. The Governing Body decided to approve the administrative arrangement outlined in document GB.343/PFA/15/1 to improve the functioning of the Tribunal, with effect from 1 January 2022 for a trial period of five years.**

(GB.343/PFA/15/1, paragraph 8)

Summary of the written comments received during the consideration of the item by correspondence ¹⁷

- 729. The Workers' group** took note of the request sent by the President of the Tribunal to the Director-General to put in place an administrative arrangement that would permit the President or Vice-President of the Tribunal to be available in Geneva between sessions of the Tribunal in order to expedite case management. The arrangement would improve the functioning of the Tribunal and ensure timely judgment delivery in a context where an increasing number of complaints were being filed and a growing number of procedural requests were being made to the Tribunal.
- 730.** The group noted that the salary to be paid to the judge would be included in the overhead costs of the Tribunal, to be apportioned among all the organizations having recognized the Tribunal's jurisdiction, and welcomed the fact that the organizations concerned had been consulted and had raised no objection in that regard. It also noted that it would be for the Tribunal to nominate the judge who would undertake the additional tasks. The group supported the implementation of the new arrangement as of 1 January 2022 for a trial period of five years.
- 731. The Government of Cuba**, referring to paragraph 6 of the document, considered that more information was needed on the selection process for the judge who would work permanently in Geneva, especially if there were expressions of interest from multiple judges.

¹⁷ The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

► Appendix

Statement by the Chairperson of the Staff Union

343rd Session of the Governing Body (November 2021)

Chairperson, Director-General, delegates and colleagues,

I have the honour of delivering this statement as the elected Chairperson of the ILO Staff Union, which represents two thirds of staff members at headquarters and in the field.

It is my duty to share with you the aspirations and concerns of the staff, and to ensure that the discussion is human-centred, as it has become customary to say in this house.

And I must say that, for all of my colleagues, the past year has been another trying one in many ways.

First of all, the COVID-19 pandemic has continued to have a considerable impact on working arrangements for all staff, as the different duty stations were each subject in turn to periods of lockdown and return to the office. This really gets in the way of the feeling of belonging to “One ILO”. Admittedly, this dichotomy was offset by the Administration’s efforts to invent new ways of communicating and working together. But on a day-to-day basis, the Staff Union has seen from its continuous contact with staff how much the uncertainty over the end of the pandemic has negatively affected the mental health of some of its members. So there is a need to be vigilant and to put in place appropriate psychological support tools for the long term.

Still on the subject of managing the COVID-19 crisis, another significant obstacle – mainly in the field – is the lack of coherence within the United Nations common system on matters such as vaccination, confidential storage of medical data and the return to the office. This dissonance generates additional stress for my colleagues, especially those already working in premises shared with other organizations of the common system.

The ongoing management of the COVID-19 crisis was compounded by political, social and economic events in countries where the ILO is present. The anxiety-provoking and traumatic situations of colleagues in countries such as Afghanistan, Haiti, Lebanon, Myanmar, and more recently Sudan, should be taken very seriously, especially since staff members working on the ground, mostly on technical cooperation projects, are very often more isolated and therefore more vulnerable. In this connection, the Staff Union recognizes and fully appreciates the efforts of the Administration, which has done everything in its power to ensure that these staff members are safe, and compares rather favourably to other organizations of the United Nations common system. However, ILO staff members are increasingly being exposed to all kinds of risks, just like staff of other organizations with a traditionally more humanitarian mission. Therefore, additional resources and new structures – ideally, consisting of both management and staff – are urgently needed for the future, to enhance responsiveness and effectiveness so as to keep everyone safe.

Allow me now to share with you the position of the staff representatives on some of the documents presented at this session of the Governing Body.

First of all, our attention has been drawn to document GB.343/PFA/4, on the ILO Information Technology Strategy 2022–25, which you have just discussed. Given that the staff representatives were not consulted in advance on the strategy, they reserve the right to comment after the fact. It is particularly concerning that at no point in the document do staff members seem to be valued or considered a key element to the success of the upcoming strategy. I must admit that they were quite shocked to find out that they were viewed primarily as an obstacle – resistant to change, poorly trained and oblivious to the risks of cybercrime and the ever-increasing security requirements. After everything that my colleagues – including those in the IT service – have achieved over the last 18 months and more to ensure that all of the Organization’s work could be performed successfully, they are given very little credit. In fact, we find it really quite offensive.

It is all very well to repeat over and over again that we have to take a more people-focused approach, but we also have to practise what we preach. The Staff Union is starting to get tired of hearing in multiple forums that new talent and new skills will be the cure for all ills. Does that make today’s talent tomorrow’s fools? Let’s be serious, the Organization has a moral obligation to nurture its talented staff and to have the decency and respect not to disparage them after they have been recruited. It is all a matter of striking a balance between that new talent and experienced staff members, of having the human and financial resources in the right places, and, above all, of showing tact and recognition. A word to the wise.

The Staff Union also learned in this document of a number of future projects with a considerable impact on staff working conditions, which the Workers’ group also mentioned earlier. The document refers to the digital divide between headquarters and the field, redeployment of existing resources, the integrated workplace management system, computer-assisted translation software and the digitization of personnel files, all of which are matters on which staff representatives have to be consulted. In their view, an IT strategy is not just about combating cybercrime or drastically increasing IT security, nor is it about developing tools so that we talk to each other only through computer screens. It may also mean exploring new ways of fostering the human aspect so that staff are able to get their work done, grow in their professional life and undertake lifelong learning – whether in the office or working remotely – while cultivating creativity, initiative and dialogue with their peers. And, of course, it also means staff having the right to disconnect and to maintain their individual freedoms. The Staff Union does not see any of these challenges and opportunities reflected in the document, which is extremely disappointing.

Unlike the document on the IT strategy, the document on the Human Resources Strategy for 2022–25 (GB.343/PFA/14) thankfully underwent all the necessary consultations with the staff representatives. Nonetheless, it is based on premises with which the Staff Union has long disagreed. These include comments concerning the definition of diversity and the assertion that the ILO absolutely must continuously attract new talent or risk becoming uncompetitive.

Although the existing Staff Regulations already encourage diversity (which the Staff Union fully supports), it is often in the implementation where problems arise, including in terms of gender balance and geographical and linguistic diversity, experience relevant to the Organization’s three constituent groups, opportunities for young people and inclusion of workers with disabilities. For example, although the ILO has achieved gender equality at mid-level grades, it has not yet achieved greater diversity at the management level. This is a significant source of discontent among my colleagues. Similarly, the principle of geographical representation based on financial contributions has, for years, created an inaccurate impression of the true diversity within the Organization. Moreover, certain recruitment practices that do not follow the rules also hinder improvements to diversity. Thus, on the

pretext that excellence is measurable only by the most advanced and prestigious qualifications, candidates from the worlds of business and trade unions rarely have an opportunity to showcase their skills. But there should also be a place for them alongside the most highly qualified specialists. Here again, it is a question of balance, and also of courage for the ILO, with its unique structure within the United Nations system, to equip itself with recruitment tools and procedures that truly meet its needs.

The Staff Union also takes issue with the underlying assertion throughout the Strategy that there is apparently an urgent need to continuously attract new talent, or else the ILO will become uncompetitive and therefore be unable to meet its goals. But I ask you once more, what about the existing staff? Moreover, what about the officials who are constantly recruited on technical cooperation contracts that are renewed year after year, who build up excellent knowledge of the Organization but seem to face ever more insurmountable obstacles to joining the ILO on a longer-term basis, despite the fact that they are already working, and will continue to work, on more than 50 per cent of the ILO's activities, without enjoying the benefits and recognition?

The ILO Staff Union is convinced that there is certainly a need to attract new talent in moderation, depending on the new programmes. But above all, the Organization has a pressing duty to invest in, capitalize on and develop existing skills, or else it will end up with staff who are rapidly becoming totally demotivated and lacking recognition. The latest staff satisfaction survey confirms that substantial work remains to be done in this area. One of the survey's most striking results is that most officials highlighted a lack of motivation and recognition. Many staff members, from all categories, see little chance of following a suitable or linear career path that reflects their experience and skills. The other noteworthy finding is that job satisfaction among women and persons with disabilities is significantly lower than that of the rest of their colleagues. The international civil service is not a temporary employment agency; it is a body of civil servants who, in order to feel that they belong to the culture and share the values of the Organization that employs them, require not only contractual stability to discharge their duties independently and with integrity in an increasingly hazardous international context, but also well-defined career development, support, training, encouragement and recognition in a workplace that is caring and that promotes work-life balance.

In that connection, I do not wish to conclude my comments on this document without sharing with you the great frustration felt by all staff members at the slow pace at which the Administration is handling the review of flexible working hours, despite the promise of negotiations this year. Yet, since the start of the pandemic, there has been sufficient evidence that increased flexibility in working hours and mass teleworking have not caused any change in the quality of services and work. In fact, these new ways of working have helped to improve workflows, empower staff, increase their accountability and develop a new work culture based on trust. It is therefore high time to update existing policies in this area if we do not wish to come across as an overly cautious and backwards-looking organization within the United Nations system. And of course, the interests of the staff must be respected at all times.

The last matter that I wish to raise before you today, although there is no document that addresses it specifically, is the never dull issue of the activities of the International Civil Service Commission. This year, 2021, sees the launch of the new cost of living survey to review the post adjustment element of international staff salaries. At the various duty stations, including Geneva, staff representatives and their federation have started participating in good faith in the preparatory work, but remain extremely wary of the ongoing process, because the substantive problems that caused the conflict between 2016 and 2018 still remain. It is

therefore not impossible that the common system will find itself at the same impasse as it did four years ago. We will never resolve a governance problem through new, more or less flawed salary surveys. The Staff Union repeats, once again, that the only way of ending this conflict is by reforming the statutes of the International Civil Service Commission.

With your permission, Chairperson, please allow me to close with a few additional remarks. Very few ILO officials have the privilege of addressing this Governing Body, and even fewer have the opportunity to share the views, concerns and aspirations of the staff. I have had the honour of doing so on 15 occasions, including today, on behalf of the women and men who elected me, and it is a responsibility that I have never taken lightly. I would like to state once again how fortunate this Organization is to have such skilled and committed staff members whom it can count on in all circumstances. If I had only one wish in this final statement I am giving, it would be that the Governing Body always bear this in mind in all of its future guidance and decisions.