

Governing Body

345th Session, Geneva, June 2022

Decisions adopted by the Governing Body at the 345th Session

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► Institutional Section

1. Election of the Officers of the Governing Body for 2022–23

The Governing Body elected for the 2022-23 period:

- Ms Claudia Fuentes-Julio, Ambassador, Permanent Representative of Chile to the United Nations Office and other international organizations in Geneva, to the post of Chairperson;
- Ms Renate Hornung-Draus (Employer, Germany) as Employer Vice-Chairperson; and
- Ms Catelene Passchier (Worker, Netherlands) as Worker Vice-Chairperson.

2. Approval of the minutes of the 344th Session of the Governing Body

Decision deferred to the 346th Session (October–November 2022)

3. Questions arising out of the 110th Session of the International Labour Conference requiring immediate attention: Follow-up to the discussions of the Committee on the Application of Standards

The Governing Body, having taken note of the conclusions of the Committee on the Application of Standards concerning the case of the Republic of Belarus, approved by the International Labour Conference:

- (a) decided to include on the agenda of its 346th Session (October–November 2022) an item entitled “Consideration of any further measure, including those foreseen in the ILO Constitution, to secure compliance by the Government of Belarus with the recommendations of the Commission of Inquiry”; and
- (b) invited the Director-General to prepare a report for its consideration.

(GB.345/INS/3, paragraph 5, as amended by the Governing Body)

4. Report of the Committee on Freedom of Association

399th Report of the Committee on Freedom of Association

The Governing Body took note of the introduction to the Report of the Committee, contained in paragraphs 1 to 42, and adopted the recommendations made in paragraphs: 59 (Case No. 3269: Afghanistan), 78 (Case No. 3356: Argentina), 89 (Case No. 3389: Argentina), 118 (Case No. 3260: Colombia), 138 (Case No. 3252: Guatemala), 163 (Case No. 3383: Honduras), 196 (Case No. 3396: Kenya), 207 (Case No. 3275: Madagascar), 229 (Case No. 3409: Malaysia), 247 (Case No. 3375: Panama), 260 (Case No. 3351: Paraguay), 269 (Case No. 3067: Democratic Republic of the Congo), 308 (Case No. 3412: Sri Lanka), 353 (Case No. 3410: Türkiye), and adopted the 399th Report of its Committee on Freedom of Association as a whole.

(GB.345/INS/4)

5. Report of the Director-General

5.1. First Supplementary Report: Progress report concerning the operation of the social dialogue forum in giving effect to the recommendations of the Commission of Inquiry with respect to the Government of the Bolivarian Republic of Venezuela

The Governing Body took note of the progress report and, on the recommendation of its Officers, requested the Director-General to:

- (a) continue collaborating with the Government and the social partners of the Bolivarian Republic of Venezuela 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 practice; and
- (b) submit to the 346th Session (October–November 2022) of the Governing Body a further report on any developments concerning the social dialogue forum in order to give effect to the recommendations of the Commission of Inquiry.

(GB.345/INS/5/1(Rev.1), paragraph 12)

5.2. Second Supplementary Report: Report on developments in Myanmar

In the light of the developments in Myanmar outlined in document GB.345/INS/5/2 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) deplored once again the lack of progress towards respecting the will of the people, democratic institutions and processes, and the fact that the democratically elected government has not been restored;
- (b) called on the military authorities to end immediately the large-scale lethal violence against civilians, including children, and the arrest and torture of trade unionists;
- (c) called on the military authorities to end immediately the harassment, intimidation and arbitrary arrests and detentions of labour activists, trade unionists and others, including the Rohingya, in the exercise of their human rights;
- (d) repeated its call for Myanmar to restore immediately the citizenship of prominent democracy activists, including trade unionists;
- (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 again called for the immediate release of the General Secretary of the Myanmar Industry, Crafts and Services Trade Union Federation (MICS-TUF) and other trade unionists and activists who have been detained;
- (f) repeated its profound concern over reports of increased use of forced labour by the military authorities and the fact that progress towards the elimination of forced labour has reversed since the military takeover, and called for the military authorities to end forced labour practices immediately;

- (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;
- (h) called on the military authorities, in accordance with the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947, to take immediate action to remove all restrictions on the operation of the ILO's bank account, approve international staff visa extensions and facilitate the ILO's continued operations to bring benefits to the people of Myanmar despite the expiry of the memorandum of understanding of the Decent Work Country Programme in September 2022; and
- (i) called upon Myanmar to fully cooperate with the Commission of Inquiry and facilitate its work, including as regards a possible country visit.

(GB.345/INS/5/2, paragraph 28)

5.2. Addendum: Composition of the Commission of Inquiry appointed to consider the complaint concerning non-observance by Myanmar of the Forced Labour Convention, 1930 (No. 29), and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), made under article 26(4) of the ILO Constitution by the Governing Body on its motion

The Governing Body appointed the following persons to serve on the Commission of Inquiry: Judge Raul Cano Pangalangan (Philippines) as Chairperson; and Judge Dhaya Pillay (South Africa) and Dr Faustina Pereira (Bangladesh) as members.

(GB.345/INS/5/2(Add.1), paragraph 3)

5.3. Third Supplementary Report: Report on the application of the resolution concerning the Russian Federation's aggression against Ukraine from the perspective of the mandate of the International Labour Organization

In the light of the developments in Ukraine outlined in document GB.345/INS/5/3 and the resolution on the Russian Federation's aggression against Ukraine from the perspective of the mandate of the International Labour Organization adopted at its 344th Session (March 2022), the Governing Body:

- (a) noted the information provided in the document;
- (b) reiterated its most profound concern at the continuing aggression by the Russian Federation, aided by the Belarusian Government, against Ukraine and at the impact this aggression is causing to tripartite constituents – workers, employers, and its democratically elected Government – in Ukraine, and to the world of work beyond Ukraine;
- (c) urged the Russian Federation again to immediately and unconditionally cease its aggression;
- (d) urged the Russian Federation to meet all the obligations following from its ratification of ILO Conventions, including the Maritime Labour Convention, 2006, as amended (MLC, 2006), in particular in relation to the repatriation of seafarers and access to medical care;
- (e) noted the temporary suspension of technical cooperation and assistance to the Russian Federation, including the termination of the public-private partnership

project, and invitations to attend all ILO discretionary meetings, including the training activities offered by the International Training Centre of the ILO in Turin;

- (f) expressed sincere appreciation for the efforts of the ILO staff in Central and Eastern Europe and in Ukraine for their continued work to support the tripartite constituents in Ukraine, and for the support and volunteering efforts of workers' and employers' organizations in Ukraine;
- (g) continued to express its unwavering support for the tripartite constituents in Ukraine, and requested the Director-General to continue responding to constituent needs in Ukraine and expand ILO's resource mobilization efforts;
- (h) requested the Director-General to continue monitoring the operational capacity of the ILO Decent Work Technical Support Team and Country Office for Eastern Europe and Central Asia (DWT/CO-Moscow) to safeguard the technical cooperation or assistance to all other countries in the subregion;
- (i) requested the Director-General to prepare detailed options, including budgetary information, for the possible relocation of the DWT/CO-Moscow for decision at the 346th Session (October–November 2022) of the Governing Body; and
- (j) requested that the Director-General continue monitoring the impact on the world of work of the Russian Federation's aggression against Ukraine and report to the 346th Session (October–November 2022) of the Governing Body on developments in light of the resolution.

(GB.345/INS/5/3, paragraph 39, as amended by the Governing Body)

5.4. Fourth Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Brazil of the Collective Bargaining Convention, 1981 (No. 154) (private sitting of the Governing Body)

The Governing Body, on the recommendation of the Committee decided to:

- (i) approve the report;
- (ii) request the Government to take into account, in the context of the application of the Collective Bargaining Convention, 1981 (No. 154), the observations made in paragraphs 28–39 of the Committee's conclusions;
- (iii) invite the Government to provide information in that respect for examination and further monitoring, as appropriate, by the Committee of Experts on the Application of Conventions and Recommendations; and
- (iv) make the report publicly available and declare closed the procedure initiated by the representation.

(GB.345/INS/5/4, paragraph 40)

5.5. Fifth Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Portugal of the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129) and the Occupational Safety and Health Convention, 1981 (No. 155) (private sitting of the Governing Body)

The Governing Body, on the recommendation of the Committee decided to:

- (a) approve the report; and
- (b) publish the report and declare closed the procedure resulting from the representation.

(GB.345/INS/5/5, paragraph 33)

6. Reports of the Officers of the Governing Body (private sitting of the Governing Body)

6.1. First report: Representation alleging non-observance by Sudan of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

In the light of the information contained in document GB.345/INS/6/1, and taking into consideration the recommendations of its Officers, the Governing Body decided that the representation was receivable and that it would be examined by the same tripartite committee that is examining the representation submitted by the Sudan Workers Trade Union Federation (SWTUF).

(GB.345/INS/6/1, paragraph 6)

6.2. Second report: Representation alleging non-observance by Mexico of the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Labour Administration Convention, 1978 (No. 150), the Occupational Safety and Health Convention, 1981 (No. 155) and the Chemicals Convention, 1990 (No. 170)

In the light of the information contained in document GB.345/INS/6/2, and taking into consideration the recommendation of its Officers, the Governing Body decided:

- (a) that the representation was not receivable in relation to Conventions Nos 150 and 170; and
- (b) that it was receivable in relation to Conventions Nos 102 and 155 and to set up a tripartite committee to examine it.

(GB.345/INS/6/2, paragraph 5)

7. Composition, agenda and programme of standing bodies and meetings

The Governing Body, upon the recommendation of its Officers, decided:

- (a) to approve the reappointment for a period of three years of four members of the Committee of Experts on the Application of Conventions and Recommendations;
- (b) to approve the proposed date, agenda, and composition of the First Meeting of the Joint ILO–IMO Tripartite Working Group to identify and address seafarers' issues and the human element;

- (c) to approve the agenda and composition of the Tripartite Meeting of Experts in Labour Statistics on the Revision of the Standards for Statistics on Informality and authorize the Director-General to invite the organizations listed in Appendix II of GB.345/INS/7 to be represented at the Meeting as observers;
- (d) to approve the agenda and composition of the Twenty-first International Conference of Labour Statisticians and authorize the Director-General to invite Palestine and the organizations listed in Appendix II to be represented at the Meeting as observers;
- (e) to take note of the programme of meetings as approved by its Officers, subject to regular review depending on the evolution of the COVID-19 pandemic.

(GB.345/INS/7, paragraph 24)