



## Governing Body

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### FOURTEENTH ITEM ON THE AGENDA

## Report of the Director-General

#### Purpose of the document

This report summarizes information that the Director-General wishes to communicate to the Governing Body concerning obituaries, progress in international labour legislation and internal administration. Draft decisions are in paragraphs 6, 12 and 16.

**Relevant strategic objective:** Not applicable.

**Policy implications:** None.

**Legal implications:** None.

**Financial implications:** None.

**Follow-up action required:** None.

**Author unit:** International Labour Standards Department (NORMES), Office of the Legal Adviser (JUR), Human Resources Development Department (HRD) and Official Relations Branch (RELOFF).

**Related documents:** None.



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## I. Obituaries

### Mr Arnaldo Lopes Sussekind

1. The Director-General announces with deep regret the death, on 9 July 2012 in Rio de Janeiro, of Mr Arnaldo Lopes Sussekind, former member of the Committee of Experts on the Application of Conventions and Recommendations and Government delegate of Brazil to the Governing Body and to the International Labour Conference. His death coincided with his 95th birthday. He was still working only days before.
2. Mr Sussekind graduated in law from the University of Brazil and rose to be one of the foremost Brazilian, and indeed Latin American, experts on labour law. He was the last surviving member of the commission appointed in 1942 by President Getúlio Vargas of Brazil to draw up a consolidated body of the country's labour laws; at that time he was only twenty-four years old. He joined the Ministry of Labour in 1955 and from 1964 to 1965 held the post of Minister for Labour and Social Welfare. He subsequently presided over the Upper Labour Tribunal of Brazil.
3. Arnaldo Lopes Sussekind became associated with the ILO as early as 1947, at which time he was appointed as an Expert on the Governing Body's Correspondence Committee on Recreation, and thereafter through attendance of many sessions of the International Labour Conference, beginning in 1951 and continuing until 1965. As Minister for Labour and Social Welfare, he led his country's delegation to the Conference in 1964 and 1965. He was appointed by the Governing Body as a member of the Committee of Experts on the Application of Conventions and Recommendations in 1969. In 1975, he resigned from the Committee in order to take up the role of Government representative of Brazil on the Governing Body, a role he continued to fulfil until 1981. In that year he was reappointed to the Committee of Experts and he continued to serve in that capacity until 1990.
4. The many renewals of his membership of the Committee of Experts bear witness to the value placed on Mr Sussekind's participation, which saw him work under several Directors-General of the ILO, as well as with various Directors of the International Labour Standards Department. He brought to his work on the Committee the full range of his experience as a jurist, steeped in the intricacies of labour law. He approached his work with the highest degree of legal competence, but always in a spirit of friendly cooperation. As Francis Blanchard mentioned to Professor Sussekind, in a letter of thanks for his contribution to the work of the Organization, his profile coincided perfectly with that of a committee composed of persons whose technical competence was recognized worldwide, able to exercise their functions in complete independence and objectivity.
5. Arnaldo Lopes Sussekind received many honours from his country and internationally, including the Grand Cross of the Order of Merit of Labour of Brazil and the Grand Cross of the National Order of Rio Branco. At the ILO he will be remembered for the accuracy and precision of his legal analysis, for his absolute commitment to the values of the ILO and for his staunch defence of social justice.

### **Draft decision**

6. *The Governing Body invites the Director-General to convey its condolences to the Government of Brazil and to the family of Mr Arnaldo Lopes Sussekind.*

**Mr Thabo Makeka**

7. The Director-General announces with deep regret the death, on 13 September 2012, of Mr Thabo Makeka, Employer member of the Governing Body of the International Labour Office and Executive Director of the Association of Lesotho Employers and Business.
8. Mr Makeka was born in 1947 in Lesotho. He spent his undergraduate years at the University of Botswana, Lesotho and Swaziland and the University of Edinburgh, completing a bachelor's degree in law. He continued his law studies at the master's level at the University of Columbia in New York.
9. Mr Makeka had a distinguished and remarkable career. He worked as an advocate of the High Court and Appeal Court of Lesotho from 1970 to 1972. He held many distinguished positions at the international level, including representing Lesotho as Ambassador to the United States and Mexico from 1976 to 1979. He also held the post of Ambassador to the United Nations.
10. Mr Makeka first entered as a Government member of the Governing Body of the ILO in 1987. A year later, he joined the Employers' group and became Executive Director of the Association of Lesotho Employers and Business. He contributed significantly to the strategic development of the Pan-African Employers' Confederation, acting as vice-president from 2003 onwards. He also represented the international business community at the International Labour Conference in 2001, speaking on behalf of the Employers' group during the adoption of the Convention on Safety and Health in Agriculture.
11. Mr Makeka tirelessly promoted and defended the ideals of both employers' organizations and private enterprises, nationally and internationally. Despite the devastating effects of economic and financial crisis on less developed countries, he was optimistic that there would soon be signs of a recovery and that a tripartite approach was the best way to deal with the crisis. He firmly believed that the situation could only be rectified by collective, consensual action, and that no group should seek to take any advantage from it. He was a professional, a man of strong conviction and imbued with a sense of fairness and objectivity in all his dealings. The Secretary-General of the International Organisation of Employers said that "the work that Mr Makeka accomplished at the international level is greatly appreciated by IOE members everywhere" and that he would be greatly missed.

***Draft decision***

12. *The Governing Body invites the Director-General to convey its condolences to the President of the Association of Lesotho Employers and to the family of Mr Thabo Makeka.*

**Pak Djimanto**

13. The Director-General announces with deep regret the death, on 15 September 2012, of Pak Djimanto, former Employer member of the Governing Body and delegate to the International Labour Conference.
14. Mr Djimanto was the Secretary-General and then Chairman of the Employers' Association of Indonesia (APINDO), and had been a Governing Body member since 2011. He was moreover a strong supporter of ILO activities in his country and attended the 15th Asia and the Pacific Regional Meeting (Kyoto, 4–7 December 2011) as the Employer delegate for Indonesia. He was a highly respected member of the international employer community, and spoke passionately in support of sustainable enterprises. As a "shoemaker" employer, he had the reputation of being appreciated by the workers in his company and by his

colleagues, who recognized him for the man of consensus that he was, firmly grounded in a culture of tripartism and the fundamental principles of the ILO. He was the initiator and guiding force behind the Employee Management Cooperation Programme, conceived as a tool for enterprise development. The Programme was piloted in cooperation with the ILO, and has subsequently become one of the more popular programmes at the APINDO Training Centre. Mr Djimanto was a pleasant and well-liked man, whose heart, in the words of a former ILO staff member who knew him well, was simply “in the right place in matters of industrial relations and human resource management, in which he consistently insisted on looking at the ‘common interest’”.

15. He will be greatly missed by all who had the opportunity to work with him, particularly his colleagues in Asia and those in the Governing Body, for the acuity of his judgement, for the strength of his social convictions and for his profound kindness and humanity.

### **Draft decision**

16. *The Governing Body invites the Director-General to convey its condolences to Pak Djimanto's family and to the President of APINDO.*

## **II. Membership of the Organization**

17. Under the terms of article 1(3) of the Constitution and article 27 of the Standing Orders of the International Labour Conference, a Member of the United Nations may become a Member of the International Labour Organization by communicating to the Director-General its formal acceptance of the obligations of the Constitution.

### **Membership of the Republic of South Sudan**

18. In a letter received on 29 April 2012, the Government of the Republic of South Sudan, which has been a Member of the United Nations since 14 July 2011, communicated to the Director-General its formal acceptance of the obligations of the Constitution of the International Labour Organization.
19. The Republic of South Sudan accordingly became the 184th member State of the International Labour Organization on 29 April 2012.

### **Membership of the Republic of Palau**

20. In a letter dated 2 May 2012, received on 29 May 2012, the Government of the Republic of Palau, which has been a Member of the United Nations since 15 December 1994, communicated to the Director-General its formal acceptance of the obligations of the Constitution of the International Labour Organization.
21. The Republic of Palau accordingly became the 185th member State of the International Labour Organization on 29 May 2012.

### **III. Progress in international labour legislation**

#### **Ratifications of Conventions**

22. Since the information submitted to the 313th Session of the Governing Body to 17 September 2012, the Director-General has registered the following 40 ratifications of international labour Conventions.

#### **Bahrain**

*Ratification registered on 7 March 2012:*

Minimum Age Convention, 1973 (No. 138)

#### **Benin**

*Ratification registered on 10 January 2012:*

Maternity Protection Convention, 2000 (No. 183)

#### **Bulgaria**

*Ratification registered on 1 March 2012:*

Occupational Health Services Convention, 1985 (No. 161)

#### **Cyprus**

*Ratification registered on 20 July 2012:*

Maritime Labour Convention, 2006

#### **Grenada**

*Ratification registered on 26 June 2012:*

Occupational Safety and Health Convention, 1981 (No. 155)

#### **Honduras**

*Ratification registered on 13 April 2012:*

Maximum Weight Convention, 1967 (No. 127)

*Ratification registered on 12 June 2012:*

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)



**Kazakhstan**

*Ratification registered on 13 June 2012:*

Maternity Protection Convention, 2000 (No. 183)

**Latvia**

*Ratification registered on 12 August 2011:*

Maritime Labour Convention, 2006

**Malaysia**

*Ratification registered on 7 June 2012:*

Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

**Mauritius**

*Ratification registered on 13 September 2012:*

Domestic Workers Convention, 2011 (No. 189)

**Republic of Moldova**

*Ratification registered on 10 February 2012:*

Labour Statistics Convention, 1985 (No. 160)

**Montenegro**

*Ratification registered on 19 April 2012:*

Maternity Protection Convention, 2000 (No. 183)

**Palau**

*Ratification registered on 29 May 2012:*

Maritime Labour Convention, 2006

**Philippines**

*Ratification registered on 20 August 2012:*

Maritime Labour Convention, 2006

*Ratification registered on 5 September 2012:*

Domestic Workers Convention, 2011 (No. 189)

## **Poland**

*Ratification registered on 3 May 2012:*

Maritime Labour Convention, 2006

## **Russian Federation**

*Ratification registered on 10 February 2012:*

Prevention of Major Industrial Accidents Convention, 1993 (No. 174)

*Ratifications registered on 20 August 2012:*

Maritime Labour Convention, 2006

Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173)

## **Saint Kitts and Nevis**

*Ratification registered on 21 February 2012:*

Maritime Labour Convention, 2006

## **Singapore**

*Ratification registered on 11 June 2012:*

Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

## **Solomon Islands**

*Ratifications registered on 13 April 2012:*

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Equal Remuneration Convention, 1951 (No. 100)

Abolition of Forced Labour Convention, 1957 (No. 105)

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Worst Forms of Child Labour Convention, 1999 (No. 182)

## **Sweden**

*Ratification registered on 12 June 2012:*

Maritime Labour Convention, 2006

**Tajikistan**

*Ratification registered on 29 May 2012:*

Home Work Convention, 1996 (No. 177)

**Togo**

*Ratification registered on 14 March 2012:*

Maritime Labour Convention, 2006

*Ratifications registered on 30 March 2012:*

Labour Inspection Convention, 1947 (No. 81)

Employment Policy Convention, 1964 (No. 122)

Labour Inspection (Agriculture) Convention, 1969 (No. 129)

Labour Administration Convention, 1978 (No. 150)

Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

**Turkmenistan**

*Ratification registered on 27 March 2012:*

Minimum Age Convention, 1973 (No. 138)

**Tuvalu**

*Ratification registered on 16 February 2012:*

Maritime Labour Convention, 2006

**Uruguay**

*Ratification registered on 14 June 2012:*

Domestic Workers Convention, 2011 (No. 189)

**Viet Nam**

*Ratification registered on 11 June 2012:*

Employment Policy Convention, 1964 (No. 122)

**Notification**

23. The Director-General registered, on 17 April 2012, the notification from the Government of China concerning *the application without modification* of the Final Articles Revision Convention, 1946 (No. 80) to the Macau Special Administrative Region.

## Denunciation of Convention

### *Philippines*

24. The Director-General registered on 27 February 2012, the denunciation by the Philippines of the Night Work (Women) Convention (Revised), 1948 (No. 89). The text of the communication concerning the denunciation by the Philippines of this Convention reads as follows:

... recommends the denunciation of ILO Convention No. 89 after establishing that it has become inconsistent with the Philippine Constitution, Republic Act No. 9710 (An Act Providing for the Magna Carta of Women), Republic Act No. 10151 (An Act Allowing the Employment of Night Workers, thereby repealing Articles 130 and 131 of Presidential Decree No. 442, As Amended, Otherwise Known as the Labor Code of the Philippines) and the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to which the Philippines is a party.

## Entry into force of a Convention

25. Article VIII, paragraph 3, of the Maritime Labour Convention, 2006, adopted by the International Labour Conference at its 94th Session on 23 February 2006, provides that the Convention shall come into force 12 months after the date on which ratifications by at least 30 Members with a total share in the world gross tonnage of ships of 33 per cent have been registered.
26. On 20 August 2012, the Director-General of the International Labour Office registered the ratifications by the Philippines and the Russian Federation of the Maritime Labour Convention, 2006. As the Convention has already been ratified by Antigua and Barbuda, Australia, Bahamas, Benin, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Denmark, Gabon, Kiribati, Latvia, Liberia, Luxembourg, Marshall Islands, Netherlands, Norway, Palau, Panama, Poland, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Singapore, Spain, Sweden, Switzerland, Togo and Tuvalu, the criteria for the entry into force of the Convention have now been met and the Convention will accordingly come into force on 20 August 2013.

## Ratifications/acceptances of the instrument for the amendment of the Constitution of the International Labour Organization, 1986

27. Since the preparation of the document submitted to the 313th Session of the Governing Body, the Director-General has received the following acceptance of the instrument:

Mauritania                      acceptance                      11 July 2012

28. The total number of ratifications and acceptances is now **97**, including two by States of chief industrial importance.<sup>1</sup>

<sup>1</sup> As of the date of writing, an additional 27 ratifications/acceptances by member States, including three by States of chief industrial importance, were required for the instrument to enter into force.

## Ratifications/acceptances of the instrument for the amendment of the Constitution of the International Labour Organization, 1997

29. Since the preparation of the document submitted to the 313th Session of the Governing Body, the Director-General has received the following ratification of the instrument:

Solomon Islands                      ratification                      13 April 2012

30. The total number of ratifications and acceptances is now **121**, including six by States of chief industrial importance.<sup>2</sup>

## IV. Internal administration

31. Article 4.2(d) of the Staff Regulations states:

Vacancies in the Director and Principal Officer category shall be filled by the Director-General by transfer in the same grade, promotion or appointment. Such promotions or appointments, other than to vacancies in technical cooperation projects, shall be reported to the Governing Body with a short statement of the qualifications of the persons so promoted or appointed.

32. The following appointments and promotions are accordingly reported to the Governing Body:

### Mr Vinícius Carvalho Pinheiro (Brazil)

Appointed Deputy Director of the ILO Office for the United Nations in New York (ILO-New York) and promoted to D.1 level with effect from 1 August 2012.

Born in 1971, Mr Pinheiro is an economist and holds a master's degree in Political Science from the University of Brasília. He specialized in public administration and public policies (National School of Public Administration, Brasília); and in evaluation of social programmes and projects (ILPES-ECLAC, Santiago de Chile). Mr Pinheiro taught in the Economics Department of the University of Brasília (1994–96) and has authored various articles on pensions and social protection.

Mr Pinheiro joined the ILO in 2005 as Social Protection Programme Officer at the ILO International Training Centre, Turin. In 2007, he was transferred to the Social Security Department (SEC/SOC) to support the implementation of capacity-building activities and also acted as Regional Coordinator for the Americas. From 2009 to 2012, Mr Pinheiro served in the Office of the Director-General. His main duties included advising the Director-General and the Executive Director on issues related to the Social Protection Sector, Gender, G20 and on the preparation of the Rio +20 United Nations Conference on Sustainable Development (NCSD). During this period, he also served as executive secretary of the Social Protection Floor Advisory Group (Bachelet Group).

Prior to joining the ILO, Mr Pinheiro was National Secretary for Social Security of Brazil (1999–2002) responsible for the design and implementation of Brazilian pension reform, including measures to increase coverage and strengthen the social protection

<sup>2</sup> As of the date of writing, an additional three ratifications/acceptances by member States were required for the instrument to enter into force.

system. During this period he acted as Vice-Minister and Interim Minister for Social Security and as Executive Secretary of the National Social Security Council. In 2001, Mr Pinheiro was elected Vice-President of the Inter-American Social Security Conference, based in Mexico City. Between 2002 and 2005 he was employed by the Organisation for Economic Co-operation and Development (OECD), in Paris, and provided consultancy services to the Inter-American Development Bank (IDB) and to the World Bank with relation to projects in Africa and Latin America.

### **Mr Rafael Gijón von Kleist (Spain)**

Appointed Deputy Director of the Bureau for Employers' Activities (ACT/EMP), Social Dialogue Sector and promoted to D.1 level with effect from 1 June 2012.

Born in 1959, Mr Gijón von Kleist graduated in Economic and Business Science from Madrid Complutense University. He also studied law through the National Distance Education University (UNED) and holds diplomas in marketing management, foreign trade and European integration.

Since joining the ILO in 1993, Mr Gijón von Kleist has been Desk Officer in ACT/EMP for employers' organizations from the Latin American region.

Before entering the ILO, Mr Gijón von Kleist worked for the Spanish Confederation of Employers' Organizations (CEOE) as Director of the Spanish Office for Employer Relations and Assistant to the Director of International Relations. Prior to that, he worked as a consultant for headhunting activities for Esselfor Consulting. He began his professional career in 1984 as a market analyst in Montreal (Canada) for the Madrid Chamber of Commerce.

### **Mr Frank Hagemann (Germany)**

Appointed Deputy Regional Director for the Arab States and Director of the ILO Decent Work Technical Support Team (DWT) for the Arab States in Beirut and promoted to D.1 level with effect from 15 May 2012.

Born in 1963, Mr Hagemann holds a masters in political science and was trained at Montreal University, Freie Universität Berlin and the German Development Institute.

Mr Hagemann joined the ILO in 1997. Prior to his current assignment, Mr Hagemann was Chief of Policy and Research at the ILO's International Programme on the Elimination of Child Labour (IPEC) in Geneva. His work focused on aligning child labour policy with broader employment, social protection and education strategies. Particular emphasis was laid on research into the economics of child labour. Mr Hagemann also managed IPEC's Statistical Information and Monitoring Programme on Child Labour (SIMPOC), which has carried out hundreds of child labour surveys around the world.

Prior to joining the ILO, he headed the entrepreneurship and employment promotion division of a large development consulting firm in Germany. His experience also includes several years as an expert on small enterprise development and employment policy in regional ILO teams in New Delhi and Bangkok, respectively, and a number of long-term research and advisory assignments in Indonesia and Benin.

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**Mr Krzysztof Hagemeyer (Poland)**

Appointed Chief, Policy, Development and Research Group, Social Security Department (SEC/SOC), Social Protection Sector and promoted to D.1 level with effect from 1 June 2012.

Born in 1951, Mr Hagemeyer holds a masters' degree in econometrics and a PhD in Economics, both from Warsaw University.

Mr Hagemeyer joined the Office in 1993 as policy analyst in the Financial, Actuarial and Statistical Branch of the Social Security Department (SOCFAS) in Geneva. In 1995, he was transferred to Budapest as Social Security Specialist in the ILO Multidisciplinary Advisory Team for Central and Eastern Europe. In 1999, he was appointed Statistics and Research Coordinator in SOCFAS. From 2005 onwards, he lead SEC/SOC's policy development and research work, with the main focus on preparatory work for the new ILO instrument on basic social security for all, culminating in the adoption by the 101st Session of the International Labour Conference of the Social Protection Floors Recommendation, 2012 (No. 202).

Prior to joining the ILO, he worked in Poland as an assistant professor at the Department of Economics of Warsaw University and adviser to the Polish Minister of Labour of Social Affairs. From 1980 to 1991, he was an adviser on economic policies to the National Committee of the Independent Trade Union "Solidarność".

**Ms Regina Monticone (Thailand)**

Appointed Director of the Century Project, Department of Communication and Public Information (DCOMM), with effect from 1 April 2012.

Born in Thailand in 1955, Ms Monticone holds degrees in political science from Brandeis University, Waltham, Massachusetts, and in political communication from Fordham University, New York.

Ms Monticone came to the ILO following a career in the UN, the World Bank and the Inter-American Development Bank. She joined the Office in 2002. Ms Monticone worked in the Employment Sector as the Senior Specialist with the interagency (ILO-World Bank-UN) Youth Employment Network (YEN). In 2005, she was appointed Secretary of the YEN. In 2008, she joined the Decent Work Toolkit team led by CABINET and DCOMM. In DCOMM she also initiated and managed the ILO's alliance with the UN-wide Communication for Development initiative. In 2009, she managed the ILO's 90th anniversary celebrations under the Special Advisor to the Director-General. In 2010, she was made responsible for documenting the decent work concept and for preparing the relevant publications.