



## Governing Body

321st Session, Geneva, 13 June 2014

GB.321/INS/PV/Draft

Institutional Section

INS

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## Institutional Section

### First item on the agenda

#### Election of the Officers of the Governing Body for 2014–15

(GB.321/INS/1)

1. *The outgoing Chairperson of the Government group of the Governing Body, Mr Bagherpour Ardekani (Islamic Republic of Iran), put forward the candidacy of Mr Apolinário Jorge Correia of Angola as Chairperson of the Governing Body for 2014–15. Ambassador Correia had a degree in law and a diplomatic career spanning almost 40 years. He had served at the Permanent Mission of Angola to the United Nations in New York and had extensive experience of relations with international organizations. He had represented his country at its embassy in Algiers, and in Switzerland he had been Permanent Representative of Angola to the United Nations Office and other international organizations in Geneva since 2011. His experience, abilities and attributes made him an ideal candidate for the post of Chairperson of the Governing Body.*
2. *The Employer coordinator and the Worker Vice-Chairperson endorsed the candidature of Mr Correia.*
3. *The Minister for Public Administration, Employment and Social Security of Angola expressed his delegation's commitment to tripartism, social dialogue, innovation and decent work, all of which contributed to economic and social progress. Angola's membership in the Governing Body gave it greater responsibility and demonstrated its dedication to the values of the ILO. Mr Correia would have the full support of Angola's Minister of Public Administration, Labour and Social Security in his new role, and would contribute to making the Organization stronger and more effective.*

#### Decision

4. *The Governing Body elected Mr Apolinário Jorge Correia, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Angola to the United Nations Office in Geneva and other international organizations in Geneva, to the post of Chairperson of the Governing Body of the ILO for the period from June 2014 to June 2015.*

(GB.321/INS/1, paragraph 3.)

5. *The outgoing Chairperson, Ms Velásquez de Avilés, expressed her gratitude for having been granted the privilege of steering the Governing Body over the past year, a period during which she had gained first-hand insight into the varied and complex situations that arose in the world of work, and in particular in the relationship between employers and workers, which was often in a state of crisis and could be restored to an even keel only through social dialogue. The fact that individuals of different nationalities had dissimilar perceptions of the world had not posed an insurmountable problem because the shared objective was to seek to establish the conditions that would lead to peace and respect for human rights. The ILO was an invaluable institution that played an increasingly important role in the protection of values, such as development and social justice for all. Tripartism*

and the dialogue and understanding that it entailed were key; without them, the ILO would not be able to respond to the challenges that it would face in the future.

6. Work at the ILO was demanding, and had been particularly so over the past year. She was grateful to the regional coordinators and to the other representatives of the ILO for their readiness to provide support. She was also grateful to the Director-General, who had provided vital encouragement and valuable suggestions and opinions on how to find common ground between the tripartite constituents. There was no doubt that the ILO was the best forum in which to find solutions to the issues facing the world of work.
7. She was particularly concerned by the dispute that had arisen in the Conference Committee on the Application of Standards. The ILO's standards system had played a very important role in protecting workers' rights, especially in Latin America. The dispute between the social partners could be perceived as being a weakness in the ILO's supervisory system, which had played such a crucial role in El Salvador and in her region. She thanked the Employers for their suggestions and attempts to build consensus. However, it was important to bear in mind that the rules governing the exchange of labour and goods must be clear and fair. Labour was not a commodity and capital was not a gift of nature; both were needed to build a better world. She thanked the Workers, who played a vital role in the world and within the ILO. They had fought to transform the world into a place in which people could live in peace and harmony, and were worthy of the respect of the ILO.
8. She thanked the Government representatives within the group of Latin American and Caribbean countries (GRULAC) for the support they had provided, mentioning in particular Rosibel Menéndez, Minister Counsellor of the Permanent Mission of the Republic of El Salvador to the United Nations Office and other international organizations in Geneva.
9. She offered her best wishes to the Governing Body and reaffirmed her commitment to the principles of the ILO, which deserved to be led by those best qualified to defend human rights, particularly those relating to labour and capital. She was honoured to have worked with the individuals who were the driving force behind the ILO.
10. *The Worker Vice-Chairperson* thanked Ms Velásquez de Avilés for her work during what had been a difficult year. She had always given priority to open dialogue and was committed to the ILO, its standards and the defence of social justice. He also thanked the outgoing Employer Vice-Chairperson, Mr Funes de Rioja, for his spirit of open dialogue. He congratulated Mr Correia on his new position.
11. *The Employer coordinator* thanked Ms Velásquez de Avilés for her commitment and hard work, in particular with regard to the reform of the International Labour Conference, which had been decided upon under her leadership. He joined the Workers in congratulating Mr Correia on his appointment.
12. *Speaking on behalf of GRULAC*, a Government representative of Cuba commended Ms Velásquez de Avilés on her excellent technical knowledge, political vision, commitment, impartiality, openness and sensitivity. She had consistently sought genuine tripartite consensus, handling difficult situations firmly, but with justice and a sense of humanity, and had demonstrated her commitment to the ILO and its member States. He was proud of the way in which she had represented the Latin American and Caribbean region.
13. *The Director-General* thanked Ms Velásquez de Avilés for everything she had contributed to the ILO during her mandate. He highlighted three salient characteristics that had contributed to her success in the role of Chairperson of the Governing Body: her

extraordinary capacity to listen to varied views with a real intent of understanding; her absolute determination to build consensus; and – most importantly – her personal passion for the objectives and values of the ILO. He also mentioned her personal warmth. She had taken the ILO forward over a year when difficult questions had arisen; while some of those questions remained pending and would be carried forward, she had fostered a belief in future success. As a token of the deep esteem in which she was held and as a symbol of the authority she had exercised over the Governing Body, he presented to her, in observance of the ILO tradition, the Chairperson's gavel.

*(Mr Correia took the chair.)*

14. *Mr Correia, Chairperson of the Governing Body for 2014–15*, thanked the Governing Body for the confidence it had placed in the Republic of Angola and in him personally. The reports produced during the 103rd Session of the International Labour Conference highlighted the challenges facing the ILO. Every effort would be made, with the cooperation of the Director-General and his team, to address the concerns raised by the different parties. He paid tribute to his predecessor, Ms Velásquez de Avilés, and expressed the hope that he would be able to draw on her experience.

## **Decision**

15. ***The Governing Body elected Mr Jørgen Rønne (Employer, Denmark) as Employer Vice-Chairperson of the Governing Body, and re-elected Mr Luc Cortebeek (Worker, Belgium) as Worker Vice-Chairperson of the Governing Body, for the 2014–15 period.***

(GB.321/INS/1, paragraph 3.)

16. *A Government representative of Brazil* added her thanks to the outgoing Chairperson who had chaired the Governing Body with skill and sensitivity. She welcomed the newly elected Officers, noting that the appointment of the Ambassador of Angola as incoming Chairperson was an honour for all Portuguese-speaking countries, which had been making efforts to strengthen their links with the Organization. She wished him every success and said that he could count on her Government's full support.
17. *The Worker Vice-Chairperson* thanked his group and the Governing Body for the trust that they had placed in him and congratulated his fellow Officers on their appointment. The challenges facing the world of work called for a strengthened multilateral system, enhanced tripartism and better social dialogue. At such a critical time, the ILO unfortunately faced disagreement with regard to its supervisory system. Progress was, however, being made in a number of areas; for example, the International Labour Conference had just adopted a Protocol and Recommendation updating the Forced Labour Convention, 1930 (No. 29), which provided a good example of the revision of existing standards. It had also laid the foundations for an instrument to facilitate the transition from the informal to the formal economy, had adopted conclusions concerning employment and had renewed the discussions on the issue of labour migration. The outstanding issues relating to the supervisory system had to be resolved before discussions on the standards review mechanism could be initiated. Other challenges related to the ILO's relationship with the private sector; the need to establish a social order in supply chains; and the need to ensure the inclusion of decent work in the post-2015 development agenda. It was furthermore imperative to combat gender-related violence at the workplace. Fundamental changes in the world of work needed to be considered together with other ILO partners and the problems faced by the Organization could only be resolved through tripartism and social dialogue.

18. *The Employer coordinator* thanked his group for the confidence that they had shown in him and said that the ILO must be prepared to find new ways of dealing with the emerging challenges. His group would continue to support the reform process initiated by the Director-General with a view to making the Organization more effective and more responsive to the needs of its constituents.
19. *Speaking on behalf of the Asia and Pacific group (ASPAG)*, a Government representative of Australia thanked the outgoing Chairperson, and commended her on her receptive attitude and the distinction and firmness with which she had carried out her work. He congratulated the Ambassador of Angola and the Worker and Employer Vice-Chairpersons on their appointment.
20. *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe expressed his gratitude to the members of the Governing Body for the support they had given to his group's nomination of the Chairperson. Congratulating the Officers on their election, he said that his group would give them its full support. He also thanked the outgoing Chairperson for having skilfully steered the work of the Governing Body.
21. *A Government representative of Ghana* pledged her Government's full support to the Chairperson during his term in office, noting that the position had been bestowed not only on Angola but on Africa as a continent. Of the Governing Body's 80 chairpersons, over its 95 years of existence, only 13 had been African. She congratulated the outgoing Chairperson, who had been only the fourth woman to have held the position. Criteria other than geographical rotation might be taken into account in the nominations for the position in the future.

## **Second item on the agenda**

### **Approval of the minutes of the 320th Session of the Governing Body (GB.321/INS/2)**

22. *The Government representative of the Bolivarian Republic of Venezuela* noted that his Government had submitted an amendment to paragraph 181 of the draft minutes of the 320th Session of the Governing Body.

### **Decision**

23. *The Governing Body approved the minutes of its 320th Session as amended.*

(GB.321/INS/2, paragraph 2.)



## Third item on the agenda

### Appointment of the Governing Body Committee on Freedom of Association and Working Party on the Functioning of the Governing Body and the International Labour Conference, as well as of the Board of the International Training Centre of the ILO, Turin (GB.321/INS/3)

#### Committee on Freedom of Association

##### *Decision*

24. *The Governing Body appointed the members of the Committee on Freedom of Association for the 2014–17 period as follows:*

##### *Government members*

###### *Regular members*

*Argentina  
Kenya  
Spain*

###### *Deputy members*

*Dominican Republic  
Japan  
Romania*

##### *Employer members*

###### *Regular members*

*Mr Hiroyuki Matsui (Japan)  
Mr Jorge de Regil (Mexico)  
Mr Chris Syder (United Kingdom)*

###### *Deputy members*

*Mr Alberto Echavarría (Colombia)  
Mr Alex Frimpong (Ghana)  
Ms Lidija Horvatic (Croatia)*

*Worker members*

*Regular members*

*Ms Sarah Fox (United States)*  
*Mr Jens Erik Ohrt (Denmark)*  
*Mr Yves Veyrier (France)*<sup>1</sup>

*Deputy members*

*Mr Kofi Asamoah (Ghana)*  
*Ms Mary Liew Kiah Eng (Singapore)*  
*Mr Gerardo Martinez (Argentina)*

(GB.321/INS/3, paragraph 4.)

**Working Party on the Functioning of the Governing  
Body and the International Labour Conference**

**Decision**

*25. The Governing Body appointed the 16 Government members, as well as the eight Employer members and eight Worker members listed below as members of the Working Party on the Functioning of the Governing Body and the International Labour Conference for the 2014–17 period. Other members of the Governing Body could participate in an observer capacity, with permission to speak on authorization by the Chairperson.*

*Government members*

*Albania*  
*Australia*  
*Bahrain*  
*Belgium*  
*Brazil*  
*Canada*  
*Japan*  
*Kenya*  
*Lithuania*  
*Mali*  
*Mexico*  
*Norway*  
*Sudan*  
*Thailand*  
*Venezuela, Bolivarian Republic of*  
*Zimbabwe*

<sup>1</sup> Substituting Mr Luc Cortebeeck (regular member).

*Employer members*

*Mr Alberto Echavarría (Colombia)*  
*Ms Ronnie Goldberg (United States)*  
*Ms Renate Hornung-Draus (Germany)*  
*Mr Hiroyuki Matsui (Japan)*  
*Mr Mthunzi Mdwaba (South Africa)*  
*Ms Garance Pineau (France)*  
*Mr Kamran Rahman (Bangladesh)*  
*Mr Jørgen Rønne (Denmark)*

*Worker members*

*Ms Annelie Buntentbach (Germany)*  
*Ms Barbara Byers (Canada)*  
*Mr Luc Cortebeek (Belgium)*  
*Mr Sam Gurney (United Kingdom)*  
*Ms Helen Kelly (New Zealand)*  
*Mr Antonio Lisboa (Brazil)*  
*Mr Bheki Ntshalintshali (South Africa)*  
*Mr Takaaki Sakurada (Japan)*

(GB.321/INS/3, paragraph 6.)

## **Board of the International Training Centre of the ILO, Turin**

- 26.** *The Clerk of the Governing Body* said that the Employer and Worker members and substitute members were listed in Appendix III to document GB.321/INS/3. The regular Government members were: France, Germany, Ghana, Islamic Republic of Iran, Norway, Panama, Poland, Sudan, United Arab Emirates, United States, Bolivarian Republic of Venezuela, and Zimbabwe; the substitute members were: Argentina, Botswana, Burkina Faso, China, Chad, Mali, Trinidad and Tobago, India and Kenya.
- 27.** *A Government representative of India and a Government representative of China*, noting that their Governments had put themselves forward as regular members of the Board of the International Training Centre of the ILO, Turin (Turin Centre) asked for clarification as to why they had been listed only as substitute members.
- 28.** *The Chairperson* invited the Government representatives concerned to discuss the matter within their group, in order to reach agreement regarding the nominations.
- 29.** *A representative of the Director-General (Deputy Director-General for Management and Reform)* recalled that the Board of the Turin Centre comprised 12 regular members from the Government group of the Governing Body, including six from among the representatives of the ten Members of chief industrial importance. Five nominations had been put forward for the positions filled by Members of chief industrial importance: China, France, Germany, India and United States. Seven nominations had been put forward for the remaining Board positions: Ghana, Norway, Panama, Sudan, United Arab Emirates, Bolivarian Republic of Venezuela and Zimbabwe. In line with past practice, it was suggested that Norway should be invited to occupy the sixth seat available to the Members of chief industrial importance. He noted that there was an unspecified number of substitute members on the Board of the Turin Centre. Nominations had been put forward for:

Argentina, Botswana, Burkina Faso, Chad, Mali, Trinidad and Tobago, Kenya, Islamic Republic of Iran, Poland and Romania.

30. *Speaking on behalf of ASPAG*, a Government representative of Australia recalled that his group had nominated China, India and the United Arab Emirates to represent it as regular members on the Board of the Turin Centre, and the Islamic Republic of Iran as a substitute member. He hailed the spirit of consensus exhibited by those four countries in reaching the agreed arrangement.

### **Decision**

31. *The Governing Body appointed 24 of its members – 12 from the Government group, as well as six from each of the other two groups, as members of the Board of the International Training Centre of the ILO, Turin, for a period of three years.*
32. *In view of there being only five nominations for the six seats to be filled by the Members of chief industrial importance, the Governing Body invited the Government of Norway to fill the remaining seat.*
33. *The Governing Body decided the membership of the Board for the 2014–17 period as follows:*

#### ***Government members***

##### ***Regular members (member States of chief industrial importance)***

***China***  
***France***  
***Germany***  
***India***  
***Norway***<sup>2</sup>  
***United States***

##### ***Regular members***

***Ghana***  
***Panama***  
***Sudan***  
***United Arab Emirates***  
***Venezuela, Bolivarian Republic of***  
***Zimbabwe***

##### ***Substitute members***

***Argentina***  
***Botswana***  
***Burkina Faso***  
***Chad***

<sup>2</sup> As invited by the Governing Body to hold one of the six seats to be filled by Members of chief industrial importance.

*Iran, Islamic Republic of*  
*Kenya*  
*Mali*  
*Poland*  
*Romania*  
*Trinidad and Tobago*

*Employer members*

*Regular members*

*Mr Marcelo Ceretti (Argentina)*  
*Ms Ronnie Goldberg (United States)*  
*Mr Khalifa Mattar (United Arab Emirates)*  
*Mr Mthunzi Mdwaba (South Africa)*  
*Mr Kris de Meester (Belgium)*  
*Mr Mahfoudh Megateli (Algeria)*

*Substitute members*

*Mr Othman Sharif Alrayes (Bahrain)*  
*Ms Liu Hansong (China)*  
*Mr Juan Mailhos (Uruguay)*  
*Mr Phil O'Reilly (New Zealand)*  
*Mr Ansoumane Savané (Guinea)*  
*Mr Anthony Walcott (Barbados)*

*Worker members*

*Regular members*

*Ms Silvana Cappuccio (Italy)*  
*Ms Maria Fernanda Carvalho (Angola)*  
*Mr R. Pillai Chandrasekheran (India)*  
*Ms Eulogia Familia (Dominican Republic)*  
*Mr Bheki Ntshalintshali (South Africa)*  
*Ms Miriam Luz Triana (Colombia)*

*Substitute members*

*Mr Francis Atwoli (Kenya)*  
*Ms Barbara Byers (Canada)*  
*Mr Plamen Dimitrov (Bulgaria)*  
*Mr Jiang Guangping (China)*  
*Mr Mody Guiro (Senegal)*  
*Mr Antonio Lisboa (Brazil)*

(GB.321/INS/3, paragraph 8.)

## Fourth item on the agenda

### Reports of the Committee on Freedom of Association

#### 372nd Report (GB.321/INS/4)

34. *The Worker spokesperson* for the Committee introduced the report on behalf of the Committee's Chairperson, recalling that there were 134 cases before the Committee, of which 29 had been examined on their merits. The Committee had issued urgent appeals to governments that had not yet sent their observations, despite the time that had elapsed since the submission of the complaints or since the previous examination of the case, regarding the following Cases Nos: 2318 (Cambodia), 3041 (Cameroon), 3044 (Croatia), 2786 (Dominican Republic), 2957 and 3012 (El Salvador), 2723 (Fiji), 2978, 3035, 3040 and 3042 (Guatemala), 2794 (Kiribati), 3030 (Mali), 2902 (Pakistan), 3019 (Paraguay) and 2949 (Swaziland). Those governments should transmit their observations as a matter of urgency.
35. The Committee had examined a number of cases without having received a response from the government. They involved: El Salvador (Cases Nos 2871, 2896, 2923, 3007, 3008 and 3013), Guatemala (Cases Nos 2967 and 2989) and Pakistan (Case No. 3018).
36. In view of the persistent failure of the Government of El Salvador to respond to complaints, the Chairperson of the Committee had met with a representative of the Government of El Salvador to discuss the best means of resolving the situation. The Committee welcomed the positive attitude adopted by the representative on that occasion and recalled that the Office could provide technical assistance.
37. The Committee had examined six cases in which governments had informed it of measures taken to provide follow-up to its recommendations. In that regard, it had welcomed certain developments in Cases Nos 2914 (Gabon) and 1787 (Colombia). The Committee had noted, however, that the latter case remained serious and urgent and that the results were still far from allowing the 1,500 cases of murder and other acts of violence to be closed.
38. The Committee also drew the Governing Body's special attention to two serious and urgent cases: Nos 2923 (El Salvador) and 2254 (Bolivarian Republic of Venezuela). The Committee recalled that it had last examined Case No. 2923 (El Salvador), which concerned the murder of a trade union leader, in March 2013. The Government had not provided the information requested, despite an urgent appeal in March 2014. The Committee had in particular requested the Government to provide information regarding the development of the ongoing criminal proceedings. It again requested the Government to ensure that workers were allowed to form trade unions in the municipality of San Sebastian. The Committee had examined once again Case No. 2254 (Bolivarian Republic of Venezuela), taking into account the visit of the high-level tripartite mission in January 2014, and the subsequent report on its findings, which had been submitted to the Governing Body in March 2014. The Committee once again expressed its concern at the various and serious forms of stigmatization and intimidation carried out by the Government and by various other groups against the Venezuelan Federation of Chambers and Associations of Commerce and Production (FEDECAMARAS), its member organizations, their leaders and affiliated companies. Given the seriousness of the allegations, the Committee regretted the length of ongoing procedures. It reiterated the importance of applying sentences that were commensurate with the severity of the crimes,

so that such crimes were not repeated. Finally, the Committee urged the Government to implement without delay the conclusions of the high-level tripartite mission regarding the establishment of national bipartite and tripartite social dialogue bodies with the technical assistance of the ILO.

39. The Committee recalled the discussions it had held on its working methods, which had culminated in the observations set out in paragraphs 14–22 of its 371st Report. The Committee trusted that its suggestions would be applied without delay, giving rise to a more efficient use of the special complaints machinery by the governments and social partners. Lastly, the speaker paid tribute to Mr Peter Anderson, the Employer member of the Committee, whose mandate had come to an end, and he welcomed the new members of the Committee.
40. *The outgoing Employer spokesperson* for the Committee said that his group was pleased to support the adoption of the report, which reflected the spirit of goodwill and consensus in the Committee. He hoped that the newly elected Committee would pursue the initiatives and improvements that the outgoing Committee had chartered within the framework of its mandate. The Committee had been disappointed to observe a regional imbalance of cases from Latin America. That imbalance could be resolved through the broader application of reform measures by local constituents in the region. His group acknowledged the many cases in which governments had cooperated with the Committee by providing replies. Of particular interest to the Employers were the cases emerging as a result of the Arab Spring. Referring to Case No. 3025 and other cases concerning Egypt, he noted that the mandate of the Committee was to deal with freedom of association issues and not to comment broadly on the political institutions and changes in a member State. Nevertheless, as a matter of principle, governments inherited the responsibility to account for the misdeeds of their predecessors under international norms. Those norms were attached to the State and not to the government of the day.
41. Another important issue with regard to Case No. 3025 (Egypt) concerned allegations that the right of workers to form a union that was affiliated with the Egyptian Federation of Independent Trade Unions, rather than the state-controlled Egyptian Trade Union Federation, had not been recognized. While, in paragraph 154 of the Report, the Committee had acknowledged the challenges created for workers and companies of an environment where the State did not officially recognize newly formed free and independent trade unions, the alleged denial of rights to the workers was serious. The solution to the problem, which the Committee sought urgently from the Egyptian Government, was for the State to recognize trade union plurality and thereby enable employers and workers to observe international norms without breaking domestic law.
42. There had also been a lack of information about Case No. 3018 (Pakistan), where the Committee was forced to request that the Government should obtain the comments of the company concerned through the national employers' organization; an approach that the Committee recommended to all governments when responding to complaints about events in the private sector. Similar difficulties were encountered in six of the seven cases involving El Salvador, where the Government had failed to provide a response. The failure to respond, in a year when El Salvador had chaired the Governing Body, should be remedied without delay.
43. Long-standing Cases Nos 2177 and 2183 (Japan) were also illustrative of the situation following a change in government and might be of interest to governments facing similar policy challenges in the field of public sector reform. In Japan, care had been taken to ensure that short-term fiscal measures did not interfere with international agreements.

44. In Case No. 3038 (Norway), the Committee had concluded that the Government of Norway had acted too soon, since compulsory arbitration had been enforced before the economic impact of industrial action had become a threat to essential service delivery. Each strike had to be considered in context, in order to determine whether it threatened an essential service, or a non-essential service that could be considered essential due to the length of the strike.
45. The serious and urgent cases addressed by the Committee were: Cases Nos 1787 (Colombia), 2923 (El Salvador) and 2254 (Bolivarian Republic of Venezuela). It was regrettable that the Committee had, again, addressed breaches of freedom of association of the most representative national employers' association and its officials, in the Bolivarian Republic of Venezuela. There had been a failure to bring perpetrators to justice or to implement the Committee's previous conclusions on the matter, including with regard to engaging in social dialogue and recognizing FEDECAMARAS. He drew the Committee's attention to paragraph 757 of the report and noted that the Government's consistent spurning of the Governing Body's recommendations suggested that it had little intention of addressing the issues raised, with consequent damage to the country's reputation.
46. He emphasized that freedom of association rights were conferred on all parties that were Members of the ILO and that one measure of a nation was whether freedom of association rights were recognized for persons with whom the government disagreed. Freedom of association rights were equally used by employer and worker bodies and were applicable alongside other rights and freedoms. The responsibilities that came with freedom of association rights were clear; to use them in a lawful and non-violent manner and to respect those who chose not to associate. While the application of freedom of association could be discussed and adapted to national and international conditions, it could not be denied.
47. Some of the most significant work he had undertaken in his time with the Committee had involved the release of prisoners of industrial conscience and the bringing to justice of perpetrators of violence. Indeed, there were people whose lives had been saved by the work of the Committee. Paying tribute to two previous Employer spokespersons for the Committee, Bryan Noakes and George Polites, he observed that his departure brought to an end almost 50 years of Australian contributions to the work of the Committee. Noting the support of Australian employers and the Australian Chamber of Commerce and Industry, he thanked everyone he had worked with over the years, including colleagues from the Employers' group of the Committee, the International Organisation of Employers, the Bureau for Employers' Activities and the International Labour Standards Department. He acknowledged the contributions of the Worker spokespersons and Government members with whom he had worked, and thanked them for their support.
48. *A Worker member from the United States*, on behalf of the Worker spokesperson on the Committee, presented the comments of the Workers' group on the report of the Committee. She expressed her appreciation of the outgoing Employer spokesperson's services to the Committee, particularly his skilful handling of difficult discussions.
49. Case No. 1787 (Colombia) was extremely serious and urgent. It concerned over 1,500 murders and other acts of violence against trade unionists, committed in a climate of impunity. Although information submitted to the Committee by the Government in 2014 indicated that, since 2010, progress had been made in handing down criminal convictions, the substantial majority of cases remained unresolved. The public prosecutor had noted that convictions had been handed down in a very small percentage of cases involving the instigators of acts of violence, and the Committee therefore encouraged the prosecution of instigators as well as perpetrators of violence.



50. Case No. 2923 (El Salvador) was also extremely serious and urgent. Although the Committee had been informed that criminal proceedings had been initiated regarding the murder of the Secretary-General of the Union of Municipal Workers of Santa Ana (SITRAMSA) in January 2010, additional information requested from the Government had not been received. A further five cases involving El Salvador had also been considered in the absence of a response from the Government. Case No. 3018 (Pakistan), which involved serious allegations of gross violations of trade union rights – including collusion between the police and the management of the hotel concerned to suppress the exercise of those rights – had also been considered in the absence of a response from the Government.
51. Regarding Case No. 3025 (Egypt), the Committee had noted that the current Government intended to adopt a law addressing violations of freedom of association and the establishment of independent trade unions as a matter of priority. The Committee had requested the withdrawal of parts of the Criminal Code relating to freedom of association rights, including the right of workers to express their opinions in the press and the right to engage in peaceful demonstrations.
52. In Cases Nos 2177 and 2183 (Japan), the Committee had called on the Government to take measures to provide basic labour rights to public sector workers without delay and in consultation with the social partners. A failure to provide basic labour rights to public service workers had also been noted in Cases Nos 3004 (Chad) and 3022 (Thailand).
53. In Case No. 2684 (Ecuador), national legislation allowed employers to dismiss any worker for any reason, including trade union activities, as long as they were paid the compensation set out in law. The Committee had requested that a specific prohibition of anti-union conduct should be enacted in legislation, accompanied by sufficient sanctions to dissuade such conduct.
54. *An Employer member from Colombia*, speaking on behalf of the Employer members of the Committee on Freedom of Association and the Employers' group of the Governing Body, expressed his gratitude to the outgoing Employer spokesperson for his dedication to the work of the Committee.
55. *A Government representative of the Bolivarian Republic of Venezuela* noted the recommendations made by the Committee on Freedom of Association with regard to Case No. 2254 (Bolivarian Republic of Venezuela). He clarified that, although the Committee had duly been informed that the people involved in the bombing of the headquarters of FEDECAMARAS in 2008 were both dead, it continued to insist that they should be convicted. The tripartite mission to his country had noted that the cases of violence committed against FEDECAMARAS members were not the result of trade union or government activities, but rather acts of common criminal violence. He was not aware of any of the other issues raised in regard to that case. Concerning the claims regarding land that had been recovered by the State, it had been made clear that persons in the possession of land ownership documents could apply for compensation or for the land to be returned to them. FEDECAMARAS had never been excluded from social dialogue because of its status as an opposition movement, but rather because of the involvement of its representatives in a coup d'état. However, FEDECAMARAS was currently participating in dialogue that, so far, had been fruitful. The response that would be submitted by his Government would show that much of the information presented on Case No. 2254 was false.

## **Decision**

56. *The Governing Body took note of the introduction to the report of the Committee, contained in paragraphs 1–45, and adopted the recommendations made in*

*paragraphs: 58 (Case No. 2765: Bangladesh); 79 (Case No. 2924: Colombia); 98 (Case No. 2954: Colombia); 109 (Case No. 2929: Costa Rica); 124 (Case No. 2753: Djibouti); 156 (Case No. 3025: Egypt); 173 (Case No. 2871: El Salvador); 183 (Case No. 2896: El Salvador); 193 (Case No. 2923: El Salvador); 207 (Case No. 2986: El Salvador); 230 (Case No. 3007: El Salvador); 245 (Case No. 3008: El Salvador); 263 (Case No. 3013: El Salvador); 285 (Case No. 2684: Ecuador); 296 (Case No. 2869: Guatemala); 307 (Case No. 2967: Guatemala); 317 (Case No. 2989: Guatemala); 327 (Case No. 2990: Honduras); 375 (Cases Nos 2177 and 2183: Japan); 433 (Case No. 3024: Morocco); 473 (Case No. 3038: Norway); 497 (Case No. 3018: Pakistan); 507 (Case No. 2648: Paraguay); 534 (Case No. 2715: Democratic Republic of the Congo); 574 (Case No. 3004: Chad); 618 (Case No. 3022: Thailand); 651 (Case No. 3011: Turkey); 761 (Case No. 2254: Bolivarian Republic of Venezuela); and approved in full the 372nd Report of the Committee on Freedom of Association.*

(GB.321/INS/4.)

## **Fifth item on the agenda**

### **Questions arising out of the 103rd Session of the International Labour Conference, requiring immediate attention**

57. *The Employer coordinator* said that, for the 2015 session of the Conference, follow-up would need to be considered from the perspective of a two-week, rather than three-week, session. The innovations that had been introduced in the 2014 session of the Conference had been both helpful and successful, although more attention still needed to be paid to time management. The Employers looked forward to consultations on the running of the next session of the Conference, noting the importance of preparing discussions on the informal economy. His group wished to learn more about the follow-up to the Protocol of 2014 to the Forced Labour Convention, 1930, at the Governing Body's session in November 2014.
58. *The Worker Vice-Chairperson* expressed concern that decisions made regarding the transition to a two-week session were currently being questioned. For the second time in three years, the Committee on the Application of Standards had been unable to reach a conclusion on several cases owing to conflicting interpretations of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). The dispute concerning the interpretation of Convention No. 87 should not be dealt with by the Committee on the Application of Standards but brought before the International Court of Justice, for immediate settlement of the dispute, and before an internal tribunal, to provide a long-term solution. The Director-General had been requested to prepare a report for the 322nd Session of the Governing Body concerning possible action, pursuant to article 37 of the ILO Constitution, to address the dispute relating to the interpretation of any Convention. Substantive discussion and decisions were therefore essential to prevent a prolonged crisis within the Committee on the Application of Standards. The Report of the Director-General should be sufficiently comprehensive to ensure that a decision could be taken and should include consideration of possible recourse to the International Court of Justice. In addition, he requested the Office to include, on the agenda for the Governing Body's 322nd Session, the complaint against Qatar submitted by several Workers' delegates under article 26 of the Constitution.

59. *On behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of Canada expressed profound regret that the Committee on the Application of Standards had yet again been unable to complete its work, seriously threatening the credibility of the ILO supervisory system. It was urgent that a solution should be found. IMEC expressed the hope that the social partners would find a short-term solution for 2015 and supported the long-term solution by the Director-General.
60. IMEC supported the reduction of the quantity of documents distributed at the Conference and she suggested further economies that could be made in that area. Retaining the World of Work Summit and addresses by Heads of State and dignitaries in the light of a shorter Conference was questionable. While welcoming the timely distribution of certain reports, the posting of the report for the standard-setting discussion on facilitating transitions from the informal to the formal economy within a month of the opening of the Conference was unacceptable and had precluded meaningful tripartite consultations. Electronic distribution of documents should be encouraged and screens displaying texts should be used in all committees as they enhanced participation. Night shifts worked by the committees could be limited by allotting sufficient time for committee discussions. When setting the agenda for future sessions of the Conference, the Governing Body should consider the advisability of having two standard-setting items on the same agenda. Reports resulting from recurrent discussions should include more information on the impact of ILO action. Draft conclusions from the Conference should be more concise in order to be more accessible to constituents and participants in international discussions. Lastly, IMEC was committed to actively participating in the working group on the functioning of the Conference to ensure full tripartite participation and meaningful outcomes.
61. *A Government representative of India* said that it was essential to undertake an analysis of the supervisory system to identify reasons for its under-performance prior to adapting it, taking into account that in previous years it had operated successfully. Interpretations of any ILO instrument that were not resolved conclusively in the Committee on the Application of Standards should be referred back to the Conference.
62. *A Government representative of the Republic of Korea* congratulated the President on his election. Particular thanks were due to the security personnel, who had effectively discharged their duties and prevented a recurrence of the unfortunate incidents of a previous session. She thanked member States for supporting her country's candidature as a regular member of the Governing Body for the period 2014–17.
63. *A Government representative of Thailand* said that all workers in Thailand were afforded protection, including decent working conditions and the provision of benefits. The adoption of any specific instrument required prior examination to determine the capacity of existing legislation for its implementation of the instrument. To that end, Thailand had not initially voted in favour of the Protocol of 2014 to the Forced Labour Convention, 1930, but for the Recommendation, which could be promptly implemented through laws in force in the country. Following discussion at the policy level, however, Thailand currently supported the adoption of the Protocol.
64. *The Employer coordinator* recalled the suggestion by the Worker Vice-Chairperson that any paper on resolving diverging opinions on the issue of the right to strike should include options for tripartite discussion. The group aligned itself with the views expressed by IMEC and India concerning the future of the Conference.
65. *The Worker Vice-Chairperson* emphasized that the decision concerning the issue of the right to strike made at the Governing Body session in March 2014 should be maintained.

66. *The Director-General* thanked all members for their positive input. A commitment had been made to undertake the same volume of work at a shorter session of the Conference the following year. He assured those members who were beginning to raise questions that challenges had been identified and taken into account and that parameters had been set. Progress had been made in many areas but certain aspects, such as documentation, remained to be addressed. All suggestions would be considered and the social partners would be fully consulted. Formal discussions would be held within the Working Party on the Functioning of the Governing Body and the International Labour Conference on the minutiae of the shift to a two-week session of the Conference.
67. A document would be issued, as a matter of due process, to the Governing Body in November regarding the Protocol of 2014 to the Forced Labour Convention, 1930, and the complaint by Workers' delegates under article 26 would also be taken into account by the Office. The Office would work in close cooperation with constituents in 2015 on the transition from the informal to the formal economy. Furthermore, in March 2014, the Governing Body had unanimously agreed on a roadmap to address the issues that had already arisen regarding the Conference and the Office would engage in full consultation with the constituents in line with decisions already made. He agreed that it was urgent to make changes to the Conference and to avert irreparable damage to the supervisory machinery and added that lessons learned from the current session, which had nevertheless been constructive, would serve to enhance the conduct of the session in 2015.

### **Outcome**

68. *The Office took note of the points raised under this item by the Governing Body.*

## **Sixth item on the agenda**

### **Strategy for wider ILO engagement with the private sector (GB.321/INS/6)**

69. *The Employer coordinator* supported the adoption of the draft decision.
70. *The Worker Vice-Chairperson* expressed his full support of the document and proposals therein.
71. *Speaking on behalf of the Africa group*, a Government representative of Ghana emphasized that productive engagement with the private sector needed to span the full range of ILO activities, including knowledge sharing and capacity building; ensure conformity with ILO principles in order to promote the Decent Work Agenda; advance engagement with enterprises, in accordance with the ILO Declaration on Social Justice for a Fair Globalization (2008) and the Enterprises Initiative; and promote industries' awareness of their corporate, social and environmental responsibilities. It was important to adopt an inclusive approach, in accordance with ILO tripartism. The group once again requested the Governing Body to indicate the manner in which governments would be involved in the process and expressed its support for the decision.
72. *Speaking on behalf of IMEC*, a Government representative of Italy expressed support for the Enterprises Initiative. It was important to strike a balance between engaging with the private sector and ensuring that constituents were informed of all developments, and protracted procedures should be avoided so that private enterprises did not lose interest.

The revised procedure seemed no more expeditious than the previous one. She nevertheless trusted that the Director-General would efficiently manage the procedure in the best interests of the Organization and its constituents, so as to guarantee effective engagement with the private sector. She expressed support for the draft decision and looked forward to the progress report on the implementation of the Enterprises Initiative.

- 73.** *A Government representative of India* said that the item in question demonstrated the commitment of the Organization to consensus building. She noted the revised procedure, which empowered the Employers' and Workers' groups and granted private enterprises a limited role. She recalled her country's appeal to focus on developing countries. It was essential to establish a platform to enable the participation of governments in the procedure for engagement with the private sector, thereby ensuring that issues particular to regions were addressed, and to keep governments abreast of developments. She requested the Office to present a document to the Governing Body on the decision-making processes concerning the areas of work and regions covered under the initiative.
- 74.** *The Director-General* expressed his satisfaction that a consensus had finally been reached and that the Governing Body was able to adopt the decision. The paper reflected a methodology and internal procedures, adapted to the nature of the issues of ILO engagement in the private sector. He assured governments that their interest would be kept in mind as the methodology and procedures were applied. He undertook to submit a progress report to the Governing Body at its March 2016 session, a time frame that would enable the Office to respond to the demands of enterprises.

## **Decision**

### **75. The Governing Body:**

- (a) *endorsed the revised approach to wider ILO engagement with the private sector; and*
- (b) *requested the Director-General to submit to the Governing Body at its 326th Session (March 2016) a progress report on the implementation of the Enterprises Initiative.*

(GB.321/INS/6, paragraph 9.)

## **Seventh item on the agenda**

### **Choice of Conventions and Recommendations on which reports should be requested under article 19 of the Constitution in 2015**

(GB.321/INS/7)

- 76.** *The Worker Vice-Chairperson* said that the protection of human rights, including the trade union rights of migrant workers, should be central to migration policies. A General Survey on labour migration instruments would raise the profile of migration issues and identify how the ILO could best provide assistance. His group supported the draft decision.
- 77.** *The Employer coordinator* supported the draft decision.

## **Decision**

### **78. *The Governing Body:***

- (a) requested governments to submit reports for 2015, under article 19 of the Constitution, on the Migration for Employment Convention (Revised), 1949 (No. 97), and its corresponding Recommendation, 1949 (No. 86), and on the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and its corresponding Recommendation, 1975 (No. 151); and*
- (b) approved the report form concerning the labour migration instruments contained in the appendix of document GB.321/INS/7.*

(GB.321/INS/7, paragraph 19.)

## **Eighth item on the agenda**

### **Review of the rules for payment of travel expenses (GB.321/INS/8)**

- 79.** *The Employer coordinator* supported the draft decision.
- 80.** *The Worker Vice-Chairperson* supported the draft decision.
- 81.** *Speaking on behalf of IMEC*, a Government representative of the United States stressed the importance of aligning the rules for the payment of travel expenses of members of the Governing Body and delegates attending official meetings of the ILO not only with the rules applicable to ILO staff but also with those applicable across the United Nations system. The proposed changes would align ILO travel rules with those imposed by many governments. He expressed appreciation for the Office's continued efforts to save money, noting that the changes would result in an estimated US\$500,000 per biennium in savings.

## **Decision**

- 82.** *The Governing Body approved the proposed amendments to the “Rules for the payment of travel expenses of members of the Governing Body and of certain committees and other bodies” and to the “Rules for the payment of travel expenses of members of committees” included in Appendices I and II to document GB.321/INS/8, respectively.*

(GB.321/INS/8, paragraph 7.)

## Ninth item on the agenda

### Report of the Director-General

**First Supplementary Report:  
Report of the Committee set up to examine  
the representation alleging non-observance  
by Peru of the Labour Inspection Convention,  
1947 (No. 81), made under article 24 of the ILO  
Constitution by the Autonomous Workers'  
Confederation of Peru (CATP)  
(GB.321/INS/9/1)**

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

#### **Decision**

**83. *On the recommendation of its Officers, and in light of the conclusions set out in paragraphs 80, 93, 94, 96, 101, 108, 112, 114, 118, 124, 134, 139, 145, 150, 154, 157, 161, 164, 168 and 175 of document GB.321/INS/9/1, the Governing Body:***

- (a) approved the report;*
- (b) invited the Government to take such measures as may be necessary to ensure that the system of labour inspection as a whole was implemented in accordance with the provisions of Convention No. 81;*
- (c) recommended that the Committee of Experts on the Application of Conventions and Recommendations followed up on the issues raised in the report in respect of the application of Convention No. 81; and*
- (d) made the report publicly available and closed the procedure initiated by the representation of the Autonomous Workers' Confederation of Peru (CATP) alleging the non-observance of Convention No. 81.*

*(GB.321/INS/9/1, paragraph 176.)*

**Second Supplementary Report:  
Report of the Committee set up to examine the  
representation alleging non-observance by  
Spain of the Labour Inspection Convention,  
1947 (No. 81), made under article 24 of the  
ILO Constitution by the trade union “National  
Federation of Associations of Employment  
and Social Security Sub-inspectors (FESESS)”  
(GB.321/INS/9/2)**

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

**Decision**

**84. *On the recommendation of its Officers, and in light of the conclusions set out in paragraphs 70, 77, 80, 85, 98, 99, 101, 106, 107, 110 and 112 of document GB.321/INS/9/2 concerning the issues raised in the representation, the Governing Body:***

- (a) approved the report;*
- (b) invited the Government to consider the possibility of granting employment and social security sub-inspectors, in law and in practice, the powers and prerogatives under the Convention where they were needed or useful for the performance of their duties that were in conformity with the objective of the Convention, as indicated in paragraph 101;*
- (c) entrusted the Committee of Experts on the Application of Conventions and Recommendations with following up on effect given to the conclusions of the report with respect to the application of Article 10 of this Convention (paragraph 106), as well as Article 12(1)(c)(ii) (paragraph 101); and*
- (d) made the report publicly available and closed the procedure initiated by the representation of the complainant organization alleging the non-observance by Spain of Convention No. 81.*

*(GB.321/INS/9/2, paragraph 113.)*

**Third Supplementary Report:  
Appointment of an Assistant Director-General  
(GB.321/INS/9/3)**

**Decision**

**85. *The Governing Body noted the appointment made by the Director-General, after having duly consulted the Officers of the Governing Body, of Mr Heinz Werner Koller as Regional Director of the ILO Regional Office for Europe and Central Asia, and invited Mr Koller to make and sign the prescribed declaration of loyalty as provided under article 1.4(b) of the ILO Staff Regulations.***

*(GB.321/INS/9/3, paragraph 4.)*



**Fourth Supplementary Report:  
Report of the Committee set up to examine  
the representation alleging non-observance  
by Spain of the Termination of Employment  
Convention, 1982 (No. 158), submitted under  
article 24 of the ILO Constitution by the Trade  
Union Confederation of Workers' Committees  
(CC.OO.) and the General Union of  
Workers (UGT)  
(GB.321/INS/9/4)**

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

**Decision**

86. *On the recommendation of its Officers, and in the light of the conclusions set out in document GB.321/INS/9/4 concerning the issues raised in the representation, the Governing Body:*
- (a) approved the report;*
  - (b) invited the Government, in consultation with its social partners, to take such measures as may be necessary to seek solutions to economic problems that were consistent with Convention No. 158 (paragraph 226);*
  - (c) invited the Government to provide information on the evolution of the "open-ended entrepreneur-support contract" and, in the light of the information available, to examine the possibility of adopting measures, in consultation with the social partners, to ensure that such a contractual arrangement was not terminated at the initiative of the employer in order to avoid in an abusive manner the protection provided for in the Convention (paragraphs 245, 246 and 247);*
  - (d) invited the Government to submit information on the manner in which the new regulations on economic, technical, organizational or production-related reasons for dismissal, introduced through the 2012 labour reform, had been applied in practice, including statistics on the number of appeals lodged, the outcome of those appeals and the number of terminations for economic or similar reasons (paragraphs 265 and 266); the type of compensation awarded where the courts had ruled that termination of the employment relationship was unjustified (paragraphs 279 and 280); and the manner in which absences resulting from temporary incapacity, particularly as a result of medical treatment for cancer or a serious illness, were counted (paragraphs 295 and 296);*
  - (e) entrusted the Committee of Experts on the Application of Conventions and Recommendations with following up the questions raised in the report with respect to the application of the Termination of Employment Convention, 1982 (No. 158); and*

- (f) *made the report publicly available and closed the procedure initiated by the representation of the Trade Union Confederation of Workers' Committees (CC.OO.) and the General Union of Workers (UGT), alleging non-observance by Spain of Convention No. 158.*

(GB.321/INS/9/4, paragraph 297.)

## **Fifth Supplementary Report: Documents submitted for information only (GB.321/INS/9/5)**

### ***Decision***

- 87.** *The Governing Body took note of the information contained in the documents listed in the appendix to document GB.321/INS/9/5.*

(GB.321/INS/9/5, paragraph 4.)

- 88.** *The Employer coordinator pointed out that, as the report on progress in the implementation of the Memorandum of Understanding and associated action plans for the elimination of forced labour in Myanmar had been received only one day previously, it had not been possible for the group to review it. Such documents should be provided earlier in the future.*

## **Tenth item on the agenda**

### **Reports of the Officers of the Governing Body**

#### **First report: Arrangements for the Meeting of Experts on Sustainable Development, Decent Work and Green Jobs (Geneva, 5–9 October 2015) (GB.321/INS/10/1)**

- 89.** *The Employer coordinator and the Worker Vice-Chairperson supported the draft decision.*
- 90.** *Speaking on behalf of GRULAC, a Government representative of Cuba said that it would be preferable if the Office simply made suggestions regarding which countries should participate in meetings of experts, when asked to do so by the regional groups or when the regional groups failed to provide a participant list by a given deadline. Regional coordinators should be given advance notice in the future, in order to give the regional groups sufficient time to draw up a list of possible candidates.*
- 91.** *A representative of the Director-General (Deputy Director-General for Management and Reform) said that the Office did strive to give advance notice of the proposed composition of such meetings to the regional groups. Any advice given by the regions in the future with regard to the composition of such meetings would certainly be taken into account.*

92. *Speaking on behalf of ASPAG*, a Government representative of Australia endorsed the statement made on behalf of GRULAC. His group had been surprised to learn that the lists of countries invited to nominate experts for such meetings could be finalized without the acknowledgement of all the countries concerned. He stressed the need for full consultation in the future, within and across the Government groups.

## **Decision**

### **93. On the recommendation of its Officers, the Governing Body:**

- (a) *endorsed the composition and agenda of the Meeting of Experts as follows:*

#### **Composition**

*The Meeting would be attended by eight experts nominated after consultation with governments, eight experts nominated after consultation with the Employers' group, and eight experts nominated after consultation with the Workers' group of the Governing Body.*

*In order to obtain the Government nominations, the Director-General would approach the Governments of the following countries: Brazil, Germany, Indonesia, Kenya, Mauritius, South Africa, Turkey and United States. Should any of them fail to nominate a participant, the Director-General would approach the Governments of the following countries: Bangladesh, Denmark, France, Morocco, Peru, Senegal, Spain and Trinidad and Tobago.*

*As had been the practice in the recent past, the Director-General would appoint, after consultation with the groups of the Governing Body, a knowledgeable independent chairperson.*

*Other countries that had an interest in the subject would be able to attend as observers, at their own expense.*

#### **Agenda**

- *To review, amend and adopt draft guidelines based on a compilation and thorough review by the Office of experiences from country policies and sectoral strategies towards environmental sustainability, the greening of enterprises, social inclusion and the promotion of green jobs.*
- *To distil lessons and good practices in respect of policy formulation in each of the nine policy areas identified in the just transition framework, through tripartite dialogue.*
- *To recommend ways to give practical effect to the guidelines in terms of their dissemination and practical application at the country level by constituents and adopt policy guidelines on a just transition towards environmentally sustainable economies and societies for all.*

- (b) *decided that the cost of the Meeting, estimated at US\$317,000, be financed, in the first instance, from savings that may arise under Part I of the budget for 2012–13 or, failing that, through the use of the provision for unforeseen expenditure, Part II. Should that not prove possible, the Director-General would propose alternative methods of financing at a later stage in the biennium.*

(GB.321/INS/10/1, paragraph 9.)

## **Second report: Arrangements for the Meeting of Experts on Non-standard Forms of Employment**

(Geneva, 16–19 February 2015)

(GB.321/INS/10/2)

94. *The Employer coordinator* observed that, owing to the lateness of the report's publication, group consultations had not been held on the item. Referring to the proposed agenda set out in paragraph 9 of the document, he said that his group had some reservations about the inclusion of the reference to facilitating the transition of workers, if they wished to make such a transition, from non-standard to standard forms of employment, in particular in the light of the Report of the Director-General to the 103rd Session of the International Labour Conference, *Transitioning from the informal to the formal economy*, which stated that non-standard employment was becoming standard. Time should be allowed for proper consultations with group secretariats and coordinators.
95. *The Worker Vice-Chairperson* expressed surprise at the Employer coordinator's comment, considering that agreement had already been reached among the Officers of the Governing Body.
96. *Speaking on behalf of the Africa group*, a Government representative of Kenya noted the relevance of the Meeting of Experts in view of the fact that the recurrent discussion on the strategic objective of social protection (labour protection) was scheduled to be held at the 104th Session (2015) of the International Labour Conference. While his group was willing to approve the meeting's composition and agenda, the presence of African countries should be increased so as to enrich the debate and outcome, in view of Africa's experience with non-standard forms of employment. His group supported the draft decision.
97. *Speaking on behalf of GRULAC*, a Government representative of Cuba reiterated the group's opinion regarding the selection of participating countries, stressing that regional groups should take the lead in that respect.
98. *The Director-General* took note of the points raised by GRULAC and ASPAG with regard to the selection of Government experts and said that the Office would endeavour to correct any deficiencies that might exist in the system. He recalled that the issues raised related to the arrangements for the meeting, and not to the decision to hold the meeting, as that had already been taken.
99. *The Employer coordinator* said that, while his group had no issue with the arrangements for the meeting as such, his group could not support the proposed agenda as set out in paragraph 9 because it had not been consulted on its content. It was important not to jump to conclusions regarding what the experts might say.

100. *Speaking on behalf of GRULAC*, a Government representative of Cuba clarified that his group supported the draft decision and that his comments regarding the selection of Government experts had merely been a suggestion to be taken into account in the future. He accepted the explanations given by the Director-General.
101. *Speaking on behalf of ASPAG*, a Government representative of Australia said that he appreciated the explanations given by the Office and did not want to stand in the way of consensus.
102. *The Employer coordinator* reiterated his group's concern with the wording used in paragraph 9 because it prejudged the outcome of the work of the experts.
103. *The Chairperson* proposed that the sitting should be suspended for a brief period to allow the Officers of the Governing Body to hold consultations regarding the topic under discussion.
- (The sitting was suspended.)*
104. When the sitting was reopened, *the Employer coordinator* proposed an amendment to the text in the last bullet point under paragraph 9. He observed that, if the meeting was to be held on the scheduled date, it was necessary to approve the agenda that day.
105. *A Government representative of Brazil* said that, while he did not object to the proposal, the text being amended was not the text of a draft decision. Caution needed to be exercised when setting such a precedent.
106. *The Employer coordinator* said that such an issue would not arise in the future if the groups were duly consulted in advance.

## **Decision**

107. *On the recommendation of its Officers, the Governing Body endorsed the composition and agenda of the Meeting of Experts as follows:*

### ***Composition***

***The Meeting would be attended by eight experts nominated after consultation with Governments, eight experts nominated after consultation with the Employers' group, and eight experts nominated after consultation with the Workers' group of the Governing Body.***

***In order to obtain the Government nominations, the Director-General would approach the Governments of the following countries: Algeria, Chile, France, Japan, Norway, Philippines, South Africa and United States. Should any of them fail to nominate a participant, the Director-General would approach the Governments of the following countries: Canada, Indonesia, Morocco and Republic of Moldova.***

***As had been the practice in the recent past, the Director-General would appoint, after consultation with the groups of the Governing Body, a knowledgeable independent chairperson.***

*Other countries that had an interest in the subject would be able to attend as observers, at their own expense.*

(GB.321/INS/10/2, paragraph 8.)

### **Agenda**

- *Trends: Diversity of non-standard forms of employment (NSFE); growth and prevalence of the various types of NSFE around the world; main characteristics of working conditions in NSFE, as well as impacts on enterprise and labour market performance; reasons for growth of NSFE.*
- *NSFE and fundamental principles and rights at work: Ability to realize the principles concerning the fundamental rights of workers in NSFE; main challenges in realizing these rights; country experiences on how to strengthen the fundamental principles and rights at work of workers in NSFE; policy orientations for improving the realization of fundamental rights of workers in NSFE.*
- *Regulations for protecting workers in NSFE: degree of inclusion of NSFE in current international labour standards; national experiences, sectoral or occupational experiences in the regulation of NSFE that have been effective in promoting the quality of NSFE; features of regulations and policies that facilitate, through NSFE, the integration of hitherto excluded groups from the labour market and discuss the transition of workers in NSFE to standard forms of employment.*

(GB.321/INS/10/2, paragraph 10, as amended.)

**Third report: Representation alleging non-observance by the Plurinational State of Bolivia of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), submitted under article 24 of the ILO Constitution by the Bolivian Workers' Federation (COB)**  
(GB.321/INS/10/3)

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

### **Decision**

**108.** *On the recommendation of its Officers, the Governing Body decided that the representation was receivable and set up a tripartite committee to examine it.*

(GB.321/INS/10/3, paragraph 5.)

**Fourth report: Representation alleging non-observance by Poland of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made under article 24 of the ILO Constitution by the All-Poland Alliance of Trade Unions**  
(GB.321/INS/10/4)

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

**Decision**

- 109.** *On the recommendation of its Officers, the Governing Body decided that the representation was receivable and set up a tripartite committee to examine it.*

(GB.321/INS/10/4, paragraph 5.)

**Fifth report: Chairmanship of the Committee on Freedom of Association**  
(GB.321/INS/10/5)

- 110.** *The Worker Vice-Chairperson and the Employer coordinator supported the proposal to appoint Professor Paul van der Heijden as Chairperson of the Committee on Freedom of Association, until the expiry in June 2017 of the term of office of the current Governing Body.*

**Decision**

- 111.** *On the recommendation of its Officers, the Governing Body appointed Professor Paul van der Heijden as Chairperson of the Committee on Freedom of Association, until the expiry in June 2017 of the term of office of the current Governing Body.*

(GB.321/INS/10/5, paragraph 5.)

**Eleventh item on the agenda**

**Composition and agenda of standing bodies and meetings**  
(GB.321/INS/11)

- 112.** *Speaking on behalf of the Africa group, a Government representative of Kenya endorsed the appointment of Ms Leila Azouri (Lebanon) as a member of the Committee of Experts on the Application of Conventions and Recommendations.*

**Decision**

**113. *On the recommendation of its Officers, and in order to fill one of the three vacant positions on the Committee of Experts on the Application of Conventions and Recommendations, the Governing Body appointed Ms Leila Azouri (Lebanon) as a member of the Committee for a period of three years.***

(GB.321/INS/11, paragraph 1.)

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