

Governing Body

322nd Session, Geneva, 30 October–13 November 2014

**Minutes of the 322nd Session
of the Governing Body of the
International Labour Office**

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The 322nd Session of the Governing Body of the International Labour Office was held in Geneva, from Thursday, 30 October to Thursday, 13 November 2014, presided over by Mr Apolinário Jorge Correia of Angola as Chairperson.

The list of persons who attended the session of the Governing Body is appended.

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Institutional Section

1. The Institutional Section met on Monday, 3 and Friday, 7 November and from Monday, 10 to Thursday, 13 November 2014. The Chairperson, Mr A.J. Correia (Government, Angola), chaired the Section. The Employer Vice-Chairperson of the Governing Body, Mr J. Rønnest (Denmark), spoke as Employer coordinator for the Section, except in respect of item 4/1, Follow-up to the resolution concerning the second recurrent discussion on employment, where Mr M. Ceretti was coordinator; item 7, Report of the 18th American Regional Meeting and Lima Declaration, where Mr A. Echavarría was coordinator; and item 11, Reports of the Board of the International Training Centre of the ILO, Turin (Turin Centre), where Mr K. de Meester was coordinator. The Worker Vice-Chairperson of the Governing Body, Mr L. Cortebeeck (Belgium), spoke for the Workers, except in respect of item 4/1, Follow-up to the resolution concerning the second recurrent discussion on employment, where Ms H. Kelly was spokesperson; item 4/2, Follow-up to the adoption of the Protocol and Recommendation on supplementary measures for the effective suppression of forced labour, where Ms S. Cappuccio was spokesperson; item 6, The post-2015 sustainable development agenda: Update, where Mr F. Atwoli was spokesperson; and item 7, Report of the 18th American Regional Meeting and Lima Declaration (Lima, 13–16 October 2014), where Ms E. Familia was spokesperson.
2. The following Governing Body members chaired the remaining sections and segments of the 322nd Session:

Policy Development Section

Employment and Social Protection Segment
(Wednesday, 5 and Thursday, 6 November 2014)

Chairperson: Ms J. Pitt (Australia)

Employer coordinator: Ms R. Goldberg

Item 2, Area of critical importance: Promoting decent work in the rural economy:
 Mr P. O'Reilly

Item 3, Chairing the UNAIDS Committee of Cosponsoring Organizations (CCO) in 2015: Opportunities for the ILO: Ms J. Mugo

Worker spokesperson: Ms H. Kelly

Item 3, Chairing the UNAIDS Committee of Cosponsoring Organizations (CCO) in 2015: Opportunities for the ILO: Mr B. Ntshalintshali

Social Dialogue Segment
(Tuesday, 4 November 2014)

Chairperson: Ms F. Kodra (Albania)

Employer coordinator: Mr P. Woolford

Item 5, Follow-up to the Meeting of Experts on Labour Inspection and the Role of Private Compliance Initiatives (Geneva, 10–12 December 2013): Ms L. Horvatic

Worker spokesperson: Mr B. Thibault

Item 5, Follow-up to the Meeting of Experts on Labour Inspection and the Role of Private Compliance Initiatives (Geneva, 10–12 December 2013): Ms A. El Amri

Technical Cooperation Segment
(Thursday, 6 and Thursday, 13 November 2014)

Chairperson: Mr N. Masoka (Zimbabwe)

Employer coordinator: Ms J. Mugo

Item 7, Enhanced programme of technical cooperation for the occupied Arab territories: Mr K. Mattar

Worker spokesperson: Mr M. Guiro

Multinational Enterprises Segment
(Thursday, 6 November 2014)

Chairperson: Mr P.J. Rozet (France)

Employer coordinator: Ms R. Hornung-Draus

Worker spokesperson: Ms A. Buntenbach

Legal Issues and International Labour Standards Section
(Monday, 10 November 2014)

Legal Issues Segment

Chairperson: Mr G. Corres (Argentina)

Employer coordinator: Mr C. Syder

Worker spokesperson: Ms C. Passchier

International Labour Standards and Human Rights Segment

Chairperson: Mr G. Corres (Argentina)

Employer coordinator: Mr C. Syder

Worker spokesperson: Ms C. Passchier

Programme, Financial and Administrative Section
(Monday, 3 and Tuesday, 4 November 2014)

Programme, Financial and Administrative Segment

Chairperson: Mr A.J. Correia (Angola)

Mr J. Rønnest (Employer Vice-Chairperson) and Mr L. Cortebeeck (Worker Vice-Chairperson) took the Chair on Tuesday, 4 November, in the morning and afternoon, respectively.

Employer coordinator: Mr M. Mdwaba

Worker spokesperson: Mr S. Gurney

Audit and Oversight Segment

Chairperson: Mr A.J. Correia (Angola)

Mr J. Rønnest (Employer Vice-Chairperson) and Mr L. Cortebeeck (Worker Vice-Chairperson) took the Chair on Tuesday, 4 November, in the morning and afternoon, respectively.

Employer coordinator: Mr M. Mdwaba

Worker spokesperson: Mr S. Gurney

Personnel Segment

Chairperson: Mr A.J. Correia (Angola)

Mr J. Rønnest (Employer Vice-Chairperson) and Mr L. Cortebeeck (Worker Vice-Chairperson) took the Chair on Tuesday, 4 November, in the morning and afternoon, respectively.

Employer coordinator: Mr P. Woolford

Worker spokesperson: Mr S. Gurney

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

(Wednesday, 5 and Monday, 10 November 2014)

Chairperson: Mr A.J. Correia (Angola)

Employer coordinator: Mr J. Rønnest

Worker Vice-Chairperson: Mr L. Cortebeeck

Committee on Freedom of Association

(Thursday, 30 to Friday, 31 October 2014)

Chairperson: Mr P. Van Der Heijden (Netherlands)

Employer coordinator: Mr C. Syder

Worker spokesperson: Mr Y. Veyrier

Opening comments by the Director-General

3. *The Director-General* said that the consultations undertaken since the Governing Body had last met and in preparation of its current session were perhaps the most thorough and intensive in memory. They had focused very heavily, but not exclusively, on the standards-related question. He recalled the significant political effort and resources channelled into the programme and budget for the current biennium at a time of severe financial constraints for many member States. In light of this, he reaffirmed his commitment, and that of the Office, to meet the Governing Body's expectations to achieve greater ILO visibility and influence. The breadth of issues on the agenda for the present session showed that the Organization was working hard, in innovative and sometimes complex ways and areas. It was doing this on the basis of a continuing reform effort which was raising the quality and impact of its work.

4. The Director-General turned to the draft transitional strategic plan for 2016–17 and preview of the Programme and Budget proposals for 2016–17, reminding the Governing Body that this document contained a roadmap for the coming biennium. The budgetary dimension of the proposals would be brought before the Governing Body at its 323rd Session (March 2015). Two positive factors were embedded in this document: firstly, its decision to adopt a transitional strategic plan coinciding with the period 2016–17 in order to enable the ILO to align its medium-term planning cycle with a four-year cycle of the UN system as of 2018; and secondly, the opportunity this provided to fully align the substantive priorities proposed in the preview with the policy outcomes of the ILO's results-based management system. Inevitably, the ILO would also be obliged to face the challenge of accommodating emerging issues, at the same time as continuing the work that was clearly planned: the post-2015 development agenda, the Paris Climate Change Conference, and the important items to be addressed at the 2015 and 2016 International Labour Conferences (ILC).
5. The ten policy outcomes at the centre of the preview corresponded, in most cases, to the eight areas of critical importance (ACIs) set out in the current programme and budget, while a new outcome on effective labour migration policies was introduced in the document. Each policy outcome included a methodology for its systematic and effective implementation, providing a concise definition of the problem to be addressed, the corresponding definition of the changes that ILO action should be expected to bring about, and a statement of the means of action and capacity building envisaged to bring these changes about. A similar structure was provided for the advocacy, governance and support outcomes presented in the document with a view to rendering the Office fully accountable. As stated in the document, the ILO was committed to improving the quality of its results framework, and this would provide greater consistency and coherence across outcomes. Global policy outcomes should go hand in hand with the integration of the regional dimension into the ILO's programmes, which would require reinforced partnerships with regional institutions and groupings. The recent field office review underlined the importance of Decent Work Country Programmes as central to determining national-level activities. The programme and budget proposals that would be presented in March would set out clearly how regular and extra-budgetary resources would be harnessed to contribute together to the overall goals of the Organization.
6. Lastly, the Director-General referred to the establishment of the ILO Research Department, which had already made significant progress in equipping the Organization with the means to meet its ambitions of excellence and increased influence. The ILO would continue to work in partnership with the Turin Centre to further develop the Organization's research and knowledge agenda presented in the preview, as well as the way in which it would be put into action. The Office would attend closely to the discussion of the preview, and would thus be in a position to frame detailed proposals at the 323rd Session of the Governing Body in March 2015.

First item on the agenda

Approval of the minutes of the 321st Session of the Governing Body (GB.322/INS/1)

Decision

7. ***The Governing Body approved the minutes of its 321st Session.***

(GB.322/INS/1, paragraph 2.)

Second item on the agenda

Agenda of the International Labour Conference (GB.322/INS/2)

8. *The Employer coordinator*, noting the links between the item under discussion and those relating to the reform of the Conference and the follow-up to the centenary initiatives, said that adopting a strategic and coherent approach to setting the agenda of the Conference would be an important move forward. It was also a complex matter. Discussing the approach for selecting the agenda items for 2017, 2018 and 2019 was problematic, as any progress would hinge on the experience arising from the session of the Conference in 2015, which would be in a new format. In that context, the group questioned the feasibility of having three items during a two-week Conference in 2016. Noting that the document tidied up the list of proposed items pending before the Governing Body, he indicated that the group accepted the proposal made in that respect. In particular, the group agreed that the proposal concerning building a diverse and inclusive world of work should be withdrawn from consideration although it maintained that it would have been a highly appropriate topic of discussion. The five options for future sessions of the Conference referred to in paragraphs 25–27 of the document should be temporarily sidelined until they were ready for consideration and possible inclusion in the strategic approach for agenda-setting up to 2019. The group supported the draft decision.
9. *The Worker Vice-Chairperson* indicated that the group agreed that, in light of the ILO centenary in 2019, it was important for the Governing Body to take a strategic and coherent approach towards setting the Conference agenda for 2017, 2018 and 2019. Until the evaluation of the impact of the Social Justice Declaration was completed in 2016, a slot should be kept open on the 2017, 2018 and 2019 Conference agendas to allow for the selection of an item under which the recurrent discussions on the strategic objectives could be resumed in light of the results of that evaluation. In light of the follow-up to the post-2015 development agenda, the end to poverty initiative could be a relevant item for the agenda of the 2017 Conference. With respect to paragraph 19 of the document concerning the links between setting the Conference agenda and the ILO's Programme of Research and Statistics, issues, such as new patterns and forms of employment, and income security and inequalities might be items on future agendas. He reiterated that the proposal on effective development cooperation in a changing global context, mentioned in paragraph 21 of the document, should be discussed by the Governing Body, rather than by the Conference. The group supported a Convention supplemented by a Recommendation on violence against women and men in the world of work for a double discussion, and labour migration for a general discussion. Fair recruitment processes and effective governance of migration should be part of the latter. With reference to paragraph 24 of the document, the group agreed to the withdrawal of the two proposals related to building a diverse and inclusive world of work and to the public sector. The information on follow-up to the five options for future sessions of the Conference set out in paragraphs 25–27, was welcomed. In particular, the group looked forward to receiving the reports concerning the meetings of experts on non-standard forms of employment and on sustainable development, decent work and green jobs. The issue of long-term unemployment should be included as part of the follow-up to the second recurrent discussion on employment. The remaining topics could be removed from consideration until they were deemed ready for further discussion. The Office should continue to propose topics that were ripe for discussion, taking into account the suggestions of constituents and proposals discussed and owned by technical departments. The issue of decent work in the world of sport was not ready yet to be considered for standard setting given the lack of previous work. Therefore it should become an area of research and possible tripartite discussion at sectoral level,

including with the aim of discussing a code of conduct in the coming year. The group supported the draft decision.

10. Speaking on behalf of the Africa group, a Government representative of Kenya agreed that given the unique timing of the selection of the items to be placed on the agenda of the Conference in 2017, 2018 and 2019, there was a need to adopt a strategic and coherent approach in setting the Conference agenda for the corresponding sessions. The group endorsed the elements that needed to be taken into consideration when setting the Conference agenda, as contained in paragraphs 11–16 of the document, and notably the implications of the evaluation of the impact of the Social Justice Declaration. The group accordingly endorsed the postponement to the Governing Body's 323rd Session of consideration of three proposed items (effective ILO development cooperation in a changing global context; violence against women and men in the world of work; and labour migration). It also endorsed the proposal to remove from consideration the proposed item concerning building a diverse and inclusive world of work, and the arrangements to be made to enable constituents to submit further suggestions for the Conference agenda. On the other hand, it requested that the proposed item regarding the public sector should be retained for future consideration.
11. Speaking on behalf of the group of industrialized market economy countries (IMEC), a Government representative of Norway said that setting the Conference agenda was an important governance function of the Governing Body and welcomed the proposed strategic and coherent approach outlined in section A of the document, as the coming years leading to the ILO centenary created a momentum to foster a strategic vision. The agenda items should feed into the future of work initiative discussed in the document on follow-up to the centenary initiatives.¹ The outcome of the evaluation of the impact of the Social Justice Declaration should be taken into account as it would cover the sequence and the frequency of recurrent discussions. That also applied to any outcome of the decision on the Standards Review Mechanism. A strategic and coherent approach to setting the Conference agenda in the three years to come leading up to the centenary in 2019 would potentially also enable the necessary linkage to be made with the ILO's Programme of Research and Statistics. As a decision on the Strategic Policy Framework for 2018–21 would be taken in 2017, setting the agendas of the 106th, 107th and 109th Sessions of the Conference would require a margin of flexibility. The importance of ensuring full tripartite ownership of a coherent and strategic approach was emphasized. That approach should contribute to the improvement of transparency and inclusiveness of the Conference agenda-setting process. In that context, reference was made to the group's comments in the Working Party on the Functioning of the Governing Body and the International Labour Conference. The manner in which the Governing Body decided on items to be placed on the Conference agenda should be further elaborated. Agenda items needed to be of potential interest for all groups and add value. The procedure for updating Conventions and Recommendations should be carefully considered. It was for the Governing Body to decide not only on the agenda items themselves but also on the number of items and technical committees, and on the type and format of discussions at the Conference. Following tripartite consultations, in which the group was ready to participate actively, the Office should put forward more specific proposals at the Governing Body session in March 2015. The group supported the draft decision in its entirety.
12. A Government representative of France said that constituents attached importance to setting the Conference agenda, since it defined the direction in which the Organization was heading. In the perspective of the ILO centenary, her Government supported the strategic and coherent approach. However, that should not result in setting aside two issues on

¹ GB.322/INS/13/2.

which her Government wished to see decisions taken, namely (by order of priority) violence against women and men in the world of work (standard-setting discussion) and effective ILO development cooperation in a changing global context (general discussion).

13. A *Government representative of Canada* welcomed the elements proposed in the document that needed to be taken into account for future agenda-setting. Consideration of those elements would contribute to creating momentum to foster a strategic vision as the ILO entered its second centenary. Her Government supported the adoption of a transparent and inclusive methodology for agenda setting in the context of the ongoing reform of the ILC. Additionally, the proposal relating to violence against women and men in the world of work with a view to standard setting should be on the agenda of future Conferences. The Office should provide additional information on the agenda item on the resolution of labour disputes.
14. A *Government representative of Japan* said that the setting of the agenda for the Conference for the coming years was highly important in the perspective of the ILO centenary. The proposed item on effective ILO development cooperation should be retained for further consideration. With regard to the five options for future sessions of the Conference, non-standard forms of employment were a key issue in many countries, and the Governing Body should consider including the topic on the agenda of the Conference as soon as preparatory work by the meeting of experts was completed. Furthermore, labour dispute prevention and the development of resolution mechanisms were common challenges for all member States, and the Office should provide more information on that topic for further consideration for the future sessions of the Conference.
15. A *Government representative of Turkey* supported the strategic and coherent approach to the setting of the agenda of the Conference in 2017, 2018 and 2019 in view of the ILO centenary in 2019. Yet it would not be possible to finalize the agenda of the sessions in question at the session of the Governing Body in March 2015 because the outcomes of forthcoming discussions – in particular those relating to the evaluation of the impact of the Social Justice Declaration and the Standards Review Mechanisms – would have to be taken into account. One way to accommodate the possible outcomes of the evaluation of the impact of the Social Justice Declaration might be to include the item on effective ILO development cooperation in a changing global context as a topic for general discussion, preferably at the 2019 Conference. He expressed strong support for the proposed item on labour migration for a general discussion in 2018, stating at the same time that the priority areas described in paragraph 24 of Appendix II to the document did not deal with post-migration problems. The general discussion should not be limited to fair recruitment and effective governance of migration and mobility. The proposal on building a diverse and inclusive world of work should be retained for future sessions. The proposal concerning the public sector should be removed. The Office should explore the reasons for the low rate of participation by member States in the agenda-setting process.
16. The *representative of the Director-General* (Deputy Director-General, Management and Reform), noting that full support had been expressed for the adoption of the strategic and coherent approach, said that the Office would prepare a more detailed document for the session of the Governing Body in March 2015, on which consultation would be undertaken. The arrangements for consultation would be discussed at the Tripartite Screening Group the following week.

Decision**17. The Governing Body:**

- (1) adopted a strategic and coherent approach to setting the Conference agenda for the 106th (2017), 107th (2018), and 108th (2019) Sessions of the Conference;
- (2) agreed that the elements contained in paragraphs 11 to 19 of document GB.322/INS/2 should be taken into account in the setting of the Conference agenda for the period 2017 to 2019;
- (3) provided guidance on:
 - (a) the removal from its consideration of the proposal concerning building a diverse and inclusive world of work;
 - (b) the action to be taken regarding the proposal concerning the public sector;
 - (c) the temporary removal from its consideration, pending further work from the Office, of the following four subjects: resolution of labour disputes; transition of the world of work to a low-carbon economy; non-standard forms of employment; long-term unemployment;
 - (d) the arrangements to be made to enable constituents to submit further suggestions for the Conference agenda;
- (4) postponed, to its 323rd Session (March 2015), consideration of the following three proposed items:
 - effective ILO development cooperation in a changing global context (general discussion);
 - violence against women and men in the world of work (standard setting, double discussion);
 - labour migration (general discussion);
- (5) requested the Director-General to report on the agenda of future sessions of the Conference to its 323rd Session (March 2015), and to engage in consultations to that end.

(GB.322/INS/2, paragraph 35, as amended according to the discussion.)

Third item on the agenda

Preparation for the evaluation of the impact of the ILO Declaration on Social Justice for a Fair Globalization by the 105th Session of the International Labour Conference (2016)

(GB.322/INS/3)

18. *A representative of the Director-General* (Deputy Director-General, Management and Reform) said that the Office was seeking guidance in its preparation for the evaluation of the Social Justice Declaration. Further consultations would be held early the following year, in order to submit concrete proposals to the Governing Body in March.
19. *The Employer coordinator* said that the scope of the evaluation was determined by the Declaration itself and should not go beyond what had been decided by the constituents at the time of its adoption. The recurrent discussion model should be reviewed in a separate exercise and be addressed as a technical matter rather than a political issue. The questions raised in paragraph 15 concerning the modalities of the evaluation should be addressed during the informal tripartite consultations. He could support the use of a questionnaire, provided it did not increase the reporting burden of member States, and a simple request for feedback addressed to the interested international organizations. With regard to pursuing implementation modalities foreseen by the Declaration and which had not yet been addressed, those who had been involved in creation of the Declaration should be included in the group for consultation. The Office's Evaluation Department should play a role in the evaluation of the Social Justice Declaration.
20. *The Worker Vice-Chairperson* said that his group remained fully supportive of the content of the Declaration and saw the 2016 evaluation as one of the building blocks of the centenary initiatives. The informal tripartite consultations should begin with a review of the implementation plan adopted by the Governing Body in 2009, so that all constituents were aware of what had been implemented and what had not. The participation of non-state actors in the 2016 Conference discussion could also be considered during the consultations. He supported sending a questionnaire to member States, with a request for information on any review they had undertaken regarding the ratification or implementation of ILO instruments. Consideration should be given to inviting relevant ministries, in addition to labour ministries, to participate in the discussion at the Conference in order to promote policy coherence, as called for by the Social Justice Declaration. International financial institutions, UN agencies, the World Trade Organization (WTO), regional institutions and even enterprises should also take part keeping in mind that the Social Justice Declaration spoke of private and public enterprises as well as the social economy. As to the cycle of recurrent discussions, the Governing Body could move to a simple four-year cycle. Given that implementation of the arrangements regarding the General Survey under article 19 had just begun, such an arrangement should continue. The Social Justice Declaration, along with the Declaration of Philadelphia, provided the platform for setting the common rules of the globalized economy, and the years leading up to 2019 should be used to strengthen implementation mechanisms and to test new ones.
21. *On behalf of the Africa group*, a Government representative of Ghana asked for more information to be provided on the nature of the informal tripartite consultations to be held in January and February 2015. The proposed questionnaire was welcomed but must be administered with full tripartite involvement. The group also welcomed sharing knowledge and good practices and, in particular, devising appropriate indicators of progress that

would take into account country-specific conditions. It proposed an evaluation format that took into account challenges encountered in implementation. The group supported the draft decision.

22. *On behalf of the European Union (EU)*, a Government representative of Italy said that the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Serbia, Albania, Bosnia and Herzegovina, the Republic of Moldova, Armenia and Georgia aligned themselves with her statement. The review of recurrent discussions would have to take into account the fact that the recurrent discussion on the fundamental principles and rights at work was an integral part of the follow-up to the 1998 Declaration on that subject. While EU policies and commitments were consistent with ILO objectives, greater efforts must be made to ensure policy coherence and effectiveness. The EU's Agenda for Change and the Global Public Goods and Challenges programme both included decent work among their objectives. The evaluation should therefore pay particular attention to the actions taken by the Office, constituents and other interested organizations to ensure policy coherence at different levels among the four strategic objectives of the Decent Work Agenda. The EU would share its experiences of the impact of the Declaration outside the ILO and the actions taken by the EU and its Member States in relation to the Declaration.
23. *On behalf of IMEC*, a Government representative of Australia said that her group supported the draft decision. The changes that had taken place since the adoption of the Declaration, including the effects of the global financial crisis, should be taken into account when measuring progress in the implementation plan. The group agreed that a succinct, one-off questionnaire to member States could be considered, to obtain information otherwise unavailable to the Office. A key question to be considered in the course of the evaluation was whether the recurrent discussions provided for in the follow-up to the Declaration fulfilled their intended purpose of enabling an assessment to be made of the results of the ILO's activities. Interested international organizations could be asked to respond to a brief questionnaire and could be invited to participate in an interactive panel discussion in the Conference committee considering the evaluation. She asked for further information on how the Office planned to conduct the informal tripartite consultations and on the associated cost.
24. *A Government representative of Pakistan* said that the proposed evaluation would afford an opportunity to further explore the failure of the international money market system and to improve the planning of measures to implement future declarations. His delegation acknowledged the complexities involved in developing evaluation tools that could be globally applicable but had faith in the Office's expertise. It supported the draft decision and urged the Office to prepare concrete proposals in consultation with constituents.
25. *A Government representative of India* said that the scope of evaluation must be based on what had originally been envisaged. She welcomed the participation of multilateral organizations in the evaluation and in discussions, but their recommendations should remain within the defined scope of the Declaration. The use of a questionnaire was also welcomed, but it should not create any additional reporting burden. Member States should be allowed to choose from a range of appropriate indicators, in order to address the country-specific priorities highlighted in the Declaration. The evaluation was supported, provided it did not conflict with countries' sovereignty or policies and that labour standards were not used for protectionist purposes.
26. *The representative of the Director-General* (Deputy Director-General, Management and Reform) said that informal consultations would be held in Geneva and would involve representatives of the secretariats of the Workers and Employers, the regional coordinators and Government group. There was no cost associated with the consultations, and they

would be conducted in a manner that would allow the regional coordinators to consult with their groups. The questionnaire would be a one-off exercise.

Decision

- 27. *The Governing Body requested the Office to prepare concrete proposals for its consideration at its 323rd Session (March 2015) concerning the preparations for the 2016 evaluation by the Conference of the impact of the ILO Declaration on Social Justice for a Fair Globalization, taking into account the views expressed by its members.***

(GB.322/INS/3, paragraph 16.)

Fourth item on the agenda

Matters arising out of the work of the 103rd Session of the International Labour Conference

Follow-up to the resolution concerning the second recurrent discussion on employment

(GB.322/INS/4/1)

- 28. *The Worker Vice-Chairperson welcomed the proposals for follow-up in the report, which captured most of the conclusions reached by the ILC at its 103rd Session. Promotion of the comprehensive employment policy framework should be the key priority in follow-up work, and the group welcomed the proposals in paragraph 16. The Office should analyse how the different policy areas interacted. Concerning paragraphs 19 and 20, the analysis of the country policies and the training provided at the Turin Centre should be based on the comprehensive policy framework. The group welcomed the proposed work on pro-employment macroeconomic policies, particularly the impact of pro-employment macroeconomic policies on aggregate demand and inequality as well as industrial and sectoral policies that foster productive structural transformation. Greater emphasis should be placed on skills requirements as part of industrial policies and on the rights of young workers in light of the high prevalence of short-term and temporary contracts among the youth. The work outlined on industrial, sectoral, trade and investment policies needed to be focused more sharply on industrial policies at the national level and the provision of assistance to ILO members for the design of industrial policies. The work on knowledge building was welcomed. Priority should be given to research on labour market segmentation, the implications of inequality for economic growth and employment, and job insecurity and its social and economic implications. The voluntary peer review mechanism would be of great value in assisting countries to develop good policies, but the proposed time line for implementation was too long. All relevant players at the national level needed to be involved in developing and implementing a comprehensive employment policy framework. Inter-ministerial coordination mechanisms were crucial as was the promotion of the comprehensive policy framework at global and regional levels to increase policy coherence. The ambitious programme of work, if carried out in a comprehensive manner, would be of great value to the Organization and its Members. The group supported the draft decision.***

- 29.** *The Employer coordinator* said that in general the report captured the conclusions adopted by the Conference. However the proposed follow-up plan was too ambitious. Most proposals entailed extending the Office's area of work which raised the question of implications for the current programme and budget and whether certain activities would need to be postponed in order to make room for new areas of work. The Office should be guided by the Conference conclusions. For instance, the Conference had requested an analysis of how macroeconomic policies could support sustainable enterprises while the report simply referred to the linkages between macroeconomic policies and sustainable enterprises. He asked why capacity-building activities for trade unions (paragraph 24) were foreseen but no similar activities for employers' organizations. The group would have liked the new efforts to integrate work on an enabling environment within the Office's priority areas to be better reflected in the Governing Body documents discussed in the Policy Development Section. It welcomed the reference in paragraph 27 to linkages between productivity and improvements in working conditions. Better working conditions were important and related to ACI 1, as well as to the creation of an enabling environment for sustainable enterprises. The diagnostic tools that had been developed in order to evaluate that environment should become a standard methodology applied to all the ILO's efforts. He commended the focus on knowledge building and research, which would yield better guidance for constituents. Further research was needed to develop clear definitions of concepts, such as job insecurity and quality of jobs, and an exchange of knowledge among constituents was also needed. Enterprises should be consulted for such investigations, because they were familiar with the existing opportunities for job creation and growth. Challenges varied from country to country and from one enterprise to another. If governments consulted with enterprises, they would gain a better understanding of the skills needed for expansion of employment and enterprise growth. The group supported the draft decision.
- 30.** *Speaking on behalf of the Africa group*, a Government representative of Ghana said that unemployment posed the biggest threat to peace and security in Africa. The Ouagadougou +10 Special Summit (September 2014) had evaluated the progress made in giving effect to the 2004 African Union Declaration on Employment and Poverty Alleviation in Africa and had renewed the commitment to addressing unemployment and poverty. The group supported the proposed follow-up plan and time frame and welcomed the emphasis on country-specific needs, the strengthening of partnerships and the inclusion of social dialogue. It noted with satisfaction the proposed assistance to member States to help build effective monitoring systems and looked forward to the Office's proposals and modalities for a voluntary peer review of employment policy. The group stressed the importance of partnerships, the strategy on youth employment and the promotion of entrepreneurship. It also supported further work on demographic dynamics and labour migration. It welcomed the new research on inequality. The target number of five ratifications of the relevant employment Conventions was not ambitious enough. It supported the draft decision.
- 31.** *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the following countries aligned themselves with the statement: the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania, Republic of Moldova, Ukraine and Armenia. Attention needed to be focused on the new demographic context, youth, long-term unemployment and gender equality. The Office had to play a key role in providing fact-based evidence and expertise. She praised the work undertaken by the Office in identifying the extent to which macroeconomic frameworks helped or hindered sustainable and productive employment. The Office should make efforts to specifically address the gender dimension. She stressed the importance of policy coherence between the strategic objective of employment and the eight ACIs. She asked how the proposed outcome of more and better jobs for inclusive growth and improved youth employment

prospects would be linked and managed in a coherent way. She supported the draft decision.

32. A *Government representative of India* said that his Government's top priority was job creation. In formulating a national employment policy, the Government wished to create an enabling environment for achieving the goals set out in its macroeconomic sectoral policies. The aim was to achieve decent employment for all through a comprehensive national employment policy. His delegation did not support the voluntary peer review of employment policy. With regard to standards-related action, more attention should be paid to the socio-economic context of member States and the challenges faced by them in ratifying ILO instruments. He supported the ILO's cooperation with other international agencies to promote policy coherence and a comprehensive approach to employment. The Office should explore the opportunities for mobilizing extra-budgetary resources to support the building of capacity.
33. A *Government representative of China* endorsed the follow-up plan. China was implementing an "employment first" policy, coordinating macroeconomic policies and improving other relevant policies and measures. His delegation hoped to share their experience on pro-employment macroeconomic policies, improved quality of employment, effective implementation and monitoring systems.
34. A *representative of the Director-General* (Deputy Director-General for Policy) said that the success of the follow-up plan recognized during the discussion was a reflection of the very clear consensus and instructions that had been the result of the constructive work of the Committee during the ILC. She added that the urgency of the employment challenges required the plan to be ambitious. She believed the goals could be achieved within the five-year implementation period envisaged.
35. A *representative of the Director-General* (Director, Employment Policy Department) thanked the delegates for the endorsement of the follow-up plan and additional guidance and emphasis provided for implementation. The ambitious nature of the follow-up plan mirrored the comprehensive and ambitious resolution adopted by the Conference. However, she assured delegates that the work proposed would not displace agreed workplans and would be sequenced over a five-year period through intra-Office collaboration involving several policy departments, field offices in all regions, and research and statistics departments, in consultation with the Bureau for Workers' Activities (ACTRAV) and the Bureau for Employers' Activities (ACT/EMP). An internal retreat was planned for January 2015 to work on the endorsed follow-up plan. She said that the Office would provide details of its promotion of the comprehensive policy framework. In response to Workers' comments, she emphasized that the call for action adopted by the Conference in 2012, which included rights as an important dimension, remained the framework of the Office's work, and that the promotion of the comprehensive employment framework went beyond country-level cooperation and would be pursued in the multilateral system; details of that work could be provided. Regarding Employers' comments, she did not believe that there were discrepancies between the Conference resolution and the follow-up plan but would review the details with the Employers. She said that work on defining the concepts of job insecurity would be done with the involvement of constituents and in consultation with them. The Office was looking forward to identifying and to planning capacity-building initiatives on pro-employment macroeconomic frameworks or any other priority topic with employers' organizations, in consultation with ACT/EMP. Regarding the target for new ratifications of the Employment Policy Convention, 1964 (No. 122), the goal was realistic in view of the lengthy preparatory process and based on the experience of the previous five years. The gender dimension, as already mentioned in the strategy paper, was a cross-cutting priority in all action areas. Elements of the follow-up strategy were already built into the dedicated ACIs

and in particular ACI 1. The next generation of policy tools would prioritize monitoring and implementation, as emphasized by the representatives of the Africa group and China. The Office would be ready to submit options and modalities for a voluntary peer review as of the November 2015 session of the Governing Body, including updated information on new initiatives that were currently being tested.

Decision

- 36. *The Governing Body requested the Director-General to take into account its guidance in pursuing the follow-up plan set out in document GB.322/INS/4/1 for the implementation of the conclusions concerning the second recurrent discussion on employment and to draw on it when preparing future programme and budget proposals, developing resource mobilization initiatives and, to the extent possible, implementing the programme and budget for the 2014–15 biennium.***

(GB.322/INS/4/1, paragraph 61.)

Follow-up to the adoption of the Protocol and Recommendation on supplementary measures for the effective suppression of forced labour (GB.322/INS/4/2)

- 37. *The Employer coordinator said that the Employers' group was actively engaged in and committed to supporting follow-up action to implement the Protocol. Responsibilities must be defined; the role of governments to provide support must be established in order to allow businesses to execute due diligence. The institutional capacity of constituents to implement the new instruments needed to be further built up. The group encouraged the Office to continue to focus on the approach of involving social partners, and welcomed its support of partnerships with other agencies and organizations. The new instruments needed to be flexible and relevant to different national circumstances. The group welcomed the new possibilities provided by the instruments for business to be involved and their alignment with the UN Guiding Principles on Business and Human Rights. The group welcomed the proposal to develop a detailed action plan with measurable targets in the draft decision.***

- 38. *The Worker spokesperson said that the Workers' group supported the proposed strategy to eradicate forced labour. Workers' organizations should be fully involved in the four pillars of the strategy and gender issues should be adequately addressed in all aspect of the strategy. The Office should ensure that its partnerships were consistent with the ILO's core mandate and values and should strengthen the capacity of workers' and employers' organizations, so that they could be fully involved in the design, implementation and monitoring of action plans against forced labour at national level. It was important to link the ratification of the Protocol to the universal ratification of Convention No. 29. The group was unsure why the document emphasized due diligence for companies and collective bargaining for unions. The Office should highlight the fact that only a rigorous approach based on legislation, enforcement and industrial relations could provide a coordinated and coherent response. The group asked the Office to include sectors such as construction, mining and entertainment among its targets for preventive action against forced labour and welcomed the Fair Recruitment Initiative. Recruitment agencies should be strictly monitored and governments should establish coherent policies on human trafficking and emigration in light of the link between human trafficking and forced labour.***

The group welcomed the strengthening of public labour inspection and continued collaboration with the International Trade Union Confederation (ITUC) and the International Organisation of Employers (IOE). Collaboration with the South Asian Association for Regional Cooperation (SARC) should be enhanced. The building up of partnerships and collaboration could be considered only in the perspective of strengthening the ratification and implementation of ILO standards and the ILO supervisory system. The group requested additional information on the Global Fund to End Slavery and appealed to governments to fund the implementation of the strategy. Forced labour must have no place in a civilized society.

39. *Speaking on behalf of the Africa group*, a Government representative of Sudan reaffirmed the group's support for the adoption of the two new instruments on forced labour and the need for the full participation of all constituents in the proposed strategy. The group welcomed the expiration of the transition period provided for in Convention No. 29 and looked forward to publication of the Convention without the transitional provisions. It fully supported extending protection measures to all victims of forced labour, including victims of trafficking, and considered that regional organizations could help tailor the ILO's strategy, promote ratification of the Protocol and raise awareness. It welcomed the ILO's support for research on forced labour and human trafficking, as well as the improvement of statistics on forced labour, and suggested that national indicators should be adopted and the capacities of national statistical offices built up. The recommendations of the recent conference on human trafficking held by the African Union should be taken into account. The group wished to participate fully in the discussions on promotion of the Protocol and Recommendation and hoped that the Office would develop a detailed action plan with measurable targets and indicators.
40. *Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)*, a Government representative of Cuba emphasized the importance of enhancing efforts to collect reliable national statistics on forced labour. The group noted that the document did not directly mention the potential impact that South-South cooperation could have on forced labour and suggested that the action plan should highlight such cooperation. With respect to the creation of a Global Fund to End Slavery, the group looked forward to the opportunities that the Office would explore to engage in the process. It noted the close link between the action plan to be developed and the activities for "ratification of standards" and "protection of workers" planned under the proposed Programme and Budget for 2016–17. The group supported the draft decision.
41. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that Montenegro, Serbia, Albania, the Republic of Moldova, Ukraine and Armenia aligned themselves with her statement. The EU concurred with the objectives of the actions proposed in paragraphs 6-9 of the report, on ratification and implementation of the Protocol and Recommendation, and welcomed the development of gender-sensitive national policies and action plans, as well as tools for assessing such plans. With respect to prevention, the group agreed that a sectoral approach was needed and considered that the construction and entertainment sectors also deserved high priority. It welcomed the contribution that the EU-funded project on migrant domestic workers could make to the domestic work sector and supported the coordination of fair recruitment actions with those conducted by other organizations. Efforts to collect reliable statistics, carry out research and share knowledge should be enhanced, and the proposed approach to partnerships and collaboration with regional organizations was welcomed. The group supported the draft decision.
42. A Government representative of France said that his Government had committed itself to ensuring that the ILO had the most ambitious normative documents and had begun the process of ratifying the Protocol upon its adoption at the ILC.

- 43.** A *Government representative of the United States* said that she welcomed the four-pronged strategy and supported the focus on sectors with a high prevalence of forced labour as an entry point. She also welcomed the proposed additional research, as well as the strengthening of labour law enforcement and labour inspection. She asked for information about the how the Office had arrived at the figure of US\$25 million in funding that would be required to facilitate the process. She supported the draft decision.
- 44.** A *representative of the Director-General* (Director, Governance and Tripartism Department) thanked the members for their comments and guidance, which would be taken into account when developing the detailed plan. The social partners would be involved in development of that plan from the outset. It would give priority to sectors such as mining and construction and would be flexible. Following the ILO's internal reform, child labour and forced labour were currently covered by a single department, which made it possible to create synergies and would have an impact on the budget. The Office would need \$25 million to see a significant improvement in the fight against forced labour by 2019. The funding would come from the Office's regular budgetary resources and from extra-budgetary resources. With respect to partnerships, the Office was fully aware of the challenges involved, and an information session on a proposed Global Fund to End Slavery had been organized on 12 November so that members could ask their questions and voice their opinions. The Office was concerned that the action plan should be effective, and indicators, reliable data and statistics would therefore play a significant role in its development.

Decision

45. The Governing Body:

- (a) *requested the Office to develop a detailed action plan with measurable targets and indicators, taking full account of the discussion in the Governing Body, and to report on progress; and*
- (b) *requested the Director-General to support resource mobilization for its implementation.*

(GB.322/INS/4/2, paragraph 28.)

Tribute to Mr Michael Sata, President of the Republic of Zambia

- 46.** Before the discussion of the next item, the Chairperson paid tribute to Mr Michael Sata, President of the Republic of Zambia, a friend of the ILO dedicated to the cause of the workers, who had died on 24 October 2014. A minute of silence was observed.

Fifth item on the agenda

The standards initiative: Follow-up to the 2012 ILC Committee on the Application of Standards

(GB.322/INS/5, GB.322/INS/5/Add.), GB.322/INS/5/Add.1),
GB.322/INS/5/Add.2) and GB.322/INS/5/Add.3))

- 47. *The Chairperson* recalled that a serious institutional crisis was jeopardizing the functioning of the Organization's supervisory system and had, over the previous three years, twice prevented the Conference Committee on the Application of Standards from discharging its responsibilities. Efforts now had to be made to reach a sustainable solution.
- 48. *The Director-General* said that intensive consultations had taken place since the ILC session in June 2014, in strict accordance with the instructions of the Governing Body in March 2014. Despite the divided opinions, there was unanimity with regard to the overall objective of establishing full tripartite consensus on the operation of a strong and authoritative standards system and to the fundamental importance of that objective to the successful functioning of the ILO. In the light of the failures of the past two years, the Governing Body had to demonstrate its capacity to move forward. The current impasse had already damaged the ILO and its work, and would cause further damage if it continued. However, since June, although there had been numerous expressions of frustration about the lack of progress – particularly from governments – there had also been a renewed commitment to find solutions and recognition of the shared responsibility to do so. The effort now had to be made to find common ground, through negotiation and compromise, on the issues, which were of fundamental importance. Pragmatic solutions had to be found that would allow the integrity of the ILO's principles to be upheld.
- 49. The matters addressed in the two sections of the Office document were interrelated and that added to the difficulty of the task, given the complexity of the issues. However, that also provided an opportunity to take the broadest possible approach, to find negotiating space and to accommodate differing views on a wide spectrum of issues rather than focusing on one part or one set of points. He recalled that at the June 2013 session of the ILC he had presented the standards initiative covering the issue under discussion as part of a single endeavour. The Governing Body should use all the opportunities at its disposal during the session so that agreement could be reached on the course of action to be taken. To that end, he and his colleagues would be available to work with members informally. He thanked the many governments that had offered facilities and services to expedite the process of reaching agreement. The draft decision in paragraph 125 had been left open deliberately, to offer an opportunity to construct a package of decisions that could form the basis of agreed solutions
- 50. *The Worker Vice-Chairperson* said that his group had reached the inescapable conclusion that referral of the interpretation dispute to the International Court of Justice (ICJ) for an advisory opinion, as a matter of urgency, was the necessary way forward if the ILO supervisory system was to remain relevant and continue to function. The ILO's supervision of the application of its Conventions and Recommendations relied on the full support of its tripartite constituents. However, in 2012 the Employers had challenged the existence of the right to strike as protected under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), a right that had long been recognized to exist by all ILO constituents. They had also challenged the authority of the Committee of Experts on the Application of Conventions and Recommendations (CEACR), and recently had done so in connection with a number of Conventions other than Convention No. 87 and had refused to reach consensual conclusions in the cases supervised by the Committee on the Application of Standards. The drafters of the ILO Constitution had foreseen that disputes

might arise concerning the interpretation of a Convention, and had therefore made provision for the referral of such questions to the ICJ for an advisory opinion. Taking advantage of the legal expertise of the ICJ did not demonstrate a failure of the ILO's supervisory system; quite the contrary, the Court was an integral and necessary part of that system and it was unquestionable that the Court was competent to adjudicate on the matter. An opinion issued by it would allow the ILO to proceed in an atmosphere of greater legal certainty. What mattered was that the questions referred to it should be clear, direct and concise and that the Court should be able to understand the legal problem or problems on which guidance was sought. International workers' and employers' organizations, including the ITUC and the IOE, would be allowed to participate autonomously in the proceedings.

51. As for the mandate of the CEACR, the Workers' group would be open to reformulating the question set out in paragraph 1(2) of the draft resolution in Appendix I, concerning the competence of the CEACR. Regarding a dialogue approach, the Workers appreciated the arguments in favour of further dialogue. They believed in social dialogue, and had participated in good faith in a series of bipartite and tripartite meetings since May 2012. However, experience had shown that further discussion would not resolve the current dispute. It would be valueless for the Governing Body to issue a statement recognizing that the right to strike existed in national law and practice, since the employers challenged the international protection of that right under Convention No. 87. There was also no value in a tripartite meeting related to the modalities of exercising the right to strike at the national level. Further delay in resolving the question would weaken the ILO's supervisory system, perhaps permanently.
52. The proposal to establish a tribunal under article 37(2) of the Constitution could be explored as a potential long-term solution but would only be acceptable subject to certain guarantees. The group could agree to the appointment of a working party to prepare recommendations on that issue.
53. The proposed Standards Review Mechanism would require an atmosphere of trust and mutual respect between the three groups, which was lacking at present. It was hard to see how a review would work successfully if one group disagreed with the observations of the experts on more than one ILO Convention. If the Governing Body decided to refer the present dispute to the ICJ for an advisory opinion, his group could, however, consider further discussions on the design of such a mechanism – including on its scope and modalities. As indicated in paragraph 111, further discussions would be required on the methodology under consideration in 2011 and possible other options.
54. His group could also agree to the reconvening of the tripartite Working Group on the Working Methods of the Committee on the Application of Standards. However, the possibility suggested by the Employers in June 2014 of non-consensual conclusions would, if applied to cases considered by the Committee, undermine the supervisory system and legal clarity with detrimental consequences for workers and also governments. It would also enable one group to veto the application of a Convention or certain of its provisions.
55. With respect to regular and complaint-based supervision, he recalled that no overlaps had been found in the work of the different supervisory bodies and that his group had expressed opposition in the past to proposals related to the rebalancing of the system. At the current stage, it was more urgent to focus on resolving the dispute by agreeing on a referral to the ICJ and ensuring a proper functioning of the Committee on the Application of Standards in 2015. The group therefore did not believe that a discussion should be opened at the current stage on the use of the different supervisory procedures set out in the Constitution. The group supported the proposal to increase the membership of the CEACR to 22.

- 56.** Should the Governing Body agree to refer the dispute to the ICJ, his group would be willing to engage in a dialogue with the other groups on a possible package deal covering the other issues addressed in the document.
- 57.** *The Employer coordinator* made a number of proposals on the right to strike issue and on a broader reform package to demonstrate his group's efforts to find a solution to the current impasse and to improve the system.
- 58.** The Employers believed that the right to strike was recognized at the national level in different national jurisdictions. As a first step, the Governing Body could make a tripartite declaratory statement recognizing the existence of a right to strike under national law and practice. The ILO could organize a tripartite meeting of experts in January 2015, to identify the problems relating to the modalities of exercising the right to strike at the national level, and evaluate possible areas of future ILO action on the issue, including standard setting. The meeting could be composed of two Government experts per region and one Employer and one Worker expert per region, be chaired by an international personality to be defined by the Officers of the Governing Body, and take place over the course of a week. It should prepare reports to be submitted for consideration by the Governing Body in March 2015. That discussion could then be taken up at the ILC in June 2015. While such discussions were in progress, it would not make sense to continue dealing with right to strike cases, which should be suspended across the supervisory system. The scenario he was proposing was more efficient time-wise, and was also far cheaper, more inclusive and more flexible than a referral to the ICJ, which would be a clear acknowledgment not only that tripartism and social dialogue had failed but also that social dialogue had not even been given a chance to resolve the dispute.
- 59.** His group considered that if the ICJ decided that Convention No. 87 did include the right to strike and allowed for the modalities developed by the CEACR, countries that had ratified the Convention would be obliged to revise their laws and practices accordingly, which might affect national sovereignty in industrial relations. An ICJ opinion to the contrary would damage the credibility of the ILO's supervisory system, by calling into question the status of the Committee's observations and reports. Similarly, if the ICJ decided that the ILO constitutional principle of freedom of association as developed in Chapter 10 of the *Digest of decisions and principles of the Freedom of Association Committee* included the right to strike, then all ILO member States, regardless of ratification, would be obliged to revise their national laws and practices in compliance, which might also affect national sovereignty in industrial relations. An opinion to the contrary would damage the credibility of the ILO's supervisory system by calling into question the status of the *Digest*. In any event, difficult issues would remain, regardless of the opinion issued by the ICJ, and further discussion would be required by the Governing Body on the way forward.
- 60.** Referring to the need to focus on a broader reform package, he proposed depoliticizing the list of cases for the Committee on the Application of Standards by having the CEACR prepare a draft list of cases according not only to their urgency but also to their distribution by region and type of Convention, as well as other rules to ensure balance. The Employers' and Workers' groups could agree on changes, otherwise the draft list would be submitted for adoption to the Conference Committee on the Application of Standards in 2015. The Employers were ready to reach agreement on that proposal.
- 61.** At its next session, the Governing Body should agree on a time frame for launching the Standards Review Mechanism, as well as its initial work programme and its administrative and logistical arrangements.

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- 62.** He proposed a tripartite discussion, to be held without delay, on a new informal ad hoc procedure for settling issues concerning the disputed interpretation of ILO Conventions, and the expression of divergent views within the ILO supervisory system. Another tripartite discussion should be held with the CEACR on tackling its increased workload, including with regard to prioritization. As to the mandate of the CEACR, the group expected the statement inserted in the report submitted to the 2014 session of the Conference confirming the non-binding nature of the comments of the CEACR to be respected. The statement should be faithfully reproduced in all future publications.
- 63.** The Employers were also open to considering other issues on a tripartite basis. It was hoped that mutual trust could be rebuilt and new impetus given to the Organization through the revival of social dialogue. The Employers aimed to see the supervisory system as a whole and to achieve an improvement that would reinforce its credibility, efficiency and sustainability. Their objective was by no means to undermine or destroy the ILO's supervisory system. The desired reforms should strengthen and modernize the Organization and maintain its relevance to all constituents.
- 64.** *Speaking on behalf of GRULAC*, a Government representative of Cuba supported the proposal to refer the question of the interpretation of Convention No. 87 with respect to the right to strike to the ICJ. He stressed, however, that the three groups of constituents should be fully involved in the proceedings before the Court. He emphasized that the ICJ should be informed of the urgency of the matter, that an expedited advisory opinion should be sought and that that should be done through a resolution in conformity with the rules applicable to the Governing Body.
- 65.** GRULAC did not support the establishment of a permanent in-house tribunal under article 37(2) of the Constitution. In that regard, the group would only agree to the appointment of a working party, as proposed in point (b) of the draft decision in paragraph 125 of the document, if that working party was created for the purpose of discussing the implementation of any advisory opinion issued by the Court. It should comprise 16 Government members, eight Employer members and eight Worker members. Should such a working party be appointed, and should the Governing Body decide to pursue the examination of the establishment of a tribunal under article 37(2) of the Constitution, the matter could also be considered by that working party.
- 66.** GRULAC regretted that the Standards Review Mechanism had yet to be launched and that no time frame had been presented for the consideration of remaining outstanding issues in respect of the supervisory system and for launching the Standards Review Mechanism to the current session of the Governing Body, despite the decision in that regard at the 320th Session. It trusted that progress would be made with respect to the time frame by March 2015.
- 67.** There was an imperative need to further improve some aspects of the work of the Conference Committee on the Application of Standards. As for the composition of the list of cases remaining the prerogative of the Workers' and Employers' groups, he reiterated the views that had been expressed on behalf of GRULAC at the 320th Session of the Governing Body with respect to document GB.320/LILS/4.² With regard to reconvening the tripartite Working Group on the Working Methods of the Committee on the Application of Standards, he recalled the decision that any future outcomes from that working group should be integrated into the work of the Working Party on the Functioning of the Governing Body and the International Labour Conference (GB.322/WP/GBC/1).

² GB.320/PV, paras 585–586.

- 68.** Concerning matters related to regular and complaint-based supervision, GRULAC would add article 26 of the Constitution and cases submitted to the Committee on the Freedom of Association to the list mentioned in paragraph 114. He reiterated the group's concern about the simultaneous use of different components of the system to consider cases, which could weaken the functioning of the ILO supervisory bodies. The greatest attention possible had to be given to that issue, even if it involved far-reaching and complex discussions, and a time frame for action was necessary.
- 69.** He noted the contents of paragraphs 117–122 and was confident that the CEACR could enhance the discharge of its mandate through informal dialogue with the Committee on the Application of Standards, continued meetings with tripartite constituents and informal discussions with government representatives. Lastly, he noted the information in paragraph 123 on the filling of vacancies in the CEACR and recalled the decision of March 2014 “... to propose any adjustments to the relevant procedures to facilitate this objective”.³ GRULAC would continue to pay attention to discussions on the issue and reserve its right to make any further statements it deemed necessary.
- 70.** *Speaking on behalf of ASPAG*, a Government representative of China reiterated that dispute resolution was best achieved through tripartite discussions. He considered that governments had not yet been part of tripartite discussions in the Governing Body or the ILC. His group was concerned that referral to the ICJ would take the matter outside of ILO hands and could destroy the good practice of tripartism. ASPAG supported the Employers' proposal for tripartite discussions to find a long-term solution to the issues surrounding the right to strike and that should be done by June 2015. Therefore, efforts should be made to solve the issue internally up to the last minute before turning to the ICJ. His group felt that the question of whether the right to strike was an international rule or not could be solved through time-bound tripartite discussions based on consensus.
- 71.** His group did not support the establishment of an in-house tribunal, not least because that tribunal's decisions could be challenged, which would create a need to resort to the ICJ again.
- 72.** ASPAG supported the idea of solving all standards-related issues as a package and the reconvening of the Working Group on Working Methods of the Committee on the Application of Standards to further enhance transparency, objectivity and fairness. The criteria for determining the lists of cases should be observed and balance ensured across regions and Conventions. ASPAG encouraged the Office to provide the Governing Body with a time frame for implementation of the Standards Review Mechanism. Overlapping in the coverage of cases by the different mechanisms should be avoided in the future. ASPAG also encouraged the selection of more candidates from the ASPAG region for the current vacancies in the CEACR to ensure a balance across regions and across developing and developed countries.
- 73.** *Speaking on behalf of the Africa group*, a Government representative of Kenya said that his group was in favour of giving consideration to all possible options, including tripartite discussions on the various issues at stake, either through the Governing Body, as an ILC agenda item or a dedicated session of the Committee on the Application of Standards.
- 74.** In order to settle the current dispute and create the legal certainty necessary for the supervisory system to function fully again, two questions had to be answered: whether Convention No. 87 should be interpreted as providing for or protecting the right to strike; and whether the CEACR's mandate gave it the authority to make such interpretations and,

³ GB.320/PV, para. 597(d).

if so, whether such interpretations could go beyond general principles and give details regarding the application of the principle.

75. Prevailing circumstances were not conducive to establishing an in-house tribunal and referral to the ICJ should be a last resort, after all issues had been exhausted through tripartite dialogue and consultations between the parties. His group therefore endorsed point (d) of the draft decision to reactivate tripartite discussions to resolve outstanding issues relating to the functioning of the supervisory system. An Office paper on the reform of the supervisory system and the functioning of the Committee on the Application of Standards could be referred to the Governing Body for initial examination at its 323rd Session (March 2015) before adoption at the 104th Session of the ILC. The group would propose an amendment to point (c) of the draft decision after circulating the text among the social partners.
76. His group hoped that issues relating to the right to strike would not hamper further progress on the Standards Review Mechanism, on which more discussions were envisaged for March 2015. It would be useful to reconvene the tripartite Working Group on the Working Methods of the Committee on the Application of Standards, which should meet as soon as members of the Governing Body considered it convenient, either during or between Governing Body sessions. He noted, with appreciation, improvements made to the functioning of the CEACR.
77. *Speaking on behalf of IMEC*, a Government representative of Canada said that IMEC continued to believe that maintaining the strength and authority of the supervisory system was fundamental to the Organization and directly related to ensuring the relevance of international labour standards in the contemporary world. The draft decision offered elements for a constructive and well-balanced package solution.
78. IMEC had always stressed the importance of tripartite participation in restoring consensus in the process and was ready to discuss at the current session the request for an advisory opinion from the ICJ. Having listened to the different views, it believed that, against a backdrop of uncertainty, receiving authoritative guidance from the ICJ to inform and build further tripartite discussions was a clear next step. Before making a referral to the ICJ, however, there should be tripartite discussion and consensus on the exact question to be put to the ICJ. To that end, IMEC suggested the immediate establishment of an ad hoc drafting group. A referral to the ICJ was not a failure of tripartism; rather, it was one part of a solution built entirely through tripartism and consensus.
79. It was premature to consider the establishment of a tribunal under article 37(2) and IMEC would welcome further elaboration by the Office or a tripartite working party, so that the matter could be considered by the Governing Body in March 2015. In particular, more options regarding the selection and appointment of judges and the constitution of panels should be explored and cost details provided.
80. She reiterated IMEC's support for launching a Standards Review Mechanism and reconvening the Working Group on the Working Methods of the Committee on the Application of Standards. The remaining work on the design of the mechanism should be resumed immediately and the tripartite consultations reactivated to resolve the outstanding issues regarding the functioning of the supervisory system.
81. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that Montenegro, Serbia, Albania, the Republic of Moldova and Georgia aligned themselves with her statement. She expressed support for the statements of the Government group and IMEC. As the ILO supervisory system contributed to the promotion and protection of human rights and affected the EU and its policies directly, the

EU attached great importance to the ILO's impartial supervision of compliance with international labour standards.

82. The EU was ready to support a request for an advisory opinion from the ICJ which could provide authoritative guidance to inform and guide further tripartite discussions including possibly at the ILC level. The questions to be referred to the ICJ should concentrate on the main point at issue, namely the protection of the right to strike by Convention No. 87, and the competence of the CEACR to determine that right under Convention No. 87. Therefore paragraph 1(2)(b) of the draft resolution in Appendix I, concerning the determination by the CEACR of limits to the scope of the right to strike and the conditions for its legitimate exercise, should be deleted. If constituents required more time to reach a consensual text, an ad hoc drafting group could be set up for that purpose. The authoritative character of an ICJ advisory opinion had to be recognized.
83. It was premature to consider the establishment of an in-house tribunal, and further elaboration by the Office or by a tripartite working group of Part B of section I of the document was proposed for consideration by the Governing Body in March 2015. Other possible ways of selecting and appointing judges and constituting panels should be explored and more details about costs would also be welcome.
84. A Governing Body working party should be instructed to make proposals, including a timetable, regarding the setting up of a Standards Review Mechanism for presentation to the 323rd Session of the Governing Body. The EU supported the reactivation of the Working Group on the Working Methods of the Committee on the Application of Standards. In order to maintain the ILO's credibility, the social partners must make sure that the Committee functioned smoothly by agreeing on the list of cases for discussion and adopting consensual conclusions. A transitional mechanism was needed until a sustainable solution could be found. The EU renewed its commitment to filling vacancies on the CEACR as soon as they arose.
85. A *Government representative of the Bolivarian Republic of Venezuela* said that the ICJ should be asked to interpret Convention No. 87 with respect to the right to strike, since it alone had competence to interpret ILO Conventions; the opinions and comments of the CEACR were not legal interpretations. Establishing an in-house tribunal was not necessary, would entail additional costs and might not guarantee the requisite objectivity and impartiality. While his Government was always open to dialogue, given the opposing views of Employers and Workers, it had reasonable doubt as to whether the tripartite discussion on the right to strike mentioned in paragraph 6 of the document prepared by the Office could yield positive results, and such a discussion could result in time being lost.
86. He welcomed the establishment of a Standards Review Mechanism and looked forward to receiving the timetable that could allow progress to be made. The Conference Committee on the Application of Standards needed to act in accordance with the principles of legality, legitimacy, objectivity, transparency, efficiency and without regard to particular political interests. Concerning the different components of the supervisory system, his Government looked forward to receiving the timetable mentioned in paragraph 116. His Government reserved its position on Appendix I, pending the submission of amendments thereto. It did not support point (b) of the draft decision or Appendix II concerning the establishment of a tribunal under article 37(2) of the Constitution.
87. A *Government representative of the Dominican Republic* said that as two years of discussions had not produced an answer to the crucial issue of whether the CEACR was competent to interpret Conventions and Recommendations, that question should be referred as a matter of urgency to the ICJ under article 37(1) of the Constitution. The list of countries that were requested to provide information to the Conference Committee on the

Application of Standards had to be chosen by the constituents in a transparent manner. She urged constituents to make an effort to reach consensus on the draft decision.

88. A *Government representative of Algeria* said that the constituents should discuss the competence of the CEACR to interpret Conventions, bearing in mind the wider context of deliberations concerning the reform and improvement of the functioning of the Conference Committee on the Application of Standards.
89. A *Government representative of France* said that the effective implementation of international labour standards was an essential means to safeguard the social dimension of globalization. The ILO's credibility depended on its ability to establish and ensure universal compliance with those standards. That credibility had been called into question by what was essentially a political crisis. All constituents had the responsibility to show that tripartism was useful and effective. The first step would be a largely consensual decision on the process for overcoming the crisis. His Government supported the adoption of a package including all the different aspects of the supervisory system.
90. His Government supported referral of a question limited to the interpretation of Convention No. 87 in respect of the right to strike to the ICJ for an urgent advisory opinion. As it would be impractical to refer every question or dispute concerning the interpretation of a Convention to the Court, his Government had long been in favour of establishing an in-house interpretative body under article 37(2) of the Constitution. It should be a flexible, low-cost mechanism that would convene at the express request of the Governing Body. A tripartite working party could be instructed to present proposals on such a mechanism's functioning and composition and on the terms and conditions for referral to it to the 323rd Session of the Governing Body. The launching of a Standards Review Mechanism would likewise send a positive signal that the ILO constituents intended to guarantee international labour standards effectively in an up-to-date manner. By adopting the draft decision, the Governing Body would revamp the system for overseeing compliance with standards.
91. A *Government representative of Brazil* said that the opinions of the CEACR were not binding and were intended only to guide the action of national authorities. Her Government therefore did not consider that the interpretative function of the CEACR was an issue. Since a question had arisen with regard to the interpretation of Convention No. 87, namely whether it recognized the right to strike, that matter should be referred to the ICJ for an advisory opinion, after which there would still be need for dialogue and decision-making. The Court should not, however, be consulted on the competence of the CEACR. The question set out in paragraph 1(2) of the draft resolution in Appendix I should therefore not be included. It was premature to discuss the establishment of an in-house tribunal. The limited number of difficulties concerning the interpretation of ILO Conventions suggested that there was no need to establish such a tribunal which could undermine dialogue and tripartism and foster recourse to such an institution. Therefore, her Government did not support point (b) of the draft decision in paragraph 125 of the document.
92. A *Government representative of China* said that his Government was in favour of pursuing dialogue in order to resolve the issue under consideration. It was only if that dialogue proved fruitless that consideration should be given to adopting the measures set out in article 37 of the Constitution. It was not, however, in favour of establishing an in-house tribunal. In addition to cost considerations, constituents might turn to it whenever a dispute arose, undermining consultation and dialogue. In the end, if recourse to the ICJ was supported by the majority, they would not object. An effective Standards Review Mechanism should be established in the near future, as such a mechanism was of vital importance in ensuring that international labour standards were always up to date and

served constituents' needs. He supported the reconvening of the tripartite Working Group on the Working Methods of the Committee on the Application of Standards and urged the Director-General to fill the vacancies on the CEACR.

93. A *Government representative of Germany* highlighted that the ILO was currently at a critical juncture and it was urgent to find a solution. The ILO was running the risk of losing its unique role in the supervision of standards. To prevent other bodies from stepping in and filling that void, it was necessary for all constituents to voice their opinions rather than sit back and wait. Although consensus was a great asset, when it was lacking, there needed to be other pragmatic options. Her Government supported the solution of turning to the ICJ. That would not imply the bankruptcy of the principle of tripartism because going to the ICJ would provide a framework in which action would be hinged on tripartism. She proposed reformulating the questions to be put to the ICJ, to make them more concise. A tripartite approach was needed to that end. Further consensus was needed so that an advisory opinion might be accepted as binding. A temporary mechanism should be identified, also on the basis of consensus, for the interim period, which would permit the Conference and the Committee on the Application of Standards to function until a definitive decision had been reached. Although the Employers' group had suggested drafting a statement affirming the existence of the right to strike in national legislation, the utility of such a statement was not clear, as countries in the EU, as did others, already guaranteed citizens the right to strike. If there was consensus among the three parties that in principle the right to strike was contained in Convention No. 87, there could be tripartite discussion on many issues. However, in the absence of such consensus, turning to the ICJ seemed the only option. She strongly urged to break the deadlock on the matter at the current Governing Body session and agreed that establishing a working group on the questions at stake would be a sensible step forward. A decision of principle had to be taken without further delay.
94. A *Government representative of the United Arab Emirates* said that the resolution of disputes among ILO constituents could and should be achieved through constructive dialogue within the ILO. Resorting to external mechanisms would place the future of tripartite dialogue at risk and adversely affect the credibility of the ILO as a leading UN organization. His delegation called for continued dialogue on a tripartite basis and the appointment of a working party to formulate recommendations for reaching consensus.
95. A *Government representative of Panama*, pointing out that the ILO had already consulted international courts for an advisory opinion on six occasions, expressed his country's support for the draft decision in paragraph 125, except for point (b).
96. A *Government representative of the United Kingdom* said that it was crucial to use the current situation as a catalyst for reinvigorating the Standards Review Mechanism with a clear time frame and tripartite commitment. The Committee on the Application of Standards should be fully operational in 2015, backed by pragmatic plans. His delegation was prepared to support referral to the ICJ, although it would have been preferable if the social partners had found a solution based on dialogue. Tripartite agreement should be reached on the questions to be asked and a clear plan put in place for handling the outcome.
97. A *Government representative of Zimbabwe* said that, since the dispute had first arisen in 2012, the Office had engaged in informal consultations with the Employers and Workers, but Governments had not had the opportunity to officially express their views. Tabling the issue of the right to strike for discussion at the following session of the ILC would enable an inclusive tripartite discussion and provide the Organization with direction, either to resolve the matter internally or, once all internal mechanisms had been exhausted, through the ICJ. He also proposed adding the issue of the mandate of the CEACR as an agenda

item at the following session of the ILC and requested the Office to provide guidance on the topic in a paper. His Government looked forward to a holistic approach that strengthened the Organization.

98. A *Government representative of Argentina* expressed his delegation's support for point (a) of the draft decision, regarding the request to the ICJ, but said that the second question in paragraph 49 of the document prepared by the Office was inappropriate, since the non-binding nature of the role of observations of the CEACR had already been sufficiently clarified. It was also too early to consider appointing a tribunal, as provided for in point (b) of the draft decision. He continued to trust in tripartite social dialogue.
99. A *Government representative of Japan* said that the supervision of standards was the Organization's most essential function. It was inappropriate to apply to the ICJ immediately. First, the ICJ would not be able to deliver a fundamental solution as, even after receiving the advisory opinion, the ILO would need to continue consultations on how to deal with the opinion in-house. Such consultation would not be successful unless mutual trust between the Employers and the Workers was restored. Second, the established practice of tripartite decision-making within the ILO would be seriously damaged by the request, as it would be akin to declaring to the international community that the ILO had no ability to solve its own problems. At the same time, Japan did not favour continuing consultations without any prospect of compromise. It could support consultations with a concrete and focused procedure with a fixed time frame. To create new dynamics so as to advance discussions in a tripartite framework, his Government proposed adopting a tripartite resolution on the agreed interpretation of Convention No. 87 at the session of the ILC in June 2015. Although there were many issues to be resolved, it would be better to limit aims to resetting the atmosphere and reopening constructive consultations. His delegation expressed its support for points (c) and (d) of the draft decision, but not (a) and (b).
100. A *Government representative of Mexico* said that even though his Government believed that tripartite dialogue was the most effective tool for finding a solution, it was also convinced that using the same methods would only generate the same results, which, to date, had fallen short. The ILO Constitution already offered the legal tools for a solution. Mexico therefore supported requesting the ICJ to rule on the right to strike and the competency of the CEACR.
101. A *Government representative of the Islamic Republic of Iran* recalled the decision made by the Governing Body at its 312th Session (November 2011) to establish the Standards Review Mechanism as well as the Governing Body agreement that the standards initiative should be implemented as a single endeavour, including the Standards Review Mechanism. He called on the Office to prepare for implementation of the Standards Review Mechanism by the next Governing Body session (March 2015) and to step up its work on the mechanism's design. Constituents should strive to find a consensual solution. His Government disagreed that tripartite discussions on the right to strike had already failed. Tripartism should be given a real opportunity based on mutual trust and willingness among constituents. On the functioning of the Conference Committee on the Application of Standards, his Government supported reconvening the tripartite Working Group on the Working Methods of the Committee on the Application of Standards.
102. Speaking on behalf of IMEC, a Government representative of Canada said that, regarding the issue of the right to strike, her group wished to clarify that it was ready to discuss at the current session the request for an advisory opinion from the ICJ, under article 37(1) of the ILO Constitution.

- 103.** A *Government representative of Turkey* said that before considering recourse to the ICJ, the Governing Body should explore all ways of reaching a solution through tripartite consensus. Article 37 of the ILO Constitution did not classify or specify the disputes to be referred to the ICJ or a tribunal, and the draft statute concerning the latter provided no further clarification or legal criteria. Regarding the Standards Review Mechanism, a comprehensive review of existing standards should take the concerns of all parties into consideration and should be established with the full confidence of the tripartite constituents. The Governing Body should establish a time frame and promote mutual understanding on outstanding issues. The required principles for a Standards Review Mechanism were included in the ILO Declaration on Social Justice for a Fair Globalization. Discussions on the Standards Review Mechanism should not be delayed any longer.
- 104.** A *Government representative of Bulgaria* said that her Government was convinced that consulting the ICJ would not undermine tripartite dialogue. It would bring the necessary dynamic to the issue and provide clarity on the ILO supervisory mechanisms.
- 105.** A *Government representative of the Republic of Korea* said that regarding the interpretation of Convention No. 87 in relation to the right to strike, the main focus should be on making a decision objectively and in an acceptable way. Her Government did not consider it useful to refer the matter of the mandate of the CEACR to the ICJ or to an in-house tribunal. The latter would be established by an ILC decision, and doubts could be raised as to its authority over the CEACR. Indeed, in its report submitted to the Conference in June 2014, the CEACR had clarified that its mandate included the non-binding interpretation of the scope and contents of national laws as well as the meaning of relevant Articles of Conventions. Accordingly, her Government supported points (c) and (d) of the draft decision and requested the Office to provide a timeline for reconvening the tripartite Working Group on the Working Methods of the Conference Committee.
- 106.** A *Government representative of India* reiterated his Government's request for an in-depth analysis of the current system and the reason for its failure. It also wished to be informed of the proportion of cases involving the question related to the right to strike being an integral element of Convention No. 87, and disputes on other international labour standards, or disagreement on the interpretation of other Conventions which could not be resolved by the Committee on the Application of Standards. It supported the continuation of a tripartite process, considering that decisions regarding the Organization should be taken by ILO constituents. The ILC was the supreme forum for decisions on any matter pertaining to the world of work and it had the authority to amend the standards it had adopted. Disagreement on the interpretation of any Convention by the Committee had to be brought back to the ILC. An in-house tribunal and referral to the ICJ would add to multiplicity without improving clarity. Either a specific item on the ILC agenda or a discussion in the Conference Committee on the Application of Standards would provide the ideal means of reaching a solution. The social partners should continue working to determine a list of cases and criteria should be developed to ensure balance regionally and in terms of category of Convention. Other international agencies should continue to deal with subjects within their mandate and those should not be related to core labour issues. Issues of compliance concerning non-member countries would also need to be addressed. His Government looked forward to strengthening the CEACR, including through filling vacancies.
- 107.** Speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden) and the Netherlands, a Government representative of Norway expressed support for the EU statement. He observed that it was of the utmost importance for the ILO to unblock the blockage and to continue to have a well-functioning supervisory system that enjoyed the support of all constituents. While the ILO Constitution provided a way to solve

disputes relating to interpretation of Conventions, the advisory opinion from the ICJ was one step in the context of a bigger picture. Technical adjustments to the supervisory system were also needed. The draft decision provided a constructive and well-balanced solution. He called for a tripartite decision on all elements of the draft decision at that session. It was crucial that a decision should be taken on point (a) of the draft decision in paragraph 125, to request the Court to give an urgent advisory opinion, preferably on the question set out in paragraph 1(1) of the draft resolution in Appendix I. With respect to point (b) of the draft decision in paragraph 125, he was not in favour of establishing an in-house tribunal but would not oppose the appointment of a working party to prepare recommendations in that regard. He supported point (c) of the draft decision, concerning the parallel action to be taken with regard to the Standards Review Mechanism and proposed to include in the draft decision the appointment of a working party to prepare recommendations, including a timetable for concrete actions, to be submitted to the following session of the Governing Body. He supported point (d) of the draft decision, on the reactivation of tripartite consultations on the outstanding issues. The draft decision presented a balanced package in which the legal question on whether the right to strike was included in Convention No. 87 was not negotiable: legal questions required legal answers. Recourse to the ICJ did not amount to a failure in social dialogue as it was a measure enshrined in the Organization's Constitution and there was a precedent for such action.

- 108.** A *Government representative of Indonesia* said that her Government fully supported the reactivation of tripartite consultations. Problems within the ILO should be resolved using available mechanisms and the Organization should avoid creating a precedent by referring the question of the right to strike in relation to Convention No. 87 to the ICJ. Establishing an internal tribunal would create a financial burden and undermine the existing mechanism. Her Government was in favour of the Standards Review Mechanism; ILO standards should be relevant to socio-economic development and applicable to its constituents.
- 109.** A *Government representative of Ethiopia* said that article 37 of the ILO Constitution provided a last-resort measure. Under normal circumstances, the Organization should rely on its supervisory system and its constituents rather than on third parties. She supported point (d) of the draft decision in paragraph 125, concerning the reactivation of tripartite consultations.
- 110.** A *Government representative of Belgium* said that the Governing Body should take a decision on the interpretation of Convention No. 87 during the current session and should request an opinion from the ICJ. Furthermore, at its next session the Committee on the Application of Standards should adopt by consensus a list of cases and conclusions.
- 111.** A *Government representative of Colombia* said that her Government supported a comprehensive solution to restore the supervisory system. It hoped that social dialogue and improved working methods would provide the way forward. The involvement of governments was an essential element of tripartism.
- 112.** A *Government representative of Botswana* said that the question of the interpretation of Convention No. 87 was a symptom of a broader problem relating to the functioning of the ILO supervisory system. As the problem centred on the rationale for the existence of the ILO it required a policy rather than a legal solution. It should be ILO constituents who decided on the ILO's objectives. Her Government therefore supported an approach that would emphasize social dialogue as the ideal means of resolving disputes.
- 113.** A *Government representative of Spain* said that, given the complexity of the issue, a solution would only be found through tripartite consensus on a clear, comprehensive and

coherent package of measures and a clear timeline. The Organization should approach the issue as an opportunity to perfect the ILO's supervisory system in a sustainable manner.

- 114.** A *Government representative of Lesotho* said that social dialogue, a central pillar of the ILO, should be given a chance. Referring the matter to the ICJ would signal the erosion of the spirit of tripartism. Existing mechanisms should be used and internal solutions exhausted before turning to external remedies. Accordingly, her Government fully supported the proposal for further consultations to reach consensus and mutual understanding.
- 115.** A *Government representative of Poland* said that if the ILO was to discharge its responsibilities, it was essential to have an effective and efficient supervisory system that also contributed meaningfully to the promotion and implementation of universal human rights. It was therefore necessary to find a practical solution as quickly as possible through “trialogue” and consensus rather than referring the matter to the ICJ. However, if a general agreement was reached within the house on the referral to the Court, his Government was ready to support it in a spirit of consensus.
- 116.** A *Government representative of Jordan* observed that no real tripartite discussions had so far been held and that the active participation of governments could help diffuse tensions. Any decision or opinion from the ICJ would come back to the Governing Body for implementation, and there could be a problem of interpretation of the decision which could create further difficulties. Constituents should continue giving a chance to tripartism as a fundamental pillar of the Organization.
- 117.** A *Government representative of Angola* called for a decision based on consensus. He suggested that the various options set out in the document should be considered, taking into account the tripartite nature of the ILO. He expressed the hope that a decision could be reached that would satisfy all parties.
- 118.** A *Government representative of Switzerland* said that the Director-General had encouraged member States to hold consultations at the national level. Her Government had done so with its social partners. She underscored the importance of finding a long-term solution based on dialogue and trust. It was crucial to find an immediate solution and also to remedy underlying issues. Her Government, if requested, would do everything in its power to help the ILO quickly find a solution that was satisfactory to all parties.
- 119.** The *Employer coordinator* said that he remained optimistic and reaffirmed his group's commitment to moving forward. It was too early to draw any conclusions. His group looked forward to contributing to any activity that would allow the situation to move forward.
- 120.** The *Worker Vice-Chairperson* said that all the parties had recognized the critical nature of the issue, the importance of an effective supervisory system for the ILO and all constituents, and the need to act urgently to resolve the dispute. An advisory opinion from the ICJ was required in order to resume, in good faith, tripartite discussions on the supervisory system in an environment of greater legal certainty. His group was appreciative of the Governing Body members that had indicated support for referral to the ICJ, were open to the idea or would not stand in the way of a majority. The issue had been discussed in bipartite and tripartite forums since 2012 and all constituents had had the opportunity to express their views, yet no consensus had been reached. The ILO Constitution was clear regarding what to do where views on the interpretation of a Convention differed; referral to the ICJ was an integral part of the ILO supervisory system. Issues of interpretation were not within the remit of the ILC, which had a legislative, not a judicial, role. Further discussion would only serve to defer the conclusion of the matter.

The last-resort moment had arrived. Although it would be necessary to discuss the impact of the advisory opinion, it would break the deadlock. If the ICJ were to affirm the position of the CEACR on the existence of the right to strike, there would be no change in the legal obligations of the member States that had ratified Convention No. 87. The advisory opinion would not apply directly to the member States but would provide a final interpretation of the Convention. Member States whose legislation was not considered to be in line with Convention No. 87 had already been receiving comments from the CEACR. The nature and content of the observations formulated by the CEACR concerning the right to strike would not be affected by a positive decision from the ICJ. No country's sovereignty would be affected. The Workers' group was committed to finding a way forward. The Governing Body had been given the power by the ILC to decide whether to refer disputes to the ICJ. There was no reason why a decision could not be made at the present session of the Governing Body.

121. *The Director-General* said that the ILO had been working with full tripartite participation aimed at finding consensus on difficult issues. There seemed to be support for a package solution on all sides. Willingness and flexibility had been expressed in terms of assembling the package. There was not, however, an obvious, emerging consensus on which to base a decision. Yet, the circumstances did not permit further inaction. There was a clear need for a substantive decision at the present session of the Governing Body. He proposed that the Office would carefully go over the statements made and, based on them, draw up a document containing a set of proposals that would be ready on the morning of 10 November 2014 for the consideration of the Governing Body. The proposals would be in lieu of the draft decision in paragraph 125. Every effort would be made to accommodate the views of all parties. Gridlock was not inevitable and a consensus was firmly within reach.
122. *Speaking on behalf of GRULAC*, a Government representative of Cuba underscored that the document that would be submitted by the Director-General should be impartial and objective and take into account the points that had been raised during the discussion.
123. The Governing Body accepted the proposal made by the Director-General.
124. *The Director-General*, introducing a revised version of the draft decision in paragraph 125 of document GB.322/INS/5, said that the new text, which was set out in document GB.322/INS/5(Add.), had not formed the subject of consultations with any group or individuals, but had been produced under his sole responsibility. It was the fruit of the very careful consideration of the two main messages from debates, namely that a decision was required forthwith and that only a package of decisions would permit progress on the issue under consideration. It was a balanced and comprehensive document which constituted both a compromise between diverging views and an attempt to build a coherent set of decisions with an internal logic. The six elements were interrelated; they complemented and did not duplicate one another. The removal of any one of those elements would probably destroy the equilibrium upon which the text's success depended. A decision should therefore be taken on all six elements simultaneously, if possible at the current session.
125. *A representative of the Director-General* (Deputy Director-General for Management and Reform), introducing document GB.322/INS/5(Add.1) on the financial implications of the revised draft decision contained in document GB.322/INS/5(Add.), said that the table was complex on account of the number of variables to be taken into account when estimating the cost of the tripartite meeting of experts referred to in point 2 of the revised draft decision. Such variables included the number of participants, the interpretation services required and the location. The total estimated cost of the package of measures proposed by the Director-General stood at US\$1,148,300. The costs associated with requesting the ICJ

to render an advisory opinion on the question referred to in point 1 would be borne by the Office. However, there could be additional travel costs ranging from US\$5,000 to US\$7,000. The revised draft decision explained how the total cost entailed by the package of measures would be met.

- 126.** *The Employer coordinator* said that his group endorsed point 2 of the revised draft decision. The tripartite meeting of experts could help clarify the extent to which the interpretation of the right to strike by the CEACR had influenced practice at the national level and consequently how the question referred to in point 1 could best be put to the ICJ, if the Governing Body decided as a last resort to refer the matter. The meeting should take place before the March 2015 session to guide the Governing Body in that decision. The crucial question was how, and to what extent, a right to strike as defined by the CEACR at the international level would affect member States' authority to legislate that right at the national level. His group endorsed point 3 and suggested that the Office should specify that the Standards Review Mechanism should be launched by May 2015 to allow time for the necessary preparations following submission of proposals by the tripartite working group and the decision by the Governing Body in March 2015. His group also endorsed point 4 concerning the Working Group on the Working Methods of the Committee on the Application of Standards. If the Working Group was reconvened, the Governing Body should provide it with special guidance. The Governing Body could, at its present session and as a special arrangement for 2015, request the CEACR to draw up the list of cases to be considered by the Conference Committee on the Application of Standards at the 2015 session of the ILC. His group endorsed point 5. The Employer and Worker spokespersons of the Conference Committee on the Application of Standards and the Committee on Freedom of Association could also join in the preparation of the report referred to in that point. The report should be ready for the November 2015 session of the Governing Body. His group also endorsed point 6. Nevertheless, the Employers' group considered that not all possibilities for a tripartite solution had been exhausted. The group was not in favour of referring the question in point 1 to the ICJ and did not consider that there was any consensus or majority among the members of the Governing Body on the matter. However, even if a consensus was reached, the matter of referral to the ICJ should be carefully prepared before a decision was taken, as a last resort, to request an advisory opinion from the Court. Thus the question in point 1 of the draft decision did not capture the core problem of the right to strike and should be reworded so as to ascertain whether Convention No. 87 imposed binding rules relating to the scope of the right to strike, its limits, and the conditions for its legitimate exercise that member States were obliged to implement in law and practice. Further, the Employers' group asked how the social partners and member States would participate in the proceedings before the Court, as referred to in paragraph 2(b) of the draft resolution appended to the revised draft decision, and how the ILO would support the participation of social partners. It would welcome the opportunity to discuss, in particular, the fourth preambular paragraph and operative paragraph 2(b) and (d) of the draft resolution. In addition, the Governing Body should suspend the consideration of all cases concerning the right to strike by the ILO's supervisory machinery until the advisory opinion had been rendered. The Office should begin the preparations necessary to allow the Governing Body to take an informed decision at its March 2015 session on whether to refer the matter to the ICJ.
- 127.** *The Worker Vice-Chairperson* said that the tripartite constituents should be willing to compromise on the package of proposed measures contained in the revised draft decision in order to move forward. The Workers' group endorsed point 1 on an urgent referral of the matter to the ICJ. That was a necessary element of any package. However, it did not see the need for a further tripartite meeting of experts on strike action, as proposed in point 2, as the ILO supervisory bodies had already established clear principles concerning the modalities of implementation of the right to strike. The Workers' group was nevertheless prepared to accept point 2 in the interests of reaching a consensus. On point 3,

the group had misgivings over launching the Standards Review Mechanism when there was a lack of trust among the groups. The protection of workers was, and must remain, the object of the Standards Review Mechanism. However, his group was willing to accept point 3, on the condition that the whole package of measures was adopted. His group supported point 4, but recalled that only the ILC could take a decision on the list of cases. On point 5, the Workers' group did not consider it necessary to review the supervisory procedures provided for in the ILO Constitution, as they had been reviewed quite recently. However, the group would endorse point 5 in the spirit of compromise. It also endorsed point 6 on deferring consideration of the establishment of a tribunal. It was willing to accept the package of measures as a whole, in the order in which they appeared in the revised draft decision, in the spirit of tripartite dialogue and compromise.

- 128.** *Speaking on behalf of GRULAC*, a Government representative of Cuba said that the group endorsed the action proposed in point 1 of the revised draft decision. The tripartite meeting of experts on strike action referred to in point 2 should be convened in April 2015 at the latest. Broad discussions should be held on all aspects of the Standards Review Mechanism and on improving the various supervisory procedures provided for in the ILO Constitution. The group endorsed the initiative outlined in point 4 concerning the reconvening of the Working Group on the Working Methods of the Committee on the Application of Standards so that the necessary steps would be taken to ensure the effective functioning of the Committee at the 104th Session (June 2015) of the Conference. The list of cases should be drawn up and the conclusions on them should be formulated in an objective and transparent manner. The report referred to in point 5 should be prepared in consultation with the tripartite constituents and the findings submitted to the Governing Body for evaluation and approval. The group endorsed point 6 and concurred that the issue should be discussed at a later date. The group endorsed the revised draft decision as a whole.
- 129.** *Speaking on behalf of ASPAG*, a Government representative of China said that tripartite dialogue was the key to resolving the dispute and finding long-term solutions to the problems associated with the right to strike.
- 130.** *Speaking on behalf of the Africa group*, a Government representative of Kenya recalled that his group viewed tripartite dialogue as the best way to resolve the dispute and that a referral to the ICJ should only be decided as a last resort. However, it appeared from the revised draft decision that the preferred option was to refer the question to the ICJ as a matter of urgency. The group had expected the Governing Body to arrive at a consensus and then to agree on a roadmap for implementation. The group maintained that it was premature to refer the question to the ICJ and raised a number of questions. Thus, the speaker asked: how long the referral process would take; what the status quo would be in the interim; whether the functioning of other committees would be affected; whether the parties would still be willing to engage in dialogue; and whether it would cement or further polarize the house. Point 1 did not reflect the position of the Africa group. It made the following proposals: point 1 should be moved to the end of the revised draft decision and amended to include "as a last resort" at the beginning of the point; the tripartite meeting of experts should be convened no later than March 2015; the Standards Review Mechanism should be launched with specific timelines; the Working Group on the Working Methods of the Conference Committee on the Application of Standards should be reconvened with immediate effect; and the report mentioned in point 5 should be prepared and the Office should specify the modalities for its submission. Lastly, the group requested the Office to give assurances that funding was available for the proposed package of measures and that other priority areas would not be adversely affected.

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131. Speaking on behalf of IMEC, a Government representative of Canada said that her group was approaching the package of measures in a constructive manner and in the spirit of compromise. She called upon the other groups to do likewise with a view to reaching a tripartite consensus on the revised draft decision.
132. Speaking on behalf of the EU and its Member States, a Government representative of Italy endorsed the package of measures as a whole. She requested clarification on the legal implications of the wording of the question to be put to the ICJ and, in particular, of the word “protected”. She asked whether the duration of the special sitting of the Conference Committee on the Application of Standards could be limited so as not to distract from the consideration of cases and the General Survey.
133. A Government representative of the United States, while concerned about the consequences of prolonging the dispute, could not support point 1 of the revised draft decision. Although his Government would not block consensus, it had concerns about requesting an advisory opinion from the ICJ and the precedent that such an action would establish.
134. A Government representative of France noted that the revised draft decision focused on the question of the right to strike under Convention No. 87 as well as on the Committee on the Application of Standards. The consideration of a sustainable in-house mechanism for the settlement of interpretation disputes was deferred. In the interests of finding a way out of the current impasse, his Government supported the revised draft decision and was ready to actively participate in the working groups and consultations proposed in the revised draft decision.
135. A Government representative of Japan urged a final attempt at resolving the matter through tripartite consultation. He repeated his earlier proposal that a resolution should be adopted during the 104th Session (2015) of the ILC confirming tripartite agreement on the issue of whether Convention No. 87 included the right to strike. Both the Employers and Workers should demonstrate a spirit of compromise. He hoped that consensus would be reached during the current session.
136. A Government representative of the Russian Federation supported points 2–6 of the revised draft decision. The ILO should exhaust its internal mechanisms before turning to the ICJ. A tripartite meeting of experts could play a significant role in finding a compromise solution acceptable to all. Not only was referral of the matter to the ICJ premature, but it could also complicate the implementation of the Standards Review Mechanism, part of the Director-General’s proposed solution. Point 1 should therefore be moved to the end of the sequence, and should be worded differently, to make it clear that only after exhausting the preceding measures would the Governing Body consider other dispute resolution mechanisms.
137. A Government representative of the United Kingdom supported the proposed package, with the caveat that any question posed to the ICJ needed to be formulated so as to ensure that the advisory opinion received helped to explain how Convention No. 87 dealt with the right to strike.
138. A Government representative of the Republic of Korea reiterated the view that time-bound tripartite consultation should precede referral to the ICJ on the interpretation of the right to strike in relation to Convention No. 87. The proposed tripartite meeting of experts should be deferred until after either further tripartite consultations or an advisory opinion from the ICJ. Tripartite consultations or an advisory opinion would add a new dimension to the work of the meeting of experts. He supported the remaining proposals.

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- 139.** *The Minister of Labour and Workforce Development of Panama* expressed support for the revised draft decision.
- 140.** *A Government representative of Germany* expressed support for the revised draft decision, particularly point 1. Requesting an advisory opinion from the ICJ was a good way to have a rapid and binding decision on that legal question and did not represent a failure of tripartism.
- 141.** *A Government representative of Zimbabwe* said that the Africa group's earlier suggestion that referral to the ICJ should be a last-resort solution had not been given adequate consideration. Recalling the group's concern that governments had been called upon to make an urgent decision with insufficient time, he questioned whether governments' views were valued on such critical matters. Internal dialogue should be given another chance.
- 142.** *A Government representative of Mexico* felt that the package took the different positions into account coherently and with complementarity between the elements. While an advisory opinion from the ICJ was only one component of a tripartite effort to improve the supervisory system, it was nevertheless of great importance, and the constituents should be bound by the ICJ's decision. It was the Standards Review Mechanism and the improvement of the constitutional procedures of the supervisory system that would allow for tripartite implementation of the ICJ's opinion in the way best suited to the Organization.
- 143.** *Speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden) and the Netherlands*, a Government representative of Norway expressed agreement with the EU statement. He underlined the need to endorse the proposed package of measures in its entirety, and in the sequence indicated, and to do so at the current session, observing that it represented a coherent and balanced approach. Further, he recalled that referral to the ICJ in extraordinary situations was enshrined in the ILO's Constitution, and was therefore perfectly in line with the spirit and practice of the Organization and should foster a return to constructive social dialogue.
- 144.** *The Minister of Labour of the Dominican Republic* supported the revised draft decision and expressed willingness to actively participate in any activities that would lead to consensual outcomes.
- 145.** *A Government representative of India* affirmed that tripartite consultation at the ILC was the best way to address the issue. She expressed appreciation for the proposed analysis of national legislative systems in the light of provisions under Convention No. 87 that the Office would prepare for the tripartite meeting of experts, as it would shed light on the reasons underlying the supervisory system's failure. Her Government remained committed to tripartite consultation as the best way ahead.
- 146.** *A Government representative of Turkey* reiterated that, in relation to point 1, constituents should endeavour to find a solution before resorting to the ICJ. His Government was seeking a more constructive path than referral to the ICJ. However, his Government supported the rest of the proposed package. The sequencing of the different elements of the revised draft decision was somewhat complex and the Director-General should propose an implementation timeline, taking the balance of the items into consideration.
- 147.** *A Government representative of Thailand* emphasized the importance of dialogue, and hoped that expeditious, time-bound tripartite consultation would lead to a solution. Only if that failed should the matter be referred to the ICJ.
- 148.** *A Government representative of Belgium* reaffirmed support for the revised draft decision.

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- 149.** A *Government representative of Australia* expressed a strong preference for consensus through tripartite dialogue. There were risks associated with referring the matter to the ICJ, particularly with regard to the wording of the question. However, the risks associated with the continuing impasse were greater. Accordingly, her Government was prepared to accept the proposed package in order to move forward. Australia was ready to assist in any way possible, including through participation in tripartite working groups as proposed in the revised draft decision.
- 150.** *The Director-General* said that a third round of substantive discussions would be held. It would be damaging for the Organization if the current Governing Body session were to close without progress having been made. Many speakers had found the revised draft decision to be a fair, objective and balanced attempt to unite divergent views. The fact that it contained elements that certain parties had not supported, or did not contain elements that they had, did not mean that their views had not been considered. The lack of consensus was not surprising, in view of the complexity of the matter. The way forward lay in a package of measures, the six components of which were delicately balanced. To remove or significantly modify any of them would throw into question the integrity and coherence of the whole. Equally important was the chronological sequence of the implementation of decisions. The focus of the discussion had been on point 1, referral of the matter to the ICJ, and the relationship between that and point 2, the tripartite dialogue process. It was necessary to re-examine those two components with a view to reconciling the views expressed. In the package's original formulation, both items had been designed to deal with issues related to strike action, in complementary but differentiated ways, and they did not easily lend themselves to the type of sequencing proposed by some in the discussions. While there had been broad consensus on points 3–6, the package had to be viewed as a whole. The Office would submit another revised draft decision for consideration and decision.
- 151.** *The Chairperson* said that the Office had further revised the draft decision on item 5 to take into account the views expressed during the most recent discussions on that item. The new revised draft decision was contained in document GB.322/INS/5/Add.2). The estimated costs of the measures proposed in the new revised draft decision had also been reviewed and were set out in document GB.322/INS/5/Add.3).
- 152.** *The Worker Vice-Chairperson* said that there was much that the Workers' group had not requested in the previous package of measures but that they had accepted the package as a whole in the spirit of compromise. Regrettably, the new package of measures no longer included the possibility of requesting the ICJ to urgently render an advisory opinion on the question of whether the right to strike was protected by Convention No. 87. The Workers' group had not objected to the tripartite meeting of experts proposed previously to review and discuss national legislation and practice on the right to strike. However, a tripartite meeting on whether the right to strike was protected by Convention No. 87 and the limitations of that right was no substitute for the judgement of the CEACR. To follow that course of action would only lend support to the Employers' erroneous theory that the tripartite constituents, and not the CEACR and ultimately the ICJ, were competent to interpret ILO Conventions. For that reason, the interpretation of Convention No. 87 should not be discussed at such a meeting. The drafters of the ILO Constitution had provided that any disputes over the interpretation of Conventions should be referred to the ICJ for an advisory opinion.
- 153.** As to point 2, it did not provide for an ICJ referral and merely placed it on the agenda of the March 2015 session of the Governing Body for decision. However, it was unlikely that further progress would be made on the divergent positions at the March 2015 session of the Governing Body, and the success of the 2015 Committee on the Application of Standards would be compromised without a decision to request an opinion from the ICJ. With respect

to point 3, there was insufficient trust among the groups to launch the Standards Review Mechanism, which could only work if differences in interpretation were settled according to the law, and not according to constituents' views. The Workers feared that the Standards Review Mechanism would be used to weaken the existing protection that international labour standards afforded workers.

- 154.** The report mentioned in point 5, in relation to the various supervisory procedures, could provide a useful insight into the functioning of the supervisory system and ways of strengthening it. However, if the tripartite constituents could not agree to abide by the rule of law and continued to impede the effective functioning of the supervisory system, that report would be of limited value. Confidence in, and acceptance of, the views of the CEACR were prerequisites for a functioning supervisory system. Since 2012, however, one group was no longer abiding by those views. If no agreement could be reached at the tripartite meeting on the right to strike being protected by Convention No. 87, the question should be immediately referred to the ICJ. Points 3 and 5 should be deleted from the new revised draft decision and discussed further at the March 2015 session of the Governing Body.
- 155.** *The Employer coordinator* said that the new revised draft decision fell short of the Employers' group's expectations, but constituted a step in the right direction. The group agreed with the need to progress and stood by the arguments and proposals it had made previously. If progress could not be made, it would be difficult for the tripartite constituents and ILO partners to maintain confidence in the mission and objectives of the ILO. His group could support the new revised draft decision.
- 156.** *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the EU had found the previous package of measures to be a coherent whole and had endorsed it. To add or remove elements of the package could prevent a balanced outcome, and changing their order changed the nature of the package. However, she was prepared to accept the proposal as a basis for discussion. With respect to point 1, she strongly believed that the tripartite meeting should discuss only the question of the interpretation of Convention No. 87 in relation to the right to strike. The two proposed questions could not be discussed in a meeting of only three days and they might each require different expertise. Observer States should also be allowed to attend and speak at the meeting, and governments should be able to express views as groups. She requested the addition of a sentence to the end of point 1 to the effect that if no clear consensus could be reached on the question at the tripartite meeting, the conditions for the application of article 37(1) of the ILO Constitution would be met. She also suggested that the words "the issue of a request to the International Court of Justice" be replaced with "the item of an immediate referral to the International Court of Justice" in point 2. The Governing Body needed to take a decision on the matter without further delay.
- 157.** A *Government representative of Germany* said that the new revised draft decision was balanced and accurately reflected the most recent discussions on the matter. His Government viewed the tripartite meeting to be held in February 2015 as the last opportunity for a successful outcome. If an agreement could not be reached on that occasion, article 37(1) of the ILO Constitution should be applied with immediate effect.
- 158.** A *Government representative of the United Kingdom* said that the Governing Body needed to take a decision that day. He encouraged all tripartite constituents to engage in the discussion with a view to reaching a consensus on the matter, thereby potentially obviating the need to request an advisory opinion from the ICJ. The proposed tripartite meeting would be the last opportunity to do so. If a consensus was not reached, the question would have to be referred to the ICJ.

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- 159.** A *Government representative of the Russian Federation* said that the new revised draft decision accurately reflected the most recent discussions on the matter. However, he maintained that the immediate referral of the question to the ICJ if no agreement was reached at the tripartite meeting in February would be premature and could have a negative impact on future discussions on that question. He endorsed the new revised draft decision.
- 160.** Speaking on behalf of the Nordic countries (Denmark, Iceland, Finland, Sweden and Norway) and the Netherlands, a Government representative of Norway said that he supported the statement delivered on behalf of the EU. The new revised draft decision did not accurately reflect the most recent discussions held on the matter and did not offer a fair compromise solution. The new proposal gave no assurances that the appropriate mechanisms would be activated if an agreement could not be reached on the question of whether the right to strike was protected under Convention No. 87, and the last session of the Committee on the Application of Standards had shown that there was no agreement among tripartite constituents on that matter. He was not opposed to holding a tripartite meeting, but was not convinced that it was the appropriate forum for dealing with questions relating to the interpretation of an ILO Convention. That should be done by the Committee on the Application of Standards as the ILO supervisory body competent to deal with questions of that nature, or through the application of the provisions of the ILO Constitution. He requested further clarification on the tripartite meeting proposed in point 1 and on the link between points 1 and 2. Any failure to reach consensus at the tripartite meeting on the interpretation of Convention No. 87 should not influence the decision to refer the question to the ICJ. Furthermore, it was unclear why a meeting on national practices and experiences relating to the right to strike could serve as input for decision-making on the issue.
- 161.** A *Government representative of Japan* said that the new revised draft decision was a good basis for compromise. The proposed tripartite meeting would be the last opportunity to reach a consensus before seeking an advisory opinion from the ICJ. He endorsed the new revised draft decision.
- 162.** A *Government representative of France* supported the new revised draft decision together with the modifications submitted by the EU, and encouraged the Governing Body to take a decision on the matter that day.
- 163.** A *Government representative of Belgium* said that she, too, failed to see how a tripartite meeting on the modalities and practices of strike action could influence the decision on whether to refer the question on the right to strike to the ICJ.
- 164.** Speaking on behalf of GRULAC, a Government representative of Cuba said that points 3–6 of the new revised draft decision were important and should be maintained. The group would comment on points 1 and 2 at a later stage in the discussion.
- 165.** A *Government representative of Panama* said that Panama maintained its position that the matter should be referred to the ICJ. In the interests of making progress, it could support the revised draft decision, provided that, if an agreement could not be reached at the tripartite meeting proposed in point 1, the question on the right to strike would be referred to the ICJ without further delay. Point 2 of the new revised draft decision should therefore be amended accordingly.
- 166.** A *Government representative of Argentina* said that, in relation to point 1 of the new revised draft decision, the tripartite meeting should only discuss the question of the interpretation of Convention No. 87 in relation to the right to strike and not the modalities and practices of strike action, and should formulate a concrete proposal for the Governing Body to consider at its March 2015 session. In relation to point 2, if a tripartite consensus

could not be reached, the Governing Body should be authorized to urgently request an advisory opinion from the ICJ under article 37(1) of the ILO Constitution. She fully endorsed points 3–6 of the new revised draft decision.

- 167.** *Speaking on behalf of the Africa group*, a Government representative of Kenya said that the new revised draft decision largely reflected the views expressed by the tripartite constituents and gave precedence to tripartite dialogue, which was the key to overcoming the current impasse. The group also appreciated the inclusion of a concrete time frame for action, which would culminate in a Governing Body decision in March 2015. He endorsed the new revised draft decision.
- 168.** *Speaking on behalf of ASPAG*, a Government representative of China said that the new revised draft decision largely addressed his group's concerns and he could support it, although the group might wish to propose some amendments in due course.
- 169.** *A Government representative of India* said that tripartite consultation within the ILC would be the best way to resolve the matter. The revised draft decision was a good way to reach a logical conclusion, on the basis of a broad consensus. Her Government was prepared to consider various options following the report on the outcome of the proposed tripartite meeting, including a referral to the ICJ. However, an automatic referral would preclude the possibility of a positive outcome to the tripartite consultations.
- 170.** *A Government representative of Zimbabwe* said that, in spite of some remaining concerns, she could accept the draft decision in the spirit of compromise, and she welcomed the idea of continuous engagement by all parties in the endeavour to arrive at a solution.
- 171.** *The Director-General* observed that there was still some distance to go to arrive at a consensus. The Office would undertake consultations with a view to submitting to the Governing Body a decision that could meet consensus.
- 172.** *Speaking on behalf of the EU and its Member States*, a Government representative of Italy further clarified the amendments to the new revised draft decision that the EU had proposed previously. First, in relation to point 1, the three-day tripartite meeting should be open to observer States with speaking rights. In addition, governments should be able to express views as groups. Second, her group could accept the deletion of the word "interpretation" from the first question concerning Convention No. 87 and the right to strike action. Third, the reasons for deleting the second question on the modalities and practices of strike action were not to overburden the meeting and the fact that different expertise might be required for the two questions. She acknowledged that some groups had concerns regarding the language used in the proposed addition of the following sentence to point 1: "In the absence of a clear and consensual answer to the question above by the tripartite meeting, conditions for the application of article 37(1) of the ILO Constitution will be met." The statement was meant to clearly state a possible outcome, not suggest that the meeting would fail. In view of those concerns she suggested adding: "By the same token, if a consensual answer to the question above is agreed by the tripartite meeting, the result will be forwarded to the Governing Body for adoption." With regard to the amendment that the EU had proposed to point 2 – namely, to replace the words "the issue of request" with "the item of an immediate referral" – she suggested changing the word "immediate" to "urgent", or another word, so that it could not be interpreted as meaning that the referral would be automatic. She supported point 4 of the revised draft decision following the Governing Body debate held on 11 November 2014, but reserved the right to return to points 3, 5 and 6 when the package was finalized.

- 173.** *Speaking on behalf of GRULAC*, a Government representative of Cuba stressed that the proposal must be considered as a package. GRULAC supported the EU's amendments to points 1 and 2. In the interests of showing flexibility, it agreed to postpone the revision of points 3 and 5 to a later date, such as to the 323rd Session of the Governing Body. Points 4 and 6 should remain in their original form.
- 174.** *Speaking on behalf of ASPAG*, a Government representative of China said that there were only three options: to postpone the item until March 2015; to put it to a vote, which would be the worst option as it would cause irreparable damage to the Organization's tripartite structure; or to reach a compromise on the revised decision. ASPAG supported the document as a package. He proposed adding the word "including" after the word "meeting" in point 2 of the new revised decision. He agreed that the second bullet in point 1, concerning the modalities and practices of strike action, should be deleted.
- 175.** *Speaking on behalf of the Africa group*, a Government representative of Kenya reiterated that his group supported the proposal as a package. Consultations were necessary because governments had been brought into the process late. The consultation process would contribute to the discussion at the 323rd Session of the Governing Body. It was difficult to accommodate the proposed EU amendment related to point 2 because it went against the spirit of compromise and implied a predetermined outcome, undermining social dialogue, and gave the impression of a lack of inclusivity of consultations with constituents.
- 176.** *The Employer coordinator* said that the Employers' group supported the whole package presented in the new revised decision. It had not been consulted on the EU's proposal, which seemed to increase automaticity in the transfer from the tripartite approach to the ICJ, and it did not support that move. It was somewhat dismayed by the process that was taking place. The preparatory work in his group had been based on the package, which seemed to be disintegrating. The group was not in a position to support any of the amendments to the package because it had not had the opportunity to discuss them.
- 177.** *The Worker Vice-Chairperson* reiterated that something had been missing from the package proposed that morning and consequently it was no longer a package. While the EU's amendments did not respond to all the needs of the Workers' group, it responded to some of its concerns. A solution should be possible before the end of the session. He noted that GRULAC wanted to retain points 4 and 6. In that context, the remaining points could not be retained. However, the group was open to finding a solution when decisions had been taken on the other points; they could be taken up at the Governing Body in March 2015.
- 178.** *The Director-General* said that, in relation to point 1, there did not seem to be any objection to opening the tripartite meeting to observer States, but noted that that might need to apply to Worker and Employer observers as well. Based on views expressed on the mandate of the tripartite meeting, he identified a call for removal of the words "of interpretation" from the first question, and deleting the second question. There were two remaining, interrelated, issues: first, concerns regarding the relationship between the outcome of the meeting and what would happen in light of that outcome, particularly in relation to any recourse to article 37(1) of the Constitution; and second, the integrity of the package. If an agreement on points 1 and 2 could be reached, there appeared to be agreement on points 4 and 6.
- 179.** *The Employer coordinator* said that it was inappropriate to imply that consensus had been reached. His group had clearly stated that it supported the package presented earlier and nothing else.

180. *The Director-General* said that in the context of the entire package or otherwise, there had been no substantive opposition to the content of points 4 and 6. With regard to points 3 and 5, reserve had been expressed by some governments and the Workers' group. However an agreement on points 1, 2, 4 and 6 might be possible. A decision on points 3 and 5 could be postponed until March 2015 in the light of progress on the other areas of the package. The key to moving forward was determining the articulation of the outcome of the tripartite meeting as proposed and subsequent action, with no pre-judgement of what the outcome might be. He suggested continuing the discussion or taking a break in order to find appropriate language.

181. *The Employer coordinator* said that his group had been working on the basis of a package and expressed some dismay about the procedure. On the points raised, he said that it was unclear how including observers in the tripartite meeting could be useful. He did not agree with the deletion of the second bullet point related to the modalities and practices of strike action, because it was important to focus the discussion on the real world and the consequences for companies. The group did not support the EU's proposals regarding points 1 and 2, and without points 3, 4, 5 and 6 it could not support points 1 and 2 as previously drafted; it could not support moving away from the package.

182. *The Worker Vice-Chairperson* was open to discussing the different points mentioned by the Director-General and therefore proposed that consultations among the groups should take place.

(The sitting was suspended.)

183. When the sitting was reopened, *the Chairperson* said that the consultations had resulted in a revised draft decision and that consensus was very close to being reached. He asked members to make the greatest possible effort to reach agreement. The text read:

1. Further to the wide-ranging discussion held under the fifth item on the agenda of the Institutional Section, the Governing Body decides to:
 - (1) convene a three-day tripartite meeting in February 2015, open to observers with speaking rights, to be chaired by the Chairperson of the Governing Body and composed of 32 Governments, 16 Employers and 16 Workers with a view to reporting to the 323rd Session (March 2015) of the Governing Body on:
 - the question of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in relation to the right to strike; and
 - the modalities and practices of strike action;
 - (2) place on the agenda of its 323rd Session, the outcome and report from this meeting on the basis of which the Governing Body will take a decision on the need or otherwise for a request to the ICJ to render an urgent advisory opinion concerning the interpretation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in relation to the right to strike;
 - (3) take the necessary steps to ensure the effective functioning of the Committee on the Application of Standards at the 104th Session of the International Labour Conference, and to this end reconvene the Working Group on the Working Methods of the Conference Committee on the Application of Standards to prepare recommendations to the 323rd Session of the Governing Body in March 2015, in particular with regard to the establishment of the list of cases and the adoption of conclusions;
 - (4) defer at this stage further consideration of the possible establishment of a tribunal in accordance with article 37(2) of the Constitution;
 - (5) as part of this package, refer to the 323rd Session of the Governing Body the following:

- (a) the launch of the Standards Review Mechanism (SRM), and to this effect establish a tripartite working party composed of 16 Governments, eight Employers and eight Workers to make proposals to the 323rd Session of the Governing Body in March 2015 on the modalities, scope and timetable of the implementation of the SRM;
 - (b) a request to the Chairperson of the Committee of Experts on the Application of Conventions and Recommendations (CEACR), Judge Abdul Koroma (Sierra Leone), and the Chairperson of the Committee on Freedom of Association (CFA), Professor Paul van der Heijden (Netherlands), to jointly prepare a report on the interrelationship, functioning and possible improvement of the various supervisory procedures related to articles 22, 23, 24 and 26 of the ILO Constitution and the complaints mechanism on freedom of association.
- 184.** *The Employer coordinator* said that his group welcomed the revised draft and could accept the proposed package. The formulation in point 2 was acceptable, as was the referral of point 5(a) and (b) to the 323rd Session, but he suggested adding the word “agreed” before the word “package” in point 5.
- 185.** *The Worker Vice-Chairperson* said that his group was not pleased with the procedure adopted or the outcome. He suggested including the words “at the national level” after the words “the modalities and practices of strike action” in the second bullet in point 1. The group would refrain from proposing further amendments to the text, but found it very difficult to accept point 5(a), which anticipated the launch of the Standards Review Mechanism, and point 5(b) and did not consider the package “agreed”. The group was open to discussing the package further.
- 186.** *Speaking on behalf of ASPAG*, a Government representative of China supported the revised draft decision, with the addition of the words “through their group” after the words “open to observers with speaking rights” in point 1, so that observers could express their opinions through their group delegates, bearing time constraints in mind.
- 187.** *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the EU could accept the revised wording of point 1, as well as the amendment proposed by ASPAG. The EU reserved its right to speak as a group through its representative in the tripartite meeting. It had initially wished to remove the second bullet in point 1 concerning the modalities and practices of strike action due to time constraints, but was willing to accept its inclusion. The EU wished to be consulted prior to the tripartite meeting in February so that it could express its views on the organization of the meeting, particularly to ensure that adequate time was allocated for both issues to be properly discussed. It sought clarification on the meaning of “the need or otherwise for” in point 2 concerning a request to the ICJ to render an urgent advisory opinion, and suggested removing those words.
- 188.** *Speaking on behalf of the Africa group*, a Government representative of Kenya said that his group supported points 1, 2, 3 and 4, but did not understand why point 5(a) and (b) should be deferred, as the Standards Review Mechanism was particularly relevant to the issues being discussed. The group would have preferred to proceed with the launch of the mechanism but was willing to compromise.
- 189.** *The Employer coordinator* noted that the words “the need or otherwise for” had been removed from the text. He had not interpreted the comment made on behalf of the EU as a proposed amendment.
- 190.** *The Worker Vice-Chairperson* said that the EU preferred to have the words removed, as did the Workers’ group.

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191. Speaking on behalf of the EU and its Member States, a Government representative of Italy said that the EU's preference was to remove the words because their meaning was not clear, but would welcome clarification from the Office.
 192. The Worker Vice-Chairperson said that the meaning was so unclear that the words should be removed.
 193. The Employer coordinator proposed using the words "necessity or not" instead.
 194. Speaking on behalf of the Africa group, a Government representative of Kenya said that, to him, the meaning of the original wording was clear, but he would support the wording proposed by the Employers.
 195. Speaking on behalf of ASPAG, a Government representative of China said that his group considered the original wording was appropriate and objected to removing "the need or otherwise for".
 196. Speaking on behalf of the EU and its Member States, a Government representative of Italy indicated that her group was willing to support the removal of the words if the Workers proposed doing so but would also accept the wording proposed by the Employers.
 197. The Director-General said that the amendment to point 1 proposed on behalf of ASPAG on speaking rights for observers through their groups, as well as the Workers' proposed amendment to the second bullet in point 1 adding the phrase "at the national level", appeared to be acceptable to all. The secretariat had chosen the words "need or otherwise" in an effort to use the most neutral wording possible when drafting the decision, but he agreed that "necessity or not" had the same meaning and was clearer. With regard to point 5, his understanding was that the Africa group had reservations but did not appear to oppose the text. The only outstanding issue was whether the word "agreed" should appear before "package" in point 5. Given that the Workers firmly objected to its inclusion, he suggested leaving the wording as it was and said that the Employers' understanding of the language could be reflected in the minutes. The text, as amended, was put forward for adoption by the Governing Body.
 198. The Employer coordinator said that his group was simply seeking clarity when it proposed the addition of the word "agreed". However, the Workers' refusal to accept it was significant because it revealed that they did not, in fact, agree. A commitment to deal with the launching of the Standards Review Mechanism at the 323rd Session was crucial, and a number of governments had asked for the mechanism to be launched immediately. The Employers wanted some assurance that the Standards Review Mechanism would be launched as proposed in point 5(a) and that there would be no further delays.
 199. The Worker Vice-Chairperson said that, for his group, any package would involve the ICJ. With regard to a decision on the necessity or not for a request to the ICJ, the decision could go either way, but there would definitely be a decision.
 200. A Government representative of Argentina said that the Spanish translation of point 2 of the revised decision under consideration appeared to be slightly different from the French and English versions. The French referred to "a decision on the necessity or not for a request" whereas the Spanish referred to "a decision on the need for a request". The translations should be harmonized, but the French appeared to be the clearest.
 201. The Chairperson said that the original amendment had been made in English and suggested that the translators adjust the translations accordingly.

- 202.** *The Worker Vice-Chairperson* said that if the words “necessity or not” were retained, he wished to state very clearly that in the discussion at the meeting to be held, there would be a necessity and at that moment there would have to be a referral to the ICJ.
- 203.** *The Employer coordinator* said that the decision on the necessity or not for a request to the ICJ would have to be taken by the Governing Body at the 323rd Session and could not be made in advance. With respect to the proposed addition of the word “agreed”, he could see no valid reason not to include the word. If the package was not an “agreed package”, then it was simply a package for later discussion, which was not the understanding of the Employers.
- 204.** *The representative of the Director-General* (Deputy Director-General for Management and Reform) said that the Employers’ view on the agreed nature of the package and the Workers’ position on the need for a referral to the ICJ could appear in the minutes of the meeting and did not have to be included in the decision. The Governing Body did not usually use the word “agreed” in a decision because it was implied that a decision taken was an agreed decision.
- 205.** *The Employer coordinator* said that the issue was not a linguistic one. They had been dealing with the Standards Review Mechanism for a long time but had failed to make any progress. The draft decision was supposed to be a decision to move forward on the Standards Review Mechanism, albeit at a later date, and his group sought a commitment from the Workers on that issue, which a large number of governments had supported.
- 206.** *The Worker Vice-Chairperson* said that the aim of his group was to achieve a balanced draft decision and that the Employers’ position of referring the decision on the right to strike to March 2015 while other elements of the package were accepted, would destroy that balance.
- 207.** *The Employer coordinator* said that they were no longer close to consensus and that as a result, his group had to question its ability to support the draft decision. The “necessity or not” was key to their entire debate, and his group would not accept an automatic referral to the ICJ.
- 208.** *The Worker Vice-Chairperson* said that his group agreed about the “necessity or not” in the context of the statement they had made on that. It was clear that his group had made significant efforts and various proposals to find solutions during the discussions. They had changed some of their views and positions in order to come to a decision. The group did not support the draft decision but accepted it. He wished to place on record his group’s understanding that point 5 would be decided at the 323rd Session of the Governing Body.

Decisions

- 209.** *Further to the wide-ranging discussion held under the fifth item on the agenda of the Institutional Section, the Governing Body decided to:*
- (1)** *convene a three-day tripartite meeting in February 2015, open to observers with speaking rights through their group, to be chaired by the Chairperson of the Governing Body and composed of 32 Governments, 16 Employers and 16 Workers with a view to reporting to the 323rd Session (March 2015) of the Governing Body on:*

- *the question of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in relation to the right to strike; and*
 - *the modalities and practices of strike action at national level;*
- (2) *place on the agenda of its 323rd Session, the outcome and report from this meeting on the basis of which the Governing Body will take a decision on the necessity or not for a request to the International Court of Justice to render an urgent advisory opinion concerning the interpretation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in relation to the right to strike;*
- (3) *take the necessary steps to ensure the effective functioning of the Committee on the Application of Standards at the 104th Session of the International Labour Conference, and to this end reconvene the Working Group on the Working Methods of the Conference Committee on the Application of Standards to prepare recommendations to the 323rd Session of the Governing Body in March 2015, in particular with regard to the establishment of the list of cases and the adoption of conclusions;*
- (4) *defer at this stage further consideration of the possible establishment of a tribunal in accordance with article 37(2) of the Constitution;*
- (5) *as part of this package, refer to the 323rd Session of the Governing Body the following:*
- (a) *the launch of the Standards Review Mechanism (SRM), and to this effect establish a tripartite working party composed of 16 Governments, eight Employers and eight Workers to make proposals to the 323rd Session of the Governing Body in March 2015 on the modalities, scope and timetable of the implementation of the SRM;*
 - (b) *a request to the Chairperson of the Committee of Experts on the Application of Conventions and Recommendations (CEACR), Judge Abdul Koroma (Sierra Leone), and the Chairperson of the Committee on Freedom of Association (CFA), Professor Paul van der Heijden (Netherlands), to jointly prepare a report on the interrelationship, functioning and possible improvement of the various supervisory procedures related to articles 22, 23, 24 and 26 of the ILO Constitution and the complaints mechanism on freedom of association.*

(GB.322/INS/5/Add.2), paragraph 1, as amended according to the discussion.)

Financial implications

210. The Governing Body decided that the cost of the package of measures proposed by the Director-General estimated to cost up to US\$684,300 that could not be financed from extra-budgetary contributions, be financed in the first instance from savings in Part I of the budget for 2014–15 or, failing that, through Part II, on the understanding that should this subsequently prove impossible, the Director-General would propose alternative methods of financing.

(GB.322/INS/5/Add.3), paragraph 3.)

Sixth item on the agenda

The post-2015 sustainable development agenda: Update (GB.322/INS/6)

- 211.** *The Employer coordinator* expressed support for the ILO's continued work on the post-2015 sustainable development agenda, and welcomed the emphasis placed in the agenda on inclusive growth, full employment, decent work and social protection. That work must, however, be guided by the constituents. At its next session, the Governing Body should have a follow-up discussion on the goals and targets, and work should also continue in support of the Millennium Development Goals (MDGs).
- 212.** *The Worker spokesperson* said that the 17 proposed sustainable development goals provided a good basis for the final round of negotiations. He appreciated the concerted efforts that had been made to ensure that goal 8 was devoted to full and productive employment and decent work. All governments should endorse decent work and its four pillars in their national negotiating mandates. Efforts now needed to be made to ensure that decent work would remain a stand-alone goal and to improve the targets proposed under goal 8 to reflect the four pillars of decent work and means of implementation. The target on rights should include a specific reference to respecting international labour standards. Recalling that the ILC had urged the ILO to highlight the value of effective social dialogue in the post-2015 development agenda, and in view of the contribution made by social dialogue, freedom of association and collective bargaining to reducing poverty and inequality, he expressed concern that the targets made no reference to social dialogue. If the link in goal 8 between economic growth and decent work was retained, the ILO constituents and the Office should argue strongly for "employment targeting" in macroeconomic policies to become a target under that goal.
- 213.** With regard to the other goals, he said that, under the proposed goal 1 on extreme poverty, the international poverty line of \$1.25 a day should be increased to \$1.51, as recommended by the Asian Development Bank. The crucial role of labour market institutions and social dialogue in reducing inequalities should be included under the proposed goal 10 on inequality.
- 214.** ILO constituents should advocate strongly for an effective governance framework for the sustainable development goals, consisting of an international monitoring and reporting system, the participation of social partners and civil society, and a set of binding minimum obligations. Furthermore, ministries of labour should bring the experience of the ILO to bear in national discussions. The role of the Office was to provide advice on targets and indicators to the secretariat for the negotiations. Documentation on international labour standards and on social dialogue in relation to the sustainable development goals was still awaited from the Office. ACTRAV and the Workers' group should be fully involved in the Office strategy.
- 215.** Speaking on behalf of the Asia and Pacific group (ASPAG), a Government representative of the Islamic Republic of Iran welcomed the reference in the proposed goal 8 to inclusive and sustainable economic growth, which heralded the holistic approach that had previously been called for by his group. The centrality of decent work to sustainable development should be preserved. In view of regional specificities, global goals should be adapted to regional and national ones. He emphasized the importance of developing a global strategy for youth employment, implementing the Global Jobs Pact and strengthening youth skills. The creation of decent and productive jobs must be a core element of the final development framework. Existing barriers to the smooth functioning of economic

enterprises must be removed. He endorsed the action taken by the Office, outlined in paragraph 16 of the document, to accelerate the progress towards achieving the MDGs. The social partners should be involved in the final round of negotiations. Provision should be made for capacity building with regard to statistics for constituents and countries, which was essential in order to measure progress towards the sustainable development goals.

- 216.** *Speaking on behalf of the Africa group*, a Government representative of Ghana welcomed the inclusion of goal 8 to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. He commended the Office on its support for countries that had been falling behind in attaining the MDGs. Its international cooperation should continue, with a focus on sustainable enterprises. Allowing national ownership of targets would direct the necessary attention to Africa and its particular development challenges. When the final goals were set, he hoped to see emphasis placed on monitoring and evaluation. He welcomed the Group of Friends of Decent Work for a Sustainable Development initiative as an important platform for more advocacy. The progress review mentioned in paragraph 29(b) should be carried out at the next session of the Governing Body.
- 217.** *Speaking on behalf of GRULAC*, a Government representative of Cuba welcomed the inclusion of goal 8 in the list of sustainable development goals, as it placed emphasis on key ILO issues. He also welcomed the inclusion under goal 1, on ending poverty, of a target to implement nationally appropriate social protection systems for all, including floors. Social and economic policies that guaranteed job creation also reduced poverty and inequality. It was vital to preserve the goals of eliminating the worst forms of child labour, eradicating forced labour and protecting workers' rights and their working conditions. Decent work programmes should apply in developed as well as developing countries, in order to tackle low pay and discrimination and protect the rights of migrant workers. South-South and triangular cooperation played an important role in poverty eradication. However, there was no substitute for official development assistance.
- 218.** *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the following countries aligned themselves with the statement: the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Serbia, Albania, the Republic of Moldova and Georgia. She emphasized the importance of full and productive employment and decent work for all, including for young people and persons with disabilities, and of equal pay for work of equal value. The EU was ready to engage with all stakeholders on monitoring and accountability and endorsed the Group of Friends of Decent Work initiative. The Office should consider the framework for the post-2015 development agenda from the perspective of implementing ministries, especially those in the least developed countries. The framework should address sustainability, green growth and economic transformation, in order to achieve long-term development, create more productive jobs for all and increase tax revenues, thereby enabling developing countries to fund investment in infrastructure and basic services. In addition to social protection, the targets should include the macroeconomic environment, trade, an enabling business environment, economic infrastructure, access to finance and increased private investment. The Office should engage both public and private actors in the mobilization and effective use of resources.
- 219.** *The Minister of Labour and Workforce Development of Panama*, supporting the draft decision, said that Heads of State and Government of the Central American Integration System had recently undertaken to promote the post-2015 development agenda, aiming to attain inclusive economic and social development and generate full employment and decent work to ensure sustainable development. That statement at the highest political level was a clear endorsement of the ILO strategy to ensure that the Decent Work Agenda became a priority in the context of the sustainable development goals. Panama would

include it, and the topic of fair migration, on the agenda of the April 2015 Summit of the Americas in Panama. He emphasized the importance of education and occupational safety and health in decent work. Panama believed that achieving decent work should be a global objective, but could only be attained by taking action at the local and national levels. The Minister also declared Panama's commitment to be part of the Group of Friends of Decent Work.

- 220.** A *Government representative of Turkey* emphasized the importance of poverty eradication as part of the post-2015 development agenda. He cautioned that an imbalanced economic structure would result in widespread jobless growth. Measures to increase employment should therefore be complemented by economic, financial, educational and social policies, as an integrated political approach to align employment creation with economic growth. Turkey would prioritize inclusive growth and the link with employment in its presidency of the G20 in 2015, and saw inclusive growth, employment and social protection as cross-cutting issues within the UN post-2015 sustainable development agenda, the ILO and the G20. His country also attached great importance to migration and asked the ILO to make every effort to include it as a separate goal. Furthermore, it encouraged the ILO to continue its support and enhance its technical cooperation programmes for employment and social protection, especially in developing countries.
- 221.** A *Government representative of Trinidad and Tobago* said that, as the global community shifted its focus to how the post-2015 sustainable development agenda should be achieved, the ILO must continue to contribute to discussions on the refinement of the goals and indicators. Her Government recommended that the ILO should continue to convene events to raise the profile of labour issues at the highest political level, such as the ones held during the Third International Conference on Small Island Developing States in Samoa and on the margins of the United Nations General Assembly in September of that year. The ILO could also consider using the World of Work Summit at the 2015 ILC to solidify high-level support for issues on the post-2015 agenda related to decent work and full and productive employment.
- 222.** A *Government representative of India* agreed that employment, decent work, social protection and poverty eradication continued to be global priorities and should be core elements in a transformative agenda. The ongoing financial crisis was exacerbated by the structural shift in demographics, and her Government was therefore implementing a range of initiatives to improve employment, employability and the productivity of the workforce, particularly through skills development. India called on the ILO to adhere to its core principles and objectives when promoting labour issues in its work with other international organizations and forums.
- 223.** A *Government representative of China* welcomed the fact that the list of sustainable development goals set inclusive, sustainable growth and decent work as a separate goal and that other important ILO work had been included in other goals, demonstrating the high relevance of ILO work in the international community's efforts towards sustainable development. China hoped that the ILO would continue to raise awareness in the UN system and the international community and provide further knowledge and technical support to stakeholders on drafting indicators. In particular, it should make every effort to include the social protection floor in the agenda, as that was an important basis for sustainable development.
- 224.** A *Government representative of Argentina*, expressing his Government's support for the draft decision, said that there was no single model for implementing the sustainable development goals; each country would take a different path and follow its own strategy. Nonetheless, there should be an international framework, with clear, transparent and democratic rules that did not favour minority interests or set conditions that would be

detrimental to developing countries. There was a need for a balance between the three dimensions of the agenda. Approaches to strengthen the labour market, such as social dialogue and labour inspection, and strategies to formalize informal work should be included as a matter of urgency, as they, alongside promoting growth and improved distribution of income to eliminate social inequalities, would be important tools in achieving decent work.

- 225.** A *Government representative of Bangladesh* said that his Government supported the draft decision. He encouraged efforts to ensure a broader framework that took account of global challenges such as climate change, as well as focusing on transforming the global economy. Employment and decent work should not be covered in a single goal and could not be achieved by a sectoral approach alone; all countries aimed to approach the Decent Work Agenda by striving for sustained economic growth. Ensuring the quality and quantity of jobs should go hand in hand with workplace safety, and international support for policies and action should take into consideration the diversity of development levels in regions and countries.
- 226.** A *Government representative of Norway* welcomed the fact that ILO issues were currently prominently reflected, particularly in the proposed sustainable development goal 8. While that goal might not be included in the final package, she was confident that full employment and decent work would be part of the future framework. Norway therefore strongly supported the ILO's continued efforts under the six-point strategy and endorsed the decision point.
- 227.** A *Government representative of Ethiopia* said that poverty eradication was the greatest global challenge and a prerequisite for sustainable development. It was vital to strengthen efforts to formulate the post-2015 sustainable development goals, even before the end of the time frame for the MDGs. There was an urgent need to create decent work in African countries and she encouraged the ILO to advocate for international support for developing countries, placing emphasis on cooperation, capacity building and technical assistance.
- 228.** A *Government representative of Pakistan* said that Pakistan welcomed the fact that the sustainable development goals were action-oriented, global in nature and universally applicable. A clear roadmap had been provided to implement a global strategy on decent work for youth employment by 2020. Pakistan also welcomed the identification of poverty eradication as the greatest global challenge. Despite the ambitious targets of the MDGs, they provided a framework for cooperation between the developed and developing world. Pakistan suggested not losing focus on the specific goals of decent work and social protection and the issues of wages and green jobs.
- 229.** A *representative of the Director-General* (Head, Country Policy Development and Coordination Unit) said that the Office had noted the suggestions, recommendations and concerns raised and would work to help the negotiating parties formulate clear, ambitious and realistic final goals and targets encompassing the four pillars of the Decent Work Agenda. Consideration would be given as to how to implement the agenda at the international level and how to assist countries and tripartite constituents in their own diverse and specific national circumstances. The Office was ready to work with constituents on organizing high-level events as suggested by the Governing Body, and would provide an update on progress in March 2015.
- 230.** A *representative of the Director-General* (Special Representative of the ILO to the UN) said that the Governing Body had been clear on the importance of ensuring that the four pillars of decent work were included in the post-2015 agenda, on the challenges that member States and social partners would face in the last round of negotiations and on the support they would need in implementing the future goals. The Office would support the

work ahead in a coordinated manner and use its technical capacity to provide the best information possible to ensure a successful outcome for the post-2015 agenda.

Decision

231. *The Governing Body:*

- (a) *recommended the tripartite constituents, and requested the Director-General, to strengthen work on the post-2015 sustainable development framework under the six-point strategy agreed upon at the 319th Session (October 2013) of the Governing Body; and*
- (b) *requested to review progress on this matter regularly.*

(GB.322/INS/6, paragraph 29.)

Seventh item on the agenda

Report of the 18th American Regional Meeting and Lima Declaration

(GB.322/INS/7)

232. *The Director, ILO Regional Office for Latin America and the Caribbean* said that the Lima Declaration had been adopted at the 18th American Regional Meeting. The Declaration addressed the fundamental challenges faced by the region, namely reducing poverty and inequality. It included specific policies aimed at reducing inequality and set out a framework to identify programme priorities for the region. The Declaration complemented the work and action plan in the Declaration of Medellín. Many of the priorities in the Lima Declaration were included in the Programme and Budget for 2016–17 and were being, or would be, implemented in 2015. One of the priorities was to assist governments, where requested, in reviewing national legislation to identify areas that might hinder full enjoyment of the right to freedom of association and collective bargaining. Other areas of work being pursued with ACTRAV included promoting freedom of association and collective bargaining in the public sector, promoting equal opportunities and treatment at work, and strengthening domestic worker organizations in the Caribbean. Work to promote an enabling environment for sustainable enterprises was being carried out with ACT/EMP. Specific plans had been drawn up to address youth employment. Labour inspection and the training of inspectors were a key component in formalization of the informal economy. The role of sustainable development and the way it fit in with the post-2015 development agenda had also been discussed in relation to decent work. At the meeting, 25 countries had signed a regional declaration to free the region from child labour. A special meeting had been held with Caribbean countries on climate change and employment.

233. *The Worker spokesperson* said that the nature of the region's productive structure hindered sustainable development and perpetuated issues such as inequality. Despite a decrease in unemployment and an increase in wage employment, precarious work was becoming more prevalent. Child labour and forced labour still existed throughout the region. A comprehensive and coherent public policy framework was required in order to overcome existing obstacles and create jobs that respected the rights of freedom of association and collective bargaining. The Workers' group hoped that the importance attached by the Lima Declaration to certain international labour standards would lead to ratification and implementation of those Conventions; to achieve that goal, it encouraged the Office to

develop promotional campaigns. The commitments taken in section II of the Lima Declaration would have to guide the work of the Office and constituents in the next four years. It requested the Office to provide its constituents with technical assistance in meeting the Declaration's policy expectations over the next four years. It supported the draft decision.

- 234.** *The Employer coordinator* said that the Meeting's conclusions provided the Organization with fundamental guidelines for the next four years. The Employers' group expressed its satisfaction with the conclusions on promoting an enabling environment for the creation and development of enterprises, and on promoting the rights of freedom of association and collective bargaining through action programmes, technical assistance and campaigns. The group drew attention to the ILO Programme for the Promotion of Formalization in Latin America and the Caribbean (FORLAC). It hoped that action would be taken on the Meeting's conclusions in order to promote sustainable enterprises, principally in the private sector, which would result in decent work and economic and social development in the region. The group supported the draft decision.
- 235.** *Speaking on behalf of the group of the Americas (GRUA)*, a Government representative of Cuba said that the Lima Declaration testified to participants' desire to reach agreement and find solutions to reconcile differing viewpoints. For the first time, more than 30 per cent of participants had been women. During the two panel discussions, countries had shared experiences regarding good practices and policies. Significant progress had been made towards reducing poverty and unemployment. Social dialogue was at the centre of efforts to promote decent work. He drew attention to the Declaration's policy expectations, which stated that coherent and integrated strategies were needed to facilitate the transition from the informal to the formal economy. The assistance provided by the Organization would help with the implementation of a comprehensive employment policy framework to promote full, decent, productive and freely chosen employment, as set out in the conclusions of the second recurrent discussion on employment. That would enable countries to continue working towards policy integration and combating poverty through the promotion of decent work. The group supported the draft decision.
- 236.** *The Minister of Labour and Workforce Development of Panama* said that the Lima Declaration demonstrated that the countries in the region had confidence in the Organization's work. Full productive employment, social security for all, social dialogue and respect for fundamental principles and rights at work were pillars of democracies in the twenty-first century. Panama had created the High Commission to establish Public Employment Policies in Technical and Professional Occupations and, with the support of the ILO, a proposal would be submitted to the President of Panama on upgrading workers' and employers' skills in order to eliminate the gap between those skills and the needs of the labour market (one of the policy expectations in the Lima Declaration). He expressed the hope that joint initiatives with the ILO could be established in order to develop strategies to improve working conditions in Panama and its partners in the Central American Integration System (SICA). His delegation supported the draft decision.
- 237.** *Speaking on behalf of Argentina and Brazil*, the Deputy Minister of Labour, Employment and Social Security of Argentina expressed her concern at the global economic slowdown and recognized the need to move forward with formalization and the promotion of a development model that fostered workers' skills. Economic growth and private investment were essential to progress and for maintaining the distributive policies implemented in the past decade. However, social inequality continued, along with high levels of informality. Incentives and deterrents needed to be put in place to counter the prevalence of precarious work. She looked forward to follow-up to the Lima Declaration. She noted the signing by 25 countries, including Argentina and Brazil, of the Regional Initiative: Latin America and the Caribbean Free of Child Labour. She supported the draft decision.

- 238.** A *Government representative of Trinidad and Tobago* welcomed the opportunity afforded by the Meeting for active participation by member States from the Caribbean region, since the cost of sending a tripartite delegation to ILO meetings outside the region was prohibitive. She was encouraged by the Director-General's acknowledgment of her country's appeal for support.
- 239.** A *Government representative of Colombia* said that the Meeting's discussions had underscored the ILO's support for the recognition of workers' rights and the promotion of tripartism. Significant progress had been made in her country regarding labour inspection, occupational safety and health, and collective bargaining in the public sector, resulting in a decrease in unemployment. With the ILO's support, the Lima Declaration would enable progress to be made with the five decent work agreements that had been reached on a tripartite basis in her country. Her delegation supported the draft decision.
- 240.** A *Government representative of Mexico* said that the conclusions of the Meeting would enable comprehensive public policies to be adopted and correctly implemented. He commended the signing of the Regional Initiative: Latin America and the Caribbean Free of Child Labour; eradication of child labour was one of his Government's priorities. His delegation supported the draft decision.
- 241.** A *Government representative of Cuba* said that the Lima Declaration not only presented the aspirations and challenges of the region but also expressed the clear political will to attain more ambitious goals in a number of vitally important areas. During the regional meeting, the Cuban delegation had highlighted the importance of placing workers at the centre of economic and labour policies. It was important for the region to make progress towards the formalization of work through concrete policies, laws and programmes that guaranteed fair working conditions, access to vocational training, rights of freedom of association and social protection. Cuba had generated new forms of non-state employment and new affiliations to sectoral trade unions. Workers benefited from higher wages and greater job diversity, protected by law. Taking action to increase productivity and achieve added value in production chains was a priority, which would result in the delivery of products and services with high knowledge content and the development of new technologies. Enterprises needed to become more competitive and the ILO project on the System for Integrated Measurement and Improvement of Productivity (SIMAPRO) should be made more efficient. Integrated processes must be accelerated and streamlined, and trade in the region needed to be stimulated. His delegation supported the draft decision.

Decision

- 242. *The Governing Body requested the Director-General:***
- (a) *to draw the attention of ILO constituents, in particular those of the Americas region, to the Lima Declaration by transmitting the text of the Declaration:***
 - (i) *to the governments of all member States and, through them, to national employers' and workers' organizations; and***
 - (ii) *to the official international organizations and non-governmental international organizations concerned;***
 - (b) *to take the Lima Declaration into consideration when implementing current programmes and in developing future programme and budget proposals.***

(GB.322/INS/7, paragraph 225.)

Eighth item on the agenda

Complaint concerning non-observance by Guatemala of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), made by delegates to the 101st Session (2012) of the International Labour Conference under article 26 of the ILO Constitution

(GB.322/INS/8 and GB.322/INS/8(Add.))

- 243.** *The Special Representative of the Director-General for Guatemala* said that many judges had first become aware of international labour standards as a source of labour law as a result of training courses run between June and September 2014 with the ILO's technical support. Other similar courses were planned for new members of appeal courts and the Labour Chamber of the Supreme Court of Justice. The training programme referred to in paragraph 51 of the Office mission report had begun in September and would end in November of the current year. It was hoped that, by then, the directive for the effective investigation and criminal prosecution of crimes committed against union members and other labour and trade union activists.
- 244.** As a result of the signing of the Declaration of Intent mentioned in paragraph 52, meetings had been held with members of Parliament from various parties and with the Chairman of the Labour Commission, who had shown great interest in the legislative reforms requested by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) in order to bring national legislation into line with the Conventions ratified by Guatemala. In 2014, more than 100 labour inspectors had been instructed in international labour standards during courses which had stressed the importance of respecting the principles of freedom of association. Workshops on collective bargaining between workers and employers would continue into 2015 with the support of ILO experts.
- 245.** It was to be hoped that the abovementioned the directive for the effective investigation and criminal prosecution of crimes committed against union members and other labour and trade union activists and the training of judicial officials would help in the investigation of all crimes committed against trade unionists and would result in the prosecution and conviction of the instigators and perpetrators. As to protective measures, the Government was due to open the hotline for reporting threats to trade union members and leaders mentioned in paragraph 14. It was to be hoped that the exchanges of views with workers and employers conducted by Parliament would lead to the adoption of the legislative reforms recommended by ILO supervisory bodies to bring legislation into line with Convention No. 87. The Government had requested technical assistance with the mounting of a large-scale awareness-raising campaign on freedom of association, collective bargaining and the training of the social partners. It was crucial that the international community provided financial backing for the activities of the ILO office in Guatemala in order that it might continue to supply the technical assistance which the Government and the social partners needed if they were to attain the goals set in the Memorandum of Understanding and the roadmap.
- 246.** *The Minister of Labour and Social Welfare of Guatemala* said that the signature of the Memorandum of Understanding, the adoption of the roadmap and the support of the ILO had helped his country to embark on a historical political and technical process aimed at securing full respect for fundamental rights. Procedures had been put in place to prosecute crimes against trade unionists, and all of the cases reported were under investigation. Since

2013, 11 verdicts, including eight convictions, had been handed down. Cooperation between the Attorney General's Office and the International Commission against Impunity in Guatemala (CICIG) had led to the identification of ways of investigating and prosecuting crimes more efficiently. The Attorney General's Office was likewise making headway with the prosecution of 625 cases of non-compliance with court decisions to protect workers' and trade unionists' rights. The number of officials in the Attorney General's Office who were investigating crimes against trade unionists had been increased to handle the growing caseload. The Public Prosecutor's Office had requested increased participation of trade union leaders, workers' associations and the victims' families in the investigation of older cases. Coordination between public prosecutors, the courts, the Ministry of the Interior and the Ministry of Labour was helping to solve cases of crimes against trade unionists faster and more efficiently.

- 247.** The Parliamentary Labour Commission had expressed a favourable opinion on the draft reforms of the Labour Code, but they had not yet been passed by Parliament. The Commission had also considered the reforms recommended by the CEACR over the previous 30 years. Three weeks earlier the Commission had held a debate on that subject between representatives of workers and employers and the Government. It was to be hoped that the legislature would adopt standards which took account of the CEACR's recommendations in the very near future.
- 248.** The number of visits by labour inspectors had risen from 8,000 in 2011 to more than 36,000 in 2013 and had covered all economic activities and all departments of Guatemala. The Inspectorate had secured compliance with labour regulations on banana plantations in the south of the country through friendly, but firm action. All labour inspectors would take turns in attending 18 months of higher education at university. In his country, the informal sector accounted for 80 per cent of employment and few people received the minimum wage or were covered by social security. Hence decent work and compliance with labour law was of primary importance. Respect for minimum rights would be conducive to respect for freedom of association.
- 249.** He asked the Governing Body to trust the Guatemalans to make the necessary efforts and to give them more time before appointing a commission of inquiry. More strenuous efforts would be made to carry out impartial investigations of crimes against trade unionists and promptly to convict those guilty of them. Above all, his Government would adopt innovative measures for building the capacity of the social partners and establish labour relations based on respect for the law and the promotion of decent work through social dialogue.
- 250.** *The Employer coordinator* commended the progress made and welcomed the establishment of a tripartite dispute settlement committee to deal with issues before the ILO concerning alleged violations of freedom of association. The Government clearly had the political will to make further advances. The Employers therefore supported the draft decision.
- 251.** *The Worker Vice-Chairperson* said that no substantial progress had been made towards fulfilling the commitments outlined in the roadmap. Government action had been superficial and did not provide an adequate legal and institutional framework to protect individual and collective labour rights. Nobody had been incarcerated for murdering a trade unionist and assassinations of trade union leaders had continued while limited developments in collective bargaining could be noted. The hotline for complaints regarding crimes against union members was not yet in operation. The Government had ignored repeated requests from the ILO and trade unions to empower labour inspectors to impose sanctions. The legislative amendments presented to Parliament in that regard would have a detrimental effect on labour rights. Although a tripartite dispute settlement

committee had been established, trade unionists were still being dismissed and not being reinstated. The only dispute brought before the Committee on conflict resolution proved detrimental to unions: coffee workers although reinstated did not receive their social benefits and a protest motivated by the lack of compliance by the employer was violently repressed by security guards. As stated in the Office report, the Government had failed to resolve three key elements of the roadmap, namely: to investigate and clarify the murders of 58 union officials, or convict the perpetrators, and 16 violent deaths of union members, it had not taken steps to protect threatened trade unionists and it had not adopted the legislative reforms recommended by ILO supervisory bodies. The Government's inability to enforce its own laws had forced the Government of the United States to initiate an arbitration panel under the CAFTA-DR trade agreement. The Workers' group expected significant progress by the next meeting of the Governing Body when the possible establishment of a Commission of Inquiry would be discussed. The Group supported the draft decision and appreciated the Office's work in Guatemala, as it offered the best hope for lasting results.

- 252.** *Speaking on behalf of GRULAC*, a Government representative of Cuba called on all sectors in Guatemala to join together to implement measures which had been agreed on a tripartite basis and to participate in the social dialogue. He asked the ILO to continue to provide Guatemala with assistance and to strengthen the Office of the Special Representative of the Director-General. He agreed that it was first necessary to lay the institutional foundations for carrying out the roadmap and fully applying Convention No. 87. He supported the draft decision.
- 253.** *A Government representative of the United States* said that, despite the signing of the Memorandum of Understanding and the adoption of the roadmap, the Labour Code had not been brought into line with the recommendations of the ILO supervisory bodies. Furthermore, there was no evidence that breaches of labour law were being remedied within the prescribed time frames; the Labour Inspectorate was still under-resourced; there was a lack of compliance with orders of the labour courts and a failure to prosecute non-compliance; there was no evidence of the prevention of irregular workplace closures and remuneration of workers in such cases; the national campaign to raise awareness of freedom of association had not been launched; and labour violence was still a major problem. He commended the work done by the ILO in Guatemala and applauded the new programmes outlined at the current meeting. He urged the ILO to closely monitor the implementation of the Memorandum of Understanding and the roadmap. His Government would support the establishment of a commission of inquiry, as progress had been insufficient, but could accept the draft decision.
- 254.** *A Government representative of the Dominican Republic* congratulated the Government of Guatemala on its efforts to rectify its labour system. The roadmap would undoubtedly bear fruit in the near future. He therefore asked the ILO to strengthen its technical assistance to the country. The Government of Guatemala clearly intended to use social dialogue and the implementation of standards to resolve disputes between the tripartite constituents with a view to the application of Convention No. 87. He supported the draft decision.
- 255.** *A Government representative of Cuba* praised the efforts undertaken by the Guatemalan Ministry of Labour and Social Welfare to comply with the decisions of the Governing Body and to find a lasting solution to the complaint before the ILO. He supported the draft decision.

Decision

- 256.** *Taking into account the information contained in the report of the mission to the Republic of Guatemala (GB.322/INS/8), and on the recommendations of its Officers, the Governing Body:*
- (a) *deferred until its 323rd Session (March 2015) the decision on the appointment of a commission of inquiry;*
 - (b) *requested the Office to provide the Governing Body, at its 323rd Session (March 2015), with updated information on the progress made, including information provided by the Government and the employers' and workers' organizations in Guatemala, in particular on the follow-up given to the elements of the roadmap;*
 - (c) *included this item on the agenda of its 323rd Session (March 2015) in order to decide whether other measures need to be adopted in relation to this complaint; and*
 - (d) *invited the international community to facilitate the necessary resources to enable the ILO Country Office in Guatemala to continue to support the tripartite constituents in the implementation of the Memorandum of Understanding and the roadmap.*

(GB.322/INS/8/Add.), paragraph 1.)

Ninth item on the agenda

Complaint concerning non-observance by Fiji of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), made by delegates to the 102nd Session (2013) of the International Labour Conference under article 26 of the ILO Constitution
 (GB.322/INS/9/1 and GB.322/INS/9/2)

- 257.** *The Minister of Employment, Productivity and Industrial Relations of Fiji informed representatives that under the Constitution promulgated in September the previous year, Fiji had recently held its first truly democratic general elections, with a turnout of almost 85 per cent and very few invalid votes. A multinational observer group had declared the elections as credible and reflective of the will of the Fijian people. His Government was also pleased to announce that, in compliance with the Governing Body's request of March 2014, Fiji had accepted the visit of the ILO direct contacts mission from 6 to 11 October 2014. The mission had been able to meet several representatives of trade unions, employers and the Government, although not a number of key bargaining units formed under the auspices of the Essential National Industries Decree (ENID). Fiji took the mission's recommendations, as well as those of the country's tripartite Employment Relations Advisory Board, very seriously and would set up a process to consider them in detail and forward matters to Parliament. It would also review existing labour laws to ensure compatibility with the Constitution and the country's economic well-being, inviting the ILO to be part of the review process.*

- 258.** While his delegation respected the ILO's decision to defer appointing a Commission of Inquiry until the next Session of the Governing Body, the Organization's focus should no longer be on the appointment of the Commission, firstly because his Government did not wish to be rushed into implementing unwise measures that could undermine economic growth, and secondly because Fiji had recently welcomed the direct contacts mission and introduced a constitutional and a rights-based legal framework. His Government had been unable to sign the Memorandum of Understanding presented to it towards the end of the mission because it had needed time to perform legal checks. The Fijian Government had, however, prepared its own proposed memorandum of understanding, which it believed more accurately reflected the intention of all the tripartite partners, and which would be made available to the tripartite partners for consideration. His delegation requested the ILO to continue its contribution to capacity building through the provision of training and technical assistance in relation to knowledge of international labour standards, also including the elaboration of a Decent Work Country Programme for Fiji for the period 2015–17.
- 259.** *The Employer coordinator* indicated that his group supported the draft decision.
- 260.** *The Worker Vice-Chairperson* said that his group was pleased that the ILO direct contacts mission had been able to take place, over two years after it had been ejected from the country. The mission had verified the charges that had been levelled against the Government of Fiji, which had consistently ignored the recommendations of the ILO supervisory system and had moreover weakened the legal provisions on freedom of association ignoring two tripartite resolutions and many interventions of the Office. The Government had been aware of the Memorandum of Understanding signed by the Workers and Employers and it could not have come as a surprise, as suggested by the Minister. His group was particularly concerned at the unfounded charges which remained pending against the President of the Fiji Trades Union Congress (FTUC), despite the recommendations by the Committee of Experts on the Application of Conventions and Recommendations to drop them. Far from taking measures to bring the ENID into conformity, the Government had actually expanded its reach, preventing trade unions from functioning and creating a severe imbalance of power in the bargaining process and a fear of reprisals. Under the Employment Relations (Amendment) Decree (No. 21, 2011), workers in the public sector had been excluded from rights and protection. Although the Public Service (Amendment) Decree (No. 36, 2011) had restored some of those rights, it continued to have little impact, as workers' ability to appeal for the protection of their rights remained hindered. Articles 19 and 20 of Fiji's Constitution included broad exceptions that could be used to limit fundamental labour rights, and restrictions on the freedom of expression had also been incorporated. In conclusion, it was clear that the regime continued to view trade unions and the international community with contempt. The article 26 complaint continued to be valid, and his group urged the Governing Body to continue monitoring the situation. If there was no evidence of progress by March 2015, the Workers' group would call for the establishment of a Commission of Inquiry.
- 261.** *Speaking on behalf of ASPAG*, a Government representative of China said that his Government understood that Fiji had to follow the necessary parliamentary procedures with regard to the recommendations made by the direct contacts mission. The ILO should focus on the follow-up to the mission and provide the necessary technical assistance.
- 262.** *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the following countries also aligned themselves with the statement: the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania and the Republic of Moldova. The EU and its Member States called on the Government of Fiji to respect its commitments, urging it to ensure that freedom of expression and assembly were respected. It was important to address the shortcomings highlighted in the mission report, and the

Government of Fiji should take its conclusions into account and bring its labour laws into conformity with international labour standards. It should cooperate further with the Office, including in the elaboration of a comprehensive training and capacity-building programme, and should achieve tripartite consensus on the Memorandum of Understanding. Lastly, the Government should ensure that the upcoming trade union elections were held in full freedom. The EU and its Member States supported the draft decision.

- 263.** A *Government representative of the United States* said that his Government supported the draft decision. He hoped to see concrete and tangible progress on the outstanding recommendations next March and strongly urged the Government of Fiji to sign and give immediate effect to the tripartite Memorandum of Understanding on the future of labour relations in that country consistent with the text elaborated during the mission.
- 264.** A *Government representative of India* said that his Government considered that the ENID did not abolish existing trade unions in Fiji and that the Government's cooperation with the direct contacts mission had led to constructive tripartite dialogue. In that light, his Government urged the ILO to consider dropping the complaint against the Government of Fiji, while undertaking follow-up work to ensure implementation of the direct contacts mission's recommendations. It also encouraged the Government of Fiji to engage with the ILO on developing a comprehensive training and capacity-building programme for its various agencies, trade unions and employers' organizations.
- 265.** A *Government representative of Japan* said that his Government considered that, by accepting the direct contacts mission, the Government of Fiji had sent a positive message to the international community regarding its democratization process. It hoped that Fiji would continue its efforts to resolve pending issues. While discussions in the Governing Body should continue, his Government considered that the decision to establish a Commission of Inquiry should be postponed.
- 266.** A *Government representative of Australia* said that the Government of New Zealand also aligned itself with the statement. The findings of the direct contacts mission indicated a genuine desire among the parties in Fiji to move forward on the basis of mutual respect. The Government should continue to engage closely with the social partners and work to align Fiji's labour legislation with international labour standards. The conclusion of the proposed Memorandum of Understanding would mark a commitment by all parties to that end. Her Government encouraged Fiji to work with the ILO to develop a comprehensive training and capacity-building programme.
- 267.** A *Government representative of China* said that his Government welcomed the promulgation of a new Constitution in Fiji and the review of other laws and regulations in order to protect workers' and employers' rights. It encouraged the social partners to resolve all disputes through dialogue and cooperation. The ILO should continue to provide Fiji with technical cooperation, and the Government should cooperate with the ILO and implement the recommendations of the direct contacts mission. His Government considered that the complaint should not be included on the agenda of future sessions of the Governing Body.
- 268.** A *Government representative of Cuba* said that his Government took note of the actions taken by the Government of Fiji to comply with the recommendations of the Governing Body and called on the Office to continue providing assistance and technical cooperation in that regard.

Decision

- 269.** *Taking into account the information contained in the report of the direct contacts mission to Fiji (GB.322/INS/9/2), as well as that contained in document GB.322/INS/9/1, and on the recommendation of its Officers, the Governing Body deferred until its 323rd Session (March 2015) the decision on the appointment of a Commission of Inquiry and invited the Government to provide follow-up information on the complaint.*

(GB.322/INS/9/1, paragraph 3.)

Tenth item on the agenda**Reports of the Committee on Freedom of Association****373rd Report
(GB.322/INS/10)**

- 270.** *The Chairperson of the Committee on Freedom of Association thanked members for the positive and constructive spirit which had guided the Committee debates since the start of its new term two weeks earlier. 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 and 2655 (Cambodia), 3057 (Canada), 3053 (Chile), 2786 (Dominican Republic), 3054 (El Salvador), 2203 and 3040 (Guatemala), 2794 (Kiribati) and 2902 (Pakistan). Those governments should transmit their observations as a matter of urgency. The Committee had also examined Cases Nos 3014 (Cameroon), 2978 and 3035 (Guatemala) and 2949 (Swaziland) without having received a response from the Government.*
- 271.** The Committee had examined seven 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 Case No. 2547 (United States) concerning the collective bargaining rights of graduate teaching assistants. The Committee had welcomed progress in two cases concerning Mauritius: in Case No. 2616, the passports of complainants had been returned and the amendment of the Public Gathering Act was under consideration; in Case No. 2969, an agreement had been reached between the trade unions and the employer for trade union meetings and time off facilities. While there were still outstanding issues in Cases Nos 2478 and 2694 (Mexico), the Committee had noted with interest the dialogue with the miners' trade union and the measures adopted to expedite labour proceedings before the federal conciliation and arbitration board and meetings with national and international trade union organizations.
- 272.** He drew the Governing Body's attention to three serious and urgent cases: with regard to Case No. 2445 (Guatemala), concerning allegations of murder of a trade union leader, the Committee had urged the Government to send observations on several of the grave pending allegations. While welcoming information that investigators and support staff had been engaged to expedite investigations and that the Office of the Public Prosecutor was cooperating with the International Commission against Impunity in Guatemala, the Committee had regretted that government efforts and commitments had not yet been translated into tangible results by identifying instigators and perpetrators of the crimes and

ensuring that the guilty parties were brought to justice. It had urged the Government to provide information on the results achieved in that regard through its commitments under the Memorandum of Understanding signed in March 2013 with the Workers' group.

- 273.** Case No. 2978 (Guatemala) also concerned serious allegations of death threats and attempted murders against a trade union of workers of the municipality of Pajapita. In the absence of any reply on steps taken by the Government, the Committee had been obliged to repeat its previous recommendations, particularly regarding the holding of an independent judicial inquiry, safety guarantees for persons under threat and the restoration of a climate of trust.
- 274.** In Case No. 2949 (Swaziland), the Committee drew attention to the extreme seriousness of the issues affecting the trade union movement as a whole in the country and even all workers' and employers' federations in the country. The Committee had expected the immediate adoption of an amendment to the Industrial Relations Act that would enable federations to be registered without further delay and in the meantime had urged the Government to allow them to operate so as to preserve their continuity. In particular, it had urged the Government to ensure that the complainant, the Trade Union Congress of Swaziland (TUCOSWA), was able to fully exercise its trade union rights, including the right to engage in protest action and peaceful demonstration in defence of its members' occupational interests. The Committee had further urged the Government of Swaziland to take immediate steps for the unconditional release of Mr Maseko, the union lawyer who was challenging the constitutionality of the refusal to register TUCOSWA, and to provide compensation for the damages he had suffered.
- 275.** *The Employer coordinator* said that his group fully agreed with the contents of the report and appreciated the spirit of cooperation to find practical solutions in a tripartite format. He encouraged the Governing Body to review the Employers' report and the references in cases to the *Digest of decisions and principles*; emphasized the importance of governments taking on board paragraph 54 of the report and keeping the Committee informed of latest developments; and thanked those governments which had provided information by way of follow-up.
- 276.** His group welcomed the proposal in the revised draft decision relating to the agenda item on the standards initiative (GB.322/INS/5/Add.2), paragraph 5), as it could improve understanding of the relationship between the mandates of the Committee on Freedom of Association and the Committee of Experts on the Application of Conventions and Recommendations. A meeting to consider the working methods of the Committee on Freedom of Association had been arranged for March 2015, and he looked forward to the fresh perspectives to promote coherence and consistency with other facets of the ILO supervisory system. Lastly, he wished Ms Fox, the Worker spokesperson, well in the role that she was due to take up.
- 277.** *The Worker spokesperson* welcomed new members of the Committee who had joined since the election at the previous Session of the Governing Body. The meeting of the Committee held on 30–31 October 2014 had served as an opportunity to review and discuss the Committee's mandate and working methods. Key features included the fact that members were appointed by the three constituent groups but served in their individual capacities; the confidential nature of the Committee's deliberations, which ensured the integrity of the Committee's conclusions and recommendations; and the Committee's adherence to principles regarding freedom of association and the right to collective bargaining that were reflected in the *Digest of decisions and principles*.

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- 278.** In the view of her group, some of the most significant cases under consideration were: the cases in Guatemala; Case No. 2949 (Swaziland) as an illustration of the principles of freedom of association, since it involved the deregistration of both the trade union federation and the employers' federation in that country; and Case No. 3021 (Turkey) regarding representativeness requirements that made it difficult for trade unions to register and therefore engage in collective bargaining.
- 279.** A *Government representative of Guatemala*, referring to the five cases involving her country, said that her delegation had now provided a significant amount of information, which she hoped the Committee would take into account at its next meeting.
- 280.** Speaking on behalf of GRULAC, a Government representative of Cuba drew the Committee's attention to imbalances in the treatment of cases: 91 of the 154 cases brought before the Committee and 16 of the 21 cases examined on their merits were from Latin America and the Caribbean. In the interests of transparency and objectivity, he requested the Committee to establish clear criteria regarding its activities. He also suggested that when drawing up its recommendations, the Committee should not stray from its mandated topics of freedom of association, the right to organize and collective bargaining.

Decision

- 281.** *The Governing Body took note of the introduction to the report of the Committee, contained in paragraphs 1–57, and adopted the recommendations made in paragraphs: 78 (Case No. 3002: Plurinational State of Bolivia); 108 (Case No. 3041: Cameroon); 142 (Case No. 3000: Chile); 194 (Case No. 3005: Chile); 209 (Case No. 2995: Colombia); 229 (Case No. 3020: Colombia); 265 (Case No. 3039: Denmark); 282 (Case No. 2893: El Salvador); 293 (Case No. 2957: El Salvador); 309 (Case No. 3012: El Salvador); 323 (Case No. 2445: Guatemala); 334 (Case No. 2708: (Guatemala); 359 (Case No. 2948: Guatemala); 368 (Case No. 2978: Guatemala); 381 (Case No. 3035: Guatemala); 406 (Case No. 3014: Montenegro); 426 (Case No. 3048: Panama); 470 (Case No. 2949: Swaziland); 530 (Case No. 3021: Turkey); 546 (Case No. 2968: Bolivarian Republic of Venezuela); 562 (Case No. 3036: Bolivarian Republic of Venezuela); and approved in full the 373rd Report of the Committee on Freedom of Association.*

(GB.322/INS/10.)

Eleventh item on the agenda

Reports of the Board of the International Training Centre of the ILO, Turin

(a) Report of the 76th Session of the Board

(Geneva, 28 May 2014)

(GB.322/INS/11/1)

(b) Report of the 77th Session

of the Board of the Centre

(Turin, 30–31 October 2014)

(GB.322/INS/11/2)

282. *The Employer Vice-Chairperson of the Board* said that the Centre had performed very well in 2013–14. The Centre’s strategic plan for 2012–15 was very transparent and enabled performance to be properly monitored. The Employers’ Activities Programme, delivered in close collaboration with ACT/EMP at headquarters, the field, the IOE and national employers’ organizations, took a needs-oriented approach and had been very successful. Its funding had been increased, and it had achieved large numbers of participants and high satisfaction rates. However, the Centre’s overhead costs remained an area of concern, and it was still far from the targets set out in the strategic plan. Greater management involvement with overhead costs, including proper benchmarking, should be a priority. There had been a significant influx of ILO funds and the productivity of the training departments had increased by 20 per cent in the past two years, but had reached its limits. Hence more financial and human resources were needed. Some project-based staff had been working on temporary contracts for a number of years, which was problematic both in terms of working conditions and work planning. The management had been urged to find appropriate solutions, while maintaining the flexibility it would require for new projects and resource mobilization opportunities. Any further increase in temporary staff would be detrimental. Aside from resource mobilization, the Centre’s primary concern should be the relevance and quality of its training programmes.

283. *The Worker spokesperson* said that the Board had discussed the relationship between the Centre and the ILO in the area of learning and capacity building of ILO constituents and staff. Given fruitful cooperation with the ILO, the framework adopted by the Board at its most recent meeting would be implemented in the coming months. She requested the Office to include the Centre in its plans for staff mobility, in line with ILO policy. The Centre’s role in capacity building of ILO constituents on the ILO outcomes should continue to be its main focus, and should guide its resource mobilization strategy. The flagship programmes within the technical cooperation strategy, adopted by the Governing Body at its current session, offered a good opportunity to develop specific capacity-building programmes. More should be done to ensure tripartite participation in the Centre’s training activities and, in developing those activities, more emphasis should be placed on international labour standards. She was concerned that the resource mobilization strategy had not attracted enough resources for capacity-building activities with workers’ organizations, but welcomed the special allocations for 2014 and 2015 to increase the resources for the Workers’ Activities Programme through the allocation of the surplus, in accordance with the management’s decision set out in the report. She also expressed concern about reductions in the number of staff alongside increases in the Centre’s activities. Lastly, she welcomed the decision to hold a meeting of the Officers of the Board to address the concerns raised at the Board meeting.

284. *The Government Vice-Chairperson of the Board* said that during the Board meeting, his group had worked in a spirit of constructive dialogue with the Workers and the Employers. The Training Centre was doing excellent work, and offered potential for strengthened cooperation with the ILO. He expressed full support for its plans for 2015 and 2016–17, and for the proposed framework for a learning partnership with the ILO. It was crucial for the Centre to be involved in the main planning and programming processes of the ILO. He hoped for enhanced coordination of the resource mobilization efforts, which were essential for the smooth functioning of the Centre. He thanked the Director of the Centre for piloting the use of tablets at the recent Board meeting, so facilitating access to documents and supporting the green sustainability practices within the Centre. He fully endorsed the reports of the Board.

Decision

285. *The Governing Body took note of the reports of the 76th and 77th Sessions of the Board of the International Training Centre of the ILO, Turin (GB.322/INS/11/1 and GB.322/INS/11/2). It further noted, without comment, the amendments to the Centre's Financial Regulations as proposed in the document CC 77/6/2 (Amendments to the Financial Regulations and Financial Rules) and approved by the Board.*

(GB.322/INS/11/2, paragraph 125.)

Twelfth item on the agenda

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

Oral report of the Chairperson of the Working Party (GB.322/INS/12)

286. *Speaking on behalf of the group of industrialized market economy countries (IMEC), a Government representative of Norway supported the draft decision in paragraph 13 of the report, subject to written corrections to be submitted by her group to paragraphs 3.2, 4.1 and 8 of the report.*

Decision

287. The Governing Body:

(a) requested the Office:

(i) to convene, before March 2015, tripartite consultations on the issues listed in document GB.322/WP/GBC/1(Add.);

- (ii) to finalize for March 2015 a plan of work for the 104th Session of the Conference (June 2015), which would take into account the reforms agreed by the Working Party;⁴
- (b) endorsed the following schedule for the future work of the Working Party:
 - (i) from November 2015, review the experience of the two-week session of the 2015 Conference and determine the format of the June 2016 session;
 - (ii) in March 2016, discuss proposed amendments to the International Labour Conference Standing Orders to be submitted to a Standing Orders Committee of the Conference in June 2016 and commence the review of the role, purpose and functioning of the Regional Meetings in order to establish a time frame for a possible reform.

(GB.322/INS/12, paragraph 13.)

Statement of the Officers of the Governing Body

- 288.** *The Clerk of the Governing Body* delivered the following statement on behalf of the Officers of the Governing Body:

As the Ebola virus disease outbreak continues to evolve and claim lives, we, as Officers of the Governing Body of the International Labour Office, wish to express our condolences to the families of the victims of the Ebola outbreak, the peoples whose livelihoods have been affected and express our admiration for those working to care for victims and contain the disease in West Africa including national health and humanitarian relief workers, educators and those providing burial services, as well as international health and humanitarian relief workers.

We express our deep concern regarding the far-reaching socio-economic effects of the Ebola virus disease (EVD) outbreak and the ensuing effects on the World of Work.

The ILO is spearheading, in cooperation with the World Health Organization (WHO) and a number of other organizations, a major information and guidance initiative on occupational safety and health aimed at supporting constituents' efforts to protect men and women from EVD infection through response and preparedness at the workplace.

The ILO is also engaging in the efforts of the UN System EVD coordination mechanism and is responding to all requests from the UN Mission for Ebola Emergency Response (UNMEER). It stands ready to provide support in the affected locations in close cooperation with ILO tripartite constituents, as their populations strive to recover from the effects of the outbreak.

- 289.** *The Employer coordinator* said that the Employers' group endorsed the statement and called upon the ILO to help alleviate the suffering of the victims of the Ebola outbreak and to raise the awareness of the WHO of the adverse effects of the Ebola outbreak on workers and enterprises.

⁴ See GB.322/WP/GBC/1 and GB.322/WP/GBC/1(Add.).

- 290.** A *Worker spokesperson* expressed appreciation for the ILO's solidarity with the populations, and particularly the workers, who had fallen victim to the Ebola epidemic. He welcomed the information and guidance initiative on occupational safety and health being undertaken by the ILO in cooperation with the WHO to protect workers against Ebola infection in the workplace. The Workers' group endorsed the statement.
- 291.** *Speaking on behalf of the Mano River Union,*⁵ a Government representative of Guinea thanked the Officers of the Governing Body for their statement expressing solidarity with the three countries affected by the Ebola epidemic. The statement was in line with the recommendations contained in UN Security Council resolution 2177 (2014) on the response to the Ebola epidemic. He looked forward to concrete action on the ground, with the participation of the tripartite constituents, to support those countries in their efforts to assist victims and to contain and eradicate the Ebola virus. The governments of the affected countries would continue to cooperate with the ILO to that end.

Outcome

- 292.** *The Governing Body adopted the statement of its Officers on the Ebola virus disease.*
- 293.** Before continuing to the next item on the agenda, *the Chairperson* gave the floor to the Employer coordinator.
- 294.** *The Employer coordinator* said that he had been quoted in an article about the ILO in a Dutch newspaper, which had implied that the Employers' group did not support the goals and work of the ILO. He wished to make it clear that he had been misquoted, as that was not, and never had been, the case. He reaffirmed his group's commitment to the mission and objectives of the Organization and, in particular, its support for the Director-General.

Thirteenth item on the agenda

Report of the Director-General (GB.322/INS/13)

- 295.** *The Worker Vice-Chairperson* welcomed the numerous ratifications of some very important ILO Conventions and thanked the relevant governments for their action.
- 296.** *Speaking on behalf of the Africa group*, a Government representative of Kenya noted the high level of ratification of the Maritime Labour Convention, 2006 (MLC, 2006). He urged all the countries that had ratified Conventions to incorporate the standards which they contained into their domestic legislation and to abide by them. It was disappointing that there had been no further ratifications of the 1986 instrument for the amendment of the ILO Constitution, since that amendment would enhance equity and inclusiveness in the Organization. Ratification of that instrument should therefore remain on the ILO agenda until such time as the threshold for its entry into force had been achieved. It would be wise to introduce more regional diversity, equity and inclusiveness in the appointment and promotion of ILO staff, especially as the current reform process rested on the principles of transparency, accountability and inclusiveness.

⁵ Côte d'Ivoire, Guinea, Liberia and Sierra Leone.

Outcome

297. *The Governing Body took note of the information presented in the report.*

(GB.322/INS/13.)

**First Supplementary Report:
Update on the internal reform**
(GB.322/INS/13/1)

- 298.** *The Worker Vice-Chairperson* asked whether it would be technically possible for the redesigned ILO website to provide information in languages additional to English, French and Spanish.
- 299.** *Speaking on behalf of the Africa group*, a Government representative of Sudan said that priority should be given to improving strategies and programmes on heightening the effectiveness of ILO operations in the field. He asked the Office to assess the results of the reform and to provide the Governing Body with regular progress reports. More attention should be paid to improving cooperation with UN country teams. Cooperation between the ILO and regional and subregional organizations should likewise be strengthened. Budgetary allocations should be better distributed. He wished to know the time frames for carrying out the various elements of the reform and welcomed the efforts that had been made to make the ILO website more user-friendly.
- 300.** *Speaking on behalf of ASPAG*, a Government representative of China wished to know what challenges had been encountered in the four main areas of the reform process and encouraged the Office to increase the presence of Decent Work Teams in his region. He requested details and an estimate of the costs associated with the reform of field operations. By increasing the number of languages used on its website portal, the ILO could reach out to a wider audience. He encouraged the Office to make use of technology in order to achieve lower costs, improve responsiveness and provide more efficient services.
- 301.** *Speaking on behalf of IMEC*, a Government representative of the United Kingdom said that a more complete presentation of the implementation of the reform and its implications for the Office's development cooperation strategy would be welcome at future Governing Body sessions. It would be interesting to hear more about the outcomes and benefits generated by the steps to deliver quality services to constituents that were outlined in the document. She called on the Office to increase the mobility of staff between headquarters and the regions. As the upskilling of managers was one of the biggest challenges within international organizations, the investment in capacity building and developing staff skills was commendable. Information should be provided on the specific action being taken to strengthen the ILO's cooperation in the context of the One UN initiative. What exactly would be done, how, when, and by whom, to implement the proposed reforms in the four main areas by the end of 2015? External communications could be improved further to raise the ILO's profile as a key global actor. There was also significant scope for streamlining administrative processes in order to enhance services to constituents. As the reform process must remain results-focused, IMEC would welcome regular updates on key aspects of the internal reform at future Governing Body sessions.
- 302.** A Government representative of Japan expressed full support for the proposed reform plan. His Government would welcome more information on the reform's impact on the budget for the 2016–17 biennium. It would be advisable for the Office to consider differing

regional circumstances and resource distribution when making more detailed plans for field reforms. He welcomed the proposal to give the Deputy Director-General for Field Operations and Partnerships the responsibility for overseeing the implementation of the reforms within the agreed deadlines. Lastly, he urged the Office to devise rational, measurable indicators to evaluate progress with the reform.

- 303.** A *Government representative of India* said that, in order to prioritize resource allocation, particularly that of technical experts familiar with local issues, field offices must work in close coordination with national constituents. Work in the field reform had to be predicated on international labour standards and the Decent Work Agenda. Decent Work Teams should play an active role in disseminating information to national constituents about the activities of the ILO's expert committees and sectoral programmes. Field staff had to be allocated more equitably between regions.
- 304.** A *Government representative of China* hoped that regional reforms would enable the regions to play a more important role at the ILO. Increased staff mobility between headquarters and regional offices would make it possible for the Organization to provide higher quality services to its constituents.
- 305.** A *representative of the Director-General* (Deputy Director-General for Management and Reform) said that the costs associated with the reform process were being absorbed within the existing budget. The 2016–17 budget would reflect a shift in resources from administrative and support activities to direct technical service delivery and from Geneva to the field. While the websites of regional offices already offered documents in a variety of languages, consideration was being given to increasing the number of languages in which ILO documents were made available on the central portal. The website was being improved, albeit progressively, given that redesigning the website entailed significant costs.
- 306.** The new strategy on external communication rested on the three pillars of enhancing the profile, the influence and the engagement of the ILO through a wide variety of communication mechanisms. Indicators would be devised for measuring progress in that sphere and the impact of reforms, in general. The ILO would seek external assistance to review some of its business processes in detail in order to identify the best and most effective modern practices.
- 307.** A *representative of the Director-General* (Deputy Director-General for Field Operations and Partnerships) said that the Office had taken note of the guidance and comments provided by the members of the Governing Body. It had also taken note of their requests for additional information on matters such as the indicators for measuring the progress made in implementing the reform and on the action taken to strengthen ILO cooperation in the One UN initiative. The Senior Management Team remained committed to meeting the deadlines set for the implementation of the reform.

Outcome

- 308.** *The Governing Body took note of the information presented in the report and invited the Office to take into account the views expressed during its discussion on the progress made in respect of the implementation of the internal reform agenda.*

(GB.322/INS/13/1.)

Second Supplementary Report: Follow-up to the centenary initiatives (GB.322/INS/13/2)

- 309.** *The Director-General* said that the governance, standards, enterprises and end to poverty initiatives were embedded in the ILO's ongoing work, had already been discussed by the Governing Body and did not require further consideration at the current time. A separate discussion on the post-2015 development agenda would be held at a later date. The guidance of the Governing Body was sought, however, on the implementation of the green, women at work and future of work initiatives. The green and women at work initiatives were presented as cross-cutting issues in the Programme and Budget proposals for 2016–17 and the document provided more detailed information on the strategic action plans to implement them. In particular, an innovative approach was needed with regard to the women at work initiative. The future of work initiative was particularly ambitious and had drawn interest from the tripartite constituents and other parties. It was important for all stakeholders to reflect on how the ambitions contained in it could be achieved. Paragraph 24 provided an overview of the proposed organizational framework for implementing the initiative. It was important to identify the broad thematic areas that would guide the work. Once those areas had been identified, academic institutions, civil society organizations, enterprises and think tanks should all be given the opportunity to contribute to the first phase of the initiative. A high-level advisory panel could then be set up to consider those contributions and to prepare a report on the initiative, which could be submitted to the 2019 session of the ILC. A large part of the 2019 ILC agenda could be devoted to the future of work initiative with a view to adopting a centenary declaration on that subject.
- 310.** *The Employer coordinator* said that the governance, standards and enterprises initiatives were aimed at ensuring the proper functioning of the ILO rather than celebrating its centenary. The ILO's capacity to address the challenges associated with a world of work that was radically changing would remain limited if the future of work was not designated as a future priority. His group therefore supported the future of work initiative. The initiative was indeed ambitious and would require considerable academic input and an appropriate organizational framework over the next five years. The Office had made little progress in that respect. It should be made clear that any ILO policy decisions were to be taken by the tripartite constituents and not by groups such as those mentioned in paragraph 23. The tripartite constituents should draw on the work of universities and research institutions around the world on trends shaping the world of work. His group hoped to be presented with proposals for the broad thematic areas that would guide the research to be conducted on the future of work in March 2015. It would be better for the centenary declaration on the future of work to be drafted and negotiated by the tripartite constituents rather than by a high-level advisory panel. The work carried out by ACT/EMP on women at work should be reflected in the women at work initiative. He inquired as to why the green initiative had been included as a centenary initiative and as to its main objective. The focus of the ILO's efforts to combat poverty was reflected in several of the ACIs. It was not possible to end poverty without creating a proper environment for business development and promoting private investment. His group did not understand why sustainable enterprise development had not been included as part of the added value of the initiative. Taking note of the information contained in paragraph 6 on the enterprises initiative, he recalled that ACT/EMP was the entry point for private sector companies wishing to contact the ILO.
- 311.** *The Worker Vice-Chairperson* said that there was a need to develop a coherent strategy for mainstreaming the centenary initiatives into the Office's work. His group would welcome additional information on the centenary initiatives that were cross-cutting considerations in the programme and budget proposals. The evaluation of the impact of the ILO Declaration

on Social Justice for a Fair Globalization remained an important milestone in the implementation of the governance initiative. His group supported the reform of the Regional Meetings but believed that the process should begin in 2016 once the reform of the ILC was complete. The Office should step up its efforts to promote the ratification, implementation and use of international labour standards, and the 1997 constitutional amendment. His group looked forward to receiving the detailed progress report on the enterprises initiative in March 2016. His group supported the end to poverty initiative and the Office's efforts to include full and productive employment and decent work as a stand-alone goal in the post-2015 development agenda. ILO strategies to end poverty and to address inequalities should take into account the role of adequate wages, including adequate minimum living wages and collective bargaining in ensuring that workers received a fair share of the wealth they generate. His group supported the call in paragraph 9 to ensure the coordination of efforts to combat poverty in a coherent strategy with clearly defined, concrete goals. He asked what that coordination would entail. His group supported the green initiative and the components of the strategic action plan set out in paragraph 15. The ILO should assist countries in promoting the application of a just transition framework recognizing the value of international labour standards and involving social partners. Resources had also to be allocated for the capacity building of constituents. His group welcomed the focus of the women at work initiative and concurred with the views expressed in paragraph 17 and with the three lines of work set out in paragraph 19. In that regard, it was also important to focus on structural change in the division of labour between women and men. His group also supported the future of work initiative and endorsed the objective set out in paragraph 20. His group agreed with the components of the organizational framework outlined in paragraph 24. The ambitious nature of the initiative would require the Office to draw upon the expertise of academic and research institutions, as well as internal expertise. The adoption of a centenary declaration would be the natural outcome in 2019.

- 312.** *Speaking on behalf of the Africa group*, a Government representative of Ghana said that the linkages between the draft transitional strategic plan for 2016–17 and the preview of the Programme and Budget proposals for 2016–17 and the initiatives would ensure coherence and prevent duplication in implementation. The group looked forward to the evaluation of the impact of the 2008 ILO Declaration on Social Justice for a Fair Globalization and to the reform of the Regional Meetings, and welcomed the debate on the Standards Review Mechanism. The group hoped that the current stalemate would soon be broken. The enterprises initiative was particularly relevant to job creation and to putting an end to poverty. The group welcomed the inclusion of decent work and social protection as a stand-alone goal in the post-2015 development agenda and the ILO's continued involvement in the Ouagadougou +10 process. Taking note of the impact of climate change on enterprises, labour markets and women in the world of work, the group endorsed the components of the strategic action plan set out in paragraph 15. The group supported the objective of the women at work initiative set out in paragraph 16, as gender inequality and discrimination in the workplace were prevalent in the African region, and endorsed the lines of work proposed in paragraph 19. The group also took note of the components of the organizational framework proposed in paragraph 24 and looked forward to discussing the future of work initiative at the 2015 session of the ILC. The group endorsed the draft decision.
- 313.** *Speaking on behalf of ASPAG*, a Government representative of China said that his group recognized the increasingly significant global action on climate change, its impact on enterprises and labour markets and the efforts that would be required of the ILO to meet the conditions of the new agreement to be signed in 2015 to supplement the United Nations Framework Convention on Climate Change (UNFCCC). It agreed with the proposed enhanced components of the ILO's strategic action plan set out in paragraph 15.

- 314.** With regard to the women at work initiative, he pointed out that there was already a wealth of literature on the subject and encouraged the Office to go beyond conducting more policy-oriented research by launching a wide range of initiatives such as establishing a major tripartite forum on gender equality at work, honouring women who had served the ILO and its constituents during the past 100 years and providing advocacy support to tripartite constituents in implementing gender equality measures.
- 315.** ASPAG supported making the future of work initiative the centrepiece of events to mark the centenary and developing an organizational framework. Young people must be involved and the composition of the high-level advisory panel should reflect a regional balance. His group welcomed the proposal for the Director-General to devote his Report to the 104th Session (2015) of the ILC to the future of work initiative.
- 316.** *Speaking on behalf of IMEC*, a Government representative of Canada stressed that ILO engagement with a broad range of actors such as civil society and research institutions would provide an opportunity to increase the quality and impact of the ILO's work. Any such engagement should be transparent and allow for the participation of other interested parties. The initiatives must, however, be firmly rooted in the tripartite structure of the ILO, with the involvement of the tripartite constituents in all projects. The proposals regarding the green initiative and the women at work initiative provided a good base for ILO activities. Research and action-oriented activities were needed in both areas. However, IMEC would have liked to see a more ambitious initiative regarding women at work.
- 317.** The policy outcomes and cross-cutting strategies in the ILO's Programme and Budget proposals for 2016–17 should feed into the discussion concerning the future world of work in 2019. The future of work initiative could be based on themes such as the changing character of work, how to adapt worker protection and social security to new forms of work, the importance of the digital economy and the impact of new technology. IMEC expected the Office to consult with tripartite constituents on the details of the future of work initiative. The group supported the draft decision and encouraged greater visibility of the centenary initiatives in the strategic plan.
- 318.** *The Minister of Labour of Italy* said that the centenary initiatives marked a historic moment for the ILO. The Organization continued to be the champion of social justice, with a strong identity, clear strategic direction and measures in place to face social and economic changes. The ILO had to adapt to remain relevant and the initiatives proposed by the Director-General reflected its adaptability. Italy supported the efforts of the Director-General to give new impetus to the Organization and to lead it through its next century. The tripartite spirit that made the Organization unique among the international agencies would provide a firm foundation for the implementation of the measures outlined.
- 319.** A key issue was to ensure that men and women had access to the labour market. The financial and economic crisis had affected all people worldwide and one of the worst repercussions was the loss of jobs for hundreds and thousands of workers, affecting the poorest the most. Furthermore, although the added value of women in the world of work was undeniable, they still did not have the same access to the labour market as men, or equal pay, and tended to be employed in the worst jobs, often in the informal economy.
- 320.** The fight for better-quality jobs required a comprehensive approach, which tackled not only the economy, but also social, environmental and other aspects. How young people were trained at the beginning of their professional careers and how that training was developed throughout their lives should receive special focus.

- 321.** The problems of employment could only be tackled with a holistic approach and called for an integrated macroeconomic policy that included measures based on social objectives. Italy was undergoing a comprehensive reform to provide its citizens, especially young people, with a brighter future. For that reform to succeed, jobs growth was vital. The ILO would play a key role in that regard, which would require a strategic vision on employment.
- 322.** A *Government representative of France* said that his Government supported the centenary initiatives, which would set the course of the Organization's action for many years to come. In particular, the future of work initiative would promote a world which was more inclusive, provided decent work and recognized the right to social protection for all. His Government was committed to contributing constructively to the debate and would be hosting meetings between its Labour Minister, the Office and leading social and economic researchers on the future of work. The conclusions of those events could be used by the Office in the context of discussions within the tripartite framework.
- 323.** A *Government representative of India* said that her Government supported the future of work initiative, and encouraged the Office to build on the lessons learned from national initiatives on enforcement of international labour standards. She endorsed the ILO's strategic action plan regarding the green initiative, but cautioned against green protectionism, and urged the Office to allow countries to define their own sustainable development strategies as per their national priorities and respective stages of development. The centenary initiatives and the transitional strategic plan should focus efforts on issues relating to the rural economy and decent work. India was committed to achieving decent work and inclusive growth, and supported the women at work initiative. Furthermore, growth, job creation and poverty reduction should be linked to efforts to achieve environmental sustainability. India endorsed the draft decision.
- 324.** A *Government representative of Turkey* said that there had been a significant increase in the number of women participating in the labour market, yet significant barriers remained in terms of accessing quality education, equal opportunities and treatment. The Office should assess its existing policies and take action in order to increase women's labour market participation and to remove barriers to equal treatment. Promoting greater participation of women in the labour market and improving the quality of their employment would contribute to stronger and more inclusive growth. The G20 had committed to reducing the gender gap in labour participation rates by 25 per cent by 2025, and Turkey looked forward to cooperating closely with the ILO in that connection during its presidency of the group in 2015.
- 325.** A *Government representative of the Republic of Korea* said that his Government recognized the efforts to reform the Governing Body, the Conference and Regional Meetings to improve the efficiency and effectiveness of the ILO's governance. Concerning the standards initiative, he urged the tripartite constituents to reach a consensus on the Committee on the Application of Standards at that session of the Governing Body. Regarding the women at work initiative, the rapid demographic changes would require increased participation of women in the labour market. His Government supported the initiatives.
- 326.** A *Government representative of Cuba* noted that several of the centenary initiatives were being discussed elsewhere in the Governing Body and would also require subsequent discussions. He welcomed the fact that the draft decision in the document on the standards initiative (GB.322/INS/5/Add.) recognized the need to reconvene the Working Group on the Working Methods of the Conference Committee on the Application of Standards to prepare recommendations for the 323rd Session of the Governing Body, and said that that should be clearly mentioned in the report on the centenary initiatives. He expressed

concern at the use of the term “green initiative” and, referring back to the discussion on the draft transitional strategic plan, reiterated that the “Just transition to a green economy” strategy should be renamed to include “sustainable production and consumption patterns”.

- 327.** A *Government representative of the Islamic Republic of Iran* said that his Government welcomed the aim of the green initiative, as environmental issues would increasingly affect enterprises and labour markets. In order to gain a better understanding of the impact of the green sector on the economy and formulate effective policy measures, it was vital to have reliable statistics on production and employment in that area. The Office should therefore clearly outline the conceptual and measurement framework, taking into consideration the different circumstances of countries, produce guidelines and disseminate the findings of its research. On the women at work initiative, it was important to empower women in order to increase their labour market participation, and the Office should conduct further research to identify how that objective could be achieved. He emphasized the importance of the future of work initiative and concurred that it should be the main focus of events marking the centenary. His Government supported the draft decision.
- 328.** A *Government representative of Brazil* said that his Government welcomed the women at work initiative, and advocated a special emphasis on the care economy. With regard to the end to poverty initiative, the UN post-2015 development agenda and the sustainable development goals offered an opportunity to harmonize ILO action with the international community; the Governing Body would be better placed to decide on how to proceed with the initiative after the 2015 UN General Assembly. Technology transfer, capacity building and funding would be essential to support the achievement of the sustainable development goals. Noting that there was a link between the end to poverty initiative and the green initiative, he underscored the importance of taking into account the conclusions of the 102nd Session of the Conference, in particular the goal of a just transition for all to an environmentally sustainable economy. Employment opportunities could be created by investment in sustainable practices in various sectors, and new vocational training courses should be provided for workers. The scope of the green initiative should be broader than reducing carbon emissions. He agreed that the future of work initiative was an important topic and should be a priority, and welcomed the proposal to make it the subject of the Director-General’s Report to the centennial session of the Conference. Lastly, Brazil proposed the impact of 3D printing on manufacturing as a topic of interest in the context of the future of work initiative.
- 329.** *The Director-General* thanked the Governing Body for their comments and broad support. The Office had taken note of the remarks about the terminology of the green initiative. It would reflect further on how it could characterize the green initiative and the women at work initiative as activities with the same weight as the other initiatives. He agreed that the ongoing work on poverty matters in the multilateral system would help the Office to develop its end to poverty initiative; however, it was not necessary to await decisions at the UN. He welcomed the extensive support for the process outlined for the future of work initiative. The outreach to academia, civil society and others referred to in paragraphs 24 and 25 was a way of gathering knowledge to enrich the initiative, but, as always, it would be the tripartite constituents who would decide on policy. The first step for the Office would be to determine the range of broad thematic issues that would structure the initiative, and it would conduct further consultation with the constituents. Furthermore, a progress report would be submitted to the November 2015 session of the Governing Body.

Decision**330. The Governing Body:**

- (a) *provided guidance to the Director-General with regard to the framework suggested in this report for the implementation of the green initiative and the women at work initiative;*
- (b) *indicated its views on the future of work initiative, in particular as concerns the thematic issues to be taken up by the initiative and which would provide its basic structure; and*
- (c) *would consider the next annual report on progress regarding the centenary initiatives at its 325th Session (November 2015).*

(GB.322/INS/13/2, paragraph 26.)

Third Supplementary Report: Follow-up to the Minamata Convention on Mercury

(GB.322/INS/13/3)

- 331.** *The Worker Vice-Chairperson* said that the Workers' group had taken note of the information contained in the document and endorsed the draft decision contained in paragraph 18. The ILO should continue to promote the ratification and implementation of the Chemicals Convention, 1990 (No. 170), as part of its strategy to protect workers from exposure to mercury.
- 332.** *The Employer coordinator* said that the Employers' group had taken note of the information contained in the document and endorsed the draft decision.
- 333.** *Speaking on behalf of GRULAC*, a Government representative of Cuba said that the Minamata Convention on Mercury was the first global legally binding United Nations instrument to be adopted following the Rio +20 Conference. The Convention represented a landmark in his region's leadership in the global sustainable development agenda. Fifty States needed to ratify the Convention in order for it to enter into force. Nine States had already done so, and many had signed it, including from his region, which demonstrated the region's firm commitment to its ratification and implementation. Article 16 of the Convention was devoted to health aspects and focused on vulnerable and at-risk population groups, which included certain categories of workers and their families. The ILO should assist labour ministries in raising the awareness of workers and employers of the risks associated with exposure to mercury. The ILO should support the work of the Conference of the Parties to the Minamata Convention on Mercury by consulting, collaborating and exchanging information with it on health-related issues or activities, and the interim work of the intergovernmental negotiating committee, until the Convention entered into force. He commended the Office on having started to prepare fact sheets on occupational health and exposure to mercury and on having organized awareness-raising seminars in high-risk sectors of the informal economy. The group would like to receive guidance from the ILO on the health aspects mentioned in Article 16 of the Convention and their bearing on national and sectoral policies, companies, workers and the labour inspection system.
- 334.** *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that an EU mercury strategy had been adopted in 2005 with the aim of reducing mercury emissions, cutting supply and demand, and protecting against mercury exposure.

A comprehensive body of legislation on mercury was in force throughout the EU. However, domestic and regional policies alone were not sufficient to reduce the risk of mercury exposure to an acceptable level on account of its long-range transport properties. The EU had signed, and intended to ratify, the Minamata Convention on Mercury. The process of aligning EU law with the provisions of the Convention was under way. She welcomed the renewal of ILO involvement in international activities relating to mercury. The ILO should continue to participate in activities related to the implementation of the Convention and contribute to coordination within the Inter-Organization Programme for the Sound Management of Chemicals (IOMC). The ILO also had an important role to play in ensuring the sound management of chemicals and waste through the implementation of appropriate long-term, sector-specific policies. The EU therefore welcomed the ILO's involvement in the Strategic Approach to International Chemicals Management. The ILO should bring its specific expertise on chemical safety to bear on actions concerning occupational exposure to mercury. The EU endorsed the draft decision.

- 335.** *A Government representative of Japan* said that the Government had used its experience of Minamata disease to help other countries. The adoption of the Minamata Convention on Mercury was a milestone in protecting human health and the environment. The Government of Japan appreciated the ILO's participation in the Conference of Plenipotentiaries, which had adopted the Convention. Efforts should continue to ensure the rapid entry into force of the Convention and its full implementation. The Convention encouraged States parties to collaborate and exchange information with the ILO on health-related issues or activities. States parties could draw upon ILO expertise to improve occupational safety and health and to establish a national chemical safety system.
- 336.** *Speaking on behalf of the Africa group*, a Government representative of Sudan said that there was a pressing need to address the adverse effects of mercury use through concerted global action. A holistic and multi-sectoral approach to managing the mercury life cycle in an environmentally sound manner would help protect human health and the environment from anthropogenic mercury emissions. There needed to be controls on mercury from the initial mining phase right through to its disposal as waste and final storage. The Convention provided for a compliance mechanism to assess whether States parties needed additional help in fulfilling their obligations. The Convention also provided for financial and technical assistance. The ILO was to be commended on the role that it had played in the negotiations on the Convention and should continue to help coordinate the work of the IOMC. The group endorsed the draft decision.

Decision

337. The Governing Body:

- (a) took note of the adoption of the Minamata Convention on Mercury; and***
- (b) requested the Office to continue collaborating with the interim secretariat of the Minamata Convention and other participating organizations of the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) in the areas under the ILO's mandate, in particular in the protection of worker safety and health from exposure to mercury.***

(GB.322/INS/13/3, paragraph 18.)

Fourth Supplementary Report: Follow-up to Governing Body decisions (GB.322/INS/13/4(Rev.))

- 338.** *The Chairperson* said that the report was necessarily voluminous because the Governing Body decisions requiring follow-up dated back to November 2011. In paragraph 5(b) it was proposed that the current format of the report be re-examined in March 2015, as part of the review of the implementation of the Governing Body reform.
- 339.** *The Employer coordinator and the Worker Vice-Chairperson* endorsed the report.
- 340.** *Speaking on behalf of IMEC*, a Government representative of Canada said that the report provided a useful overview of the Office's efforts to implement the decisions adopted by the Governing Body since November 2011, while highlighting the breadth of action resulting from those decisions. A reassessment of the current format and status of the document might be helpful, because it had grown considerably since 2011. The tabular format was user-friendly, and information was given in the appropriate context by citing the wording of Governing Body decisions. However, the order of the information supplied on items within the different sections appeared to be random. Information on similar items, such as follow-up to the reports and conclusions of regional meetings, should be grouped together. The Office should adopt a consistent approach to reporting on follow-up action, as more information was provided on some items than on others. The detailed information on the follow-up to decisions made in the Policy Development Section could be shortened. A more concise report could be submitted to the Governing Body for consideration earlier. IMEC looked forward to considering the format and content of the document further in March 2015 and endorsed the draft decision.
- 341.** *Speaking on behalf of the Africa group*, a Government representative of Kenya said that the group had taken note of the information provided. The group was in favour of re-examining the current format of the document as part of the review of the implementation of the Governing Body reform to take place in March 2015. The report was an effective monitoring tool, enabling the Governing Body to keep track of the work done and to assess both its own performance and that of the Office, and to see which decisions took longer than others to implement. He suggested that the status of implementation of decisions should be shown through measurable indicators, such as percentages, and that the tabular format should be refined to include an explanation of the issues that had a positive or a negative impact on implementation. An impact assessment of the action taken would also be useful.

Decision

- 342. The Governing Body:**
- (a) requested the Office to prepare, for its 325th Session (November 2015), a Supplementary Report on the follow-up to Governing Body decisions adopted since November 2011; and**
 - (b) decided to re-examine the current form of the Report as part of the review of the implementation of the Governing Body reform to take place at the 323rd Session (March 2015).**

(GB.322/INS/13/4(Rev.), paragraph 5.)

Fifth Supplementary Report: Documents submitted for information only

(GB.322/INS/13/5)

Outcome

- 343.** *The Governing Body took note of the information contained in the documents listed in the appendix to document GB.322/INS/13/5.*

(GB.322/INS/13/5, paragraph 4.)

Sixth Supplementary Report: Committee of Experts on the Application of Conventions and Recommendations: Honorarium

(GB.322/INS/13/6)

- 344.** *The Chairperson said that the honorarium of members of the Committee of Experts on the Application of Conventions and Recommendations had last been revised in 1994. It was accordingly proposed, in paragraph 4 of the report, that the honorarium be increased.*
- 345.** *The Employer coordinator and the Worker Vice-Chairperson expressed their agreement with the proposal.*

Decision

- 346.** *The Governing Body approved the proposed increase of the honorarium paid to each member of the Committee of Experts on the Application of Conventions and Recommendations from CHF4,000 to CHF5,200 per session.*

(GB.322/INS/13/6, paragraph 4.)

Seventh Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by the Netherlands of the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Occupational Safety and Health Convention, 1981 (No. 155), made under article 24 of the ILO Constitution by the Netherlands Trade Union Confederation (FNV), the National Federation of Christian Trade Unions (CNV) and the Trade Union Federation of Professionals (VCP) (formerly the Trade Union Confederation of Middle and Higher Level Employees' Unions (MHP))
(GB.322/INS/13/7)

Decision

347. *The Governing Body:*

- (a) approved the report;***
- (b) invited the Government, in light of the conclusions set out in paragraphs 83, 88, 92, 102, 106, 137, 145, 152, 159 and 166 of document GB.322/INS/13/7 to take such measures without delay as might be necessary to ensure the effective implementation of the provisions of the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Occupational Safety and Health Convention, 1981 (No. 155);***
- (c) entrusted the Committee of Experts on the Application of Conventions and Recommendations with following up on the issues raised in the report in respect of the application of Conventions Nos 81, 129 and 155; and***
- (d) made the report publicly available and closed the procedure initiated by the representation made by the Netherlands Trade Union Confederation (FNV), the National Federation of Christian Trade Unions (CNV) and the Trade Union Federation of Professionals (VCP) (formerly the Trade Union Confederation of Middle and Higher Level Employees' Unions (MHP)) alleging non-observance by the Netherlands of Conventions Nos 81, 129 and 155.***

(GB.322/INS/13/7, paragraph 170.)

Fourteenth item on the agenda

Reports of the Officers of the Governing Body

**First report: Complaint alleging non-observance by
Qatar of the Forced Labour Convention, 1930 (No. 29),
and the Labour Inspection Convention, 1947 (No. 81),
made by delegates to the 103rd Session (2014)
of the International Labour Conference under
article 26 of the ILO Constitution**

(GB.322/INS/14/1)

- 348. *The Worker Vice-Chairperson* recalled that, at the 103rd Session of the ILC, Worker delegates from every region, including several from the Middle East, had filed a complaint against Qatar alleging serious violations of Conventions Nos 29 and 81. Once verified, the allegations contained in the complaint would support the finding that Qatar had violated the two Conventions. As the conditions governing receivability set out in article 26 of the ILO Constitution had been met, the Governing Body should proceed to adopt the draft decision contained in paragraph 7.
- 349. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the following countries aligned themselves with the statement: Montenegro, Iceland, Serbia, Albania, Norway and the Republic of Moldova. The EU welcomed the Government of Qatar's announcement in May 2014 that it intended to review its legislation on migration, and its active engagement with the Universal Periodic Review process. The Government of Qatar should take steps to enhance enforcement measures, including through the strengthening of its labour inspection system. The EU stood ready to support Qatar in that regard. The Government of Qatar and the social partners should continue to work closely with the ILO, in particular to implement the recommendations made in the context of the representation concerning forced labour submitted under article 24 of the ILO Constitution.
- 350. A *Government representative of the United States* said that the complaint alleging non-observance by Qatar of Conventions Nos 29 and 81 should be given careful consideration. He noted that the Officers of the Governing Body had found the complaint to be receivable and that the Government of Qatar had begun a dialogue with the ILO on a broad range of labour issues. The Government of Qatar should continue to cooperate with the ILO and supply the relevant information in response to the complaint to allow the Governing Body to take a decision on further action at its March 2015 session. He endorsed the draft decision.
- 351. A *Government representative of Qatar* said that his Government had taken note of the report of the Officers of the Governing Body on the complaint alleging non-observance by Qatar of Conventions Nos 29 and 81, and had noted that no discussion of the substance of the complaint had taken place at the current session. The Government of Qatar was ready to cooperate with the ILO to improve workers' rights and would transmit the relevant information to the Office as soon as possible.

Decision

352. On the recommendation of its Officers, the Governing Body:

- (a) *requested that the Director-General transmit the complaint to the Government;*
- (b) *invited the Office to obtain relevant information from the Government and employers' and workers' organizations of Qatar, and to report to the Governing Body at its 323rd Session (March 2015); and*
- (c) *placed this issue on the agenda of its 323rd Session (March 2015) in order to decide whether further action on the complaint was required in the light of the information provided by the Office in connection with paragraph (b).*

(GB.322/INS/14/1, paragraph 7.)

Second report: Arrangements for the 13th African Regional Meeting
(GB.322/INS/14/2)

353. *The Chairperson said that the Government of Egypt had offered to host the meeting but that the offer had come at too late a stage to be taken up. On behalf of the Governing Body, he thanked the Government of Egypt for its generous offer. The meeting would instead take place in Addis Ababa from 30 November to 3 December 2015 and would consider the progress made in implementing the Decent Work Agenda in Africa during the period 2007–15.*

354. *The Employer coordinator and the Worker Vice-Chairperson endorsed the draft decision.*

355. *The Clerk of the Governing Body said that interpretation and translation services would be provided in the official languages of the meeting.*

Decision

356. On the recommendation of its Officers, the Governing Body:

- (a) *approved the following agenda for the Meeting: to review, on the basis of the Report of the Director-General, progress on the implementation of the "Decent Work Agenda in Africa 2007–15" since the 12th African Regional Meeting (Johannesburg, South Africa, 11–14 October 2011) and adopt the strategic orientation of the ILO's support to its tripartite African constituents for the next decade. The imperative of promoting an inclusive and job-rich growth through decent work in Africa would be the guiding priority in the development of a conceptual framework for the Meeting; and*
- (b) *confirmed that the Regional Meeting would be held in Addis Ababa, Ethiopia, from 30 November to 3 December 2015, and that the official languages of the Meeting would be Arabic, English and French.*

(GB.322/INS/14/2, paragraph 4.)

Third report: Representation alleging non-observance by Qatar of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made under article 24 of the ILO Constitution by the International Trade Union Confederation and the International Transport Workers' Federation
(GB.322/INS/14/3)

Decision

357. *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.322/INS/14/3, paragraph 5.)

Fourth report: Representation alleging non-observance by Portugal of the Forced Labour Convention, 1930 (No. 29), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made under article 24 of the ILO Constitution by the National Federation of Unions of Workers in the Public and Social Services (FNSTFPS)
(GB.322/INS/14/4)

Decision

358. *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.322/INS/14/4, paragraph 5.)

Fifth report: Representation alleging non-observance by the United Arab Emirates of the Forced Labour Convention, 1930 (No. 29), made under article 24 of the ILO Constitution by the International Trade Union Confederation
(GB.322/INS/14/5)

Decision

359. *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.322/INS/14/5, paragraph 5.)

Sixth report: Representation alleging non-observance by France of the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), made under article 24 of the ILO Constitution by the Federation of Salaried Employees and Managerial Staff of the General Confederation of Labour–Force Ouvrière
(GB.322/INS/14/6)

Decision

360. 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.322/INS/14/6, paragraph 5.)

Seventh report: Representation alleging non-observance by Spain of the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), made under article 24 of the ILO Constitution by the Independent Judicial Forum professional association
(GB.322/INS/14/7)

Decision

361. 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.322/INS/14/7, paragraph 5.)

Eighth report: Representation alleging non-observance by Spain of the Minimum Wage Fixing Convention, 1970 (No. 131), made under article 24 of the ILO Constitution by the General Union of Workers (UGT) and the Trade Union Confederation of Workers' Commissions (CC.OO.)
(GB.322/INS/14/8)

Decision

362. 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.322/INS/14/8, paragraph 5.)

Ninth report: Representation alleging non-observance by Slovakia of the Medical Care and Sickness Benefits Convention, 1969 (No. 130), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made under article 24 of the ILO Constitution by the Slovak Trade Union of Health and Social Services
(GB.322/INS/14/9)

Decision

363. On the recommendation of its Officers, and in view of the fact that it had been submitted jointly, and in solidarity with parties that were not trade union organizations, the Governing Body decided that the representation was not receivable.

(GB.322/INS/14/9, paragraph 6.)

Fifteenth item on the agenda

Composition and agenda of standing bodies and meetings
(GB.322/INS/15)

Decisions

Committee of Experts on the Application of Conventions and Recommendations

Reappointments

364. On the recommendation of its Officers, the Governing Body reappointed for a period of three years the following members of the Committee of Experts on the Application of Conventions and Recommendations:

- ***Mr Lelio Bentes Corrêa (Brazil);***
- ***Mr Rachid Filali Meknassi (Morocco);***
- ***Mr Abdul G. Koroma (Sierra Leone);***
- ***Mr Vittit Muntarbhorn (Thailand);***
- ***Mr Paul-Gérard Pougoué (Cameroon).***

(GB.322/INS/15, paragraph 1.)

Joint ILO–UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART)

Appointment

- 365. On the recommendation of its Officers, in order to fill a vacancy in the CEART, the Governing Body appointed Ms Denise Vaillant (Uruguay) as a member of the CEART for a period until 31 December 2018.**

(GB.322/INS/15, paragraph 2.)

Meeting of Experts concerning Convention No. 185
(Geneva, 4–6 February 2015)

Composition

- 366. On the recommendation of its Officers, and taking into account the high level of interest on the part of Governments, the Governing Body approved an increase in the number of experts representing Governments from 16 to 32, on the understanding that there would be no budgetary implications for the Office. The new composition was thus 32 experts nominated after consultation with Governments, 16 Employer experts nominated after consultation with the Employers' group and 16 Worker experts nominated after consultation with the Workers' group of the Governing Body.**

(GB.322/INS/15, paragraph 4.)

Meeting of Experts to Adopt Flag State Guidelines for the Work in Fishing Convention, 2007 (No. 188)
(Geneva, 23–27 February 2015)

Invitation of international non-governmental organizations

- 367. On the recommendation of its Officers, the Governing Body authorized the Director-General to invite the following international non-governmental organizations to be represented at the Meeting as observers:**

- *International Seafarers' Welfare and Assistance Network (ISWAN);*
- *International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF).*

(GB.322/INS/15, paragraph 8.)

Global Dialogue Forum on Employment Relationships in Retail Commerce: Their Impact on Decent Work and Competitiveness
(Geneva, 22–23 April 2015)

Invitation of international non-governmental organizations

- 368. On the recommendation of its Officers, the Governing Body authorized the Director-General to invite the following international non-governmental organizations to be represented at the Global Dialogue Forum as observers:**

- *UNI Global Union;*

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- *Global Social Observatory.*

(GB.322/INS/15, paragraph 10.)

Tripartite Sectoral Meeting on Occupational Safety and Health and Skills in the Oil and Gas Industry Operating in Polar and Subarctic Climate Zones of the Northern Hemisphere
(Geneva, 22–25 September 2015)

Invitation of international non-governmental organizations

369. On the recommendation of its Officers, the Governing Body authorized the Director-General to invite the following international non-governmental organizations to be represented at the Meeting as observers:

- *International Petroleum Industry Environmental Conservation Association (IPIECA);*
- *IndustriALL Global Union;*
- *International Association of Drilling Contractors (IADC);*
- *International Association of Geophysical Contractors (IAGC);*
- *International Association of Oil and Gas Producers (OGP);*
- *International Gas Union (IGU);*
- *International Marine Contractors Association (IMCA);*
- *International Organization for Standardization (ISO);*
- *International Transport Workers' Federation (ITF);*
- *Marine Offshore Oil and Gas Association (MOOGAS);*
- *Oil Companies' European Association for Environment, Health and Safety in Refining and Distribution (CONCAWE);*
- *Oil Companies International Marine Forum (OCIMF);*
- *Petroleum Equipment & Services Association (PESA);*
- *Society of Petroleum Engineers (SPE);*
- *World Energy Council;*
- *World Petroleum Council (WPC).*

(GB.322/INS/15, paragraph 13.)

Tripartite Sectoral Meeting on Safety and Health in
the Road Transport Sector
(Geneva, 12–16 October 2015)

Invitation of international non-governmental organizations

370. On the recommendation of its Officers, the Governing Body authorized the Director-General to invite the following international non-governmental organizations to be represented at the Meeting as observers:

- **Global Fund to Fight Aids, Tuberculosis and Malaria (Global Fund);**
- **International Federation of Freight Forwarders Associations (FIATA);**
- **International Road Transport Union (IRU);**
- **International Transport Workers' Federation (ITF);**
- **International Union of Public Transport (UITP).**

(GB.322/INS/15, paragraph 16.)

Global Dialogue Forum on Employment Relationships in
Telecommunications Services and in the Call Centre Industry
(Geneva, 27–28 October 2015)

Invitation of international non-governmental organizations

371. On the recommendation of its Officers, the Governing Body authorized the Director-General to invite the following international non-governmental organizations to be represented at the Global Dialogue Forum as observers:

- **European Telecommunications Network Operators' Association (ETNO);**
- **International Confederation of Private Employment Agencies (CIETT);**
- **UNI Global Union.**

(GB.322/INS/15, paragraph 19.)

Global Dialogue Forum on Good Practices and Challenges in
Promoting Decent Work in Construction and Infrastructure Projects
(Geneva, 19–20 November 2015)

Invitation of international non-governmental organizations

372. On the recommendation of its Officers, the Governing Body authorized the Director-General to invite the following international non-governmental organizations to be represented at the Global Dialogue Forum as observers:

- **Building and Wood Workers' International (BWI);**
- **Confederation of International Contractors' Associations (CICA).**

(GB.322/INS/15, paragraph 22.)

Policy Development Section

Employment and Social Protection Segment

First item on the agenda

Area of critical importance: Promoting more and better jobs for inclusive growth

(GB.322/POL/1)

- 373.** A representative of the Director-General (Director, Employment Policy Department (EMPLOYMENT)) explained that area of critical importance (ACI) 1 was the most overarching of all eight ACIs; however, the document under consideration did not cover all activities related to promoting more and better jobs for inclusive growth. The broad range of ILO activities in that area were embraced under outcome 1 of the Programme and Budget for 2014–15 and of the draft transitional strategic plan for 2016–17. Building on existing work and using additional resources, ACI 1 activities aimed at deepening knowledge and building capacities in specific key areas. The focus on four thematic tracks complemented and built synergies with work being undertaken under other ACIs, while avoiding duplication. Also, given the limitations with regard to its length, the document provided only a gist of activities that had been implemented so far, and for each item the entire chain of events had not been fully reflected.
- 374.** For example, work on creating an enabling environment for sustainable enterprises cut across all the four focus areas of ACI 1. Much of the research, capacity building and dialogue in area 1 (employment-friendly and inclusive macroeconomic frameworks) centred on enterprises' access to finance and on investment. In area 2 (structural change and sectoral policies to promote more and better jobs), research into the impact of intense domestic competition and access to finance was of direct relevance to creating an enabling environment for enterprises. The effects of the business environment on firms' productivity in four countries were being analysed and in another two countries the business environment in the mining sector was the subject of analysis and dialogue. In area 3 (labour market institutions to promote more and better jobs for inclusive growth), the manner in which employment regulation, collective bargaining and existing labour market institutions affected the enabling environment for investment, productivity and employment was being investigated. In area 4 (integrated policy mix for more and better jobs), in four of the six countries covered, the enabling environment for enterprises had been identified as an important dimension of the policy mix under consideration. Countries under ACI 1 had been selected on the basis of government requests for measures to promote a comprehensive employment policy framework and were countries for which additional resources had otherwise not been identified. However, ILO support under outcome 1 extended to a larger number of countries in support of their employment policy.

- 375.** The Employer coordinator said that the ACIs should not be treated as silos: they were interrelated, and there was a need for closer Office-wide coordination. ACI 1 should provide the overarching framework for the other ACIs. The Employers were astonished at the document's scant attention to the crucial role played by enterprises, entrepreneurship and private investment as drivers of job creation, its failure to explain how the strategy which it outlined might influence the creation, productivity and sustainability of firms and the lack of any explicit reference to an enabling environment for sustainable enterprises in the four areas. It was necessary to state explicitly that the ILO recognized and took account of employers' vital interests. She would have welcomed proposals for research on the

impact of structural economic changes, technology and market demand on the workplace, the nature of work and the achievement of decent work objectives. She asked whether the mention of an integrated labour market diagnostic in paragraph 15 was an oblique reference to the diagnostic tool for an enabling environment being developed as a follow-up to the conclusions concerning the promotion of sustainable enterprises adopted at the 96th Session (2007) of the International Labour Conference (ILC). She hoped that no attempt was being made to duplicate or undermine that work. The strategy set out in the conclusions should result in improved welfare for societies as a whole.

- 376.** As macro-data often failed to explain firms' behaviour and responsiveness, firm-level data should be collected in order to help policy-makers understand how firms responded to the labour market and macroeconomic policies. Explanation of the meaning of the terms "employment-friendly" and "job-friendly" was requested. It would have been useful to look at all policies and conditions that encouraged or discouraged productive investment. She trusted that the country selection in area 4 was based on requests from constituents and that the criteria for measuring success were based on national tripartite agreements.
- 377.** The document left her group wondering what ACI 1 would achieve and what would constitute success. It was a simplistic mixture of laments about the current state of the world and generic descriptions of activities, whereas there was a need for a coherent definition of the long-term goals. The emphasis on what worked was commendable. What worked was a combination of several aspects of job quality and depended on the context. Subsidizing certain industrial sectors at the expense of others had sometimes proven costly in the past. Investors were best placed to judge which industries were likely to succeed. The driving forces behind improvements which had reduced working poverty were missing. Structural and cyclical drivers of change had to be addressed differently. The definition of "job quality" should be left to constituents at the national level. The ACI reflected what encouraged or discouraged investment in productive activities. The Employers' group therefore rejected the strategy as it stood and requested the Office to return with a new effort, which took the Employers' group concerns into account, for presentation to the Governing Body in March 2015.
- 378.** *The Worker spokesperson* agreed that the integrated nature of the ACIs was hard to discern in the document. The work outlined was in line with the conclusions concerning the second recurrent discussion on employment adopted at the 103rd Session (2014) of the Conference. The enabling environment work was embedded in many proposed activities to promote an increase in both the quantity and the quality of jobs and ensure that growth was job centred and inclusive. The document had been written in the context of previous discussions.
- 379.** Overcoming the challenges outlined in the document required an unprecedented level of political commitment and resources. She welcomed the fact that the ACI, with some adjustments to include the promotion of youth employment, was one of the ten policy outcomes in the draft transitional strategic plan for 2016–17.
- 380.** Macroeconomic and industrial policies were crucial in determining a country's employment and development outcomes. Thus, it was impossible to judge the economic performance of labour market institutions in abstraction from those policies. The broader international context also influenced local conditions. The Workers' group supported the strategy for ACI 1 and the objective of focusing on and improving linkages between macroeconomic policy, structural changes, sectoral policy and labour market institutions. To that end, synergies between policy departments, such as the Inclusive Labour Markets, Labour Relations and Working Conditions Branch (INWORK), should be further enhanced. Greater consideration should be given to the qualitative aspects of job creation and to the key role played by collective bargaining in reducing inequality. The unbalanced

distribution of growth was the result of policy choices. An integrated policy approach to employment avoided the piecemeal approaches often advocated in Decent Work Country Programmes. The document understated the influence of trade and industrial policies and should have devoted more space to assessing how countries made a successful transition to more sophisticated and higher-value industries.

- 381.** She requested confirmation that work under area 2 covered strategies to assist developing countries in widening their industrial base and promoting value-added jobs through the design of their industrial policies. The ILO should assist States in collecting qualitative indicators of inclusive growth and better jobs, measuring explicitly the impacts of policy on inequality and job security. As repressed wages had led to greater inequality and low demand, wages were also an issue which should be addressed under ACI 1. “What worked” should be seen in a multilateral context; hence, area 1 should focus on the international dimension of macroeconomic frameworks for generating more and better jobs. She asked for a clarification of whether the Office was adopting a two-track strategy of applying an integrated approach to some, but not all, of the countries covered by the ACI. Employment impact assessments of sectoral and infrastructure investments and of trade policies should inform future work on promoting a quantitative and qualitative increase in jobs. The impact of new forms of work on the realization of decent work should also be assessed. More emphasis should be placed on comprehensive skills development linked to industrial policies, including vocational education and training, not on the ad hoc requirements of export sectors and multinationals. The Workers’ group fully supported the integrated strategy of ACI 1 and drew attention to the need to offer guidance on promoting an integrated policy in order to achieve job-centred, inclusive growth with the full involvement of the social partners.
- 382.** *Speaking on behalf of the European Union (EU) and its Member States*, a Government representative of Italy said that the following countries aligned themselves with the statement: Montenegro, Serbia, Albania, Bosnia and Herzegovina, Ukraine, Republic of Moldova and Armenia. The objectives of ACI 1 closely matched those of the EU strategy for achieving inclusive growth, and policy coherence between economic and social objectives. The conclusions of the second recurrent discussion on employment adopted in 2014 should guide the Office’s work under ACI 1. The EU welcomed the internal consultations to develop the strategy, notably the involvement of ACT/EMP (Bureau for Employers’ Activities) and ACTRAV (Bureau for Workers’ Activities). However, Governments should also be consulted, as should a broader range of ILO departments. She requested additional information on the joint monitoring and final evaluation mentioned in paragraph 18 and asked about the proportion of regular budget and extra-budgetary resources allocated to ACI 1. The EU endorsed the draft decision.
- 383.** *Speaking on behalf of the Asia and Pacific group (ASPAG)*, a Government representative of the Republic of Korea observed that, as ACI 1 covered the broadest range of issues of all the ACIs, there was a need for a comprehensive implementation strategy. His group endorsed the four strategic areas of intervention and welcomed the progress made. The conclusions of the second recurrent discussion on employment adopted in 2014 should be used to guide the Office’s future work under ACI 1. The increase in labour migration had contributed to the profound transformation of the world of work. Sectors with high employment potential and regions in crisis should be taken into account when developing sectoral policies to promote more and better jobs. The global financial crisis had altered the way in which the financial system met development and employment challenges. The Office should disseminate the findings of the workshop on the role of central banks. His group endorsed the draft decision.

- 384.** Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC), a Government representative of Cuba said that the Office should pursue and enhance its efforts to help States develop and apply policies aimed at creating more and better jobs and at reducing inequalities. To achieve decent work, productive employment and social inclusion, greater coherence was needed between economic, social, education and employment policies. Activities under ACI 1 played a key role in that regard. The group agreed with the objective of ACI 1 set out in paragraph 9 and the need to take into account the specific needs of each country. The outcomes of strategic area 2 should also consider the linkages between the world of work, formal education and vocational training. Strategic area 3 should cover proposals intended to strengthen labour market information systems and public employment services. The Office should indicate what criteria had been used to select the countries and regions that would benefit from ACI activities. The group endorsed the draft decision.
- 385.** Speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), a Government representative of Norway emphasized the need for a combination of different policy strategies and noted that the Office could not address all the areas covered by ACI 1 alone and should continue to cooperate with other international actors. Noting that the right to organize and the involvement of the social partners were prerequisites for a sound society, the Nordic countries welcomed the Office's ambitious intention to assess the effectiveness of collective bargaining and social policy institutions. The assessment should address methodological challenges. The work carried out under the ACI should be aligned with the action plan adopted as a follow-up to the second recurrent discussion on employment of 2014.
- 386.** Speaking on behalf of the Association of Southeast Asian Nations (ASEAN), a Government representative of Cambodia said that the strategies developed under ACI 1 would help ASEAN achieve its goal of building a productive, innovative and dynamic workforce. ASEAN encouraged the Office: to make a high-level policy adviser available to labour ministers and other senior officials responsible for macroeconomic policies; to help ASEAN governments build their capacity in the areas of labour market information and skills development; and to pursue its research activities. ASEAN welcomed the fact that the implementation of the ACI would continue as outcome 1 of the draft transitional strategic plan for 2016–17. ASEAN endorsed the draft decision.
- 387.** The Minister of Labour and Employment of Bangladesh said that Bangladesh had made remarkable progress in reducing poverty over the last few decades and was committed to achieving middle-income status by 2021. Appropriate monetary and fiscal measures should be in place to enhance competitiveness in all sectors of the economy. Skills training had to be promoted in order to create more employment opportunities for the poorer segments of society and social protection coverage had to be expanded to all segments of society.
- 388.** A Government representative of the Russian Federation said that certain groups of people, despite having gained skills through vocational training, still struggled to find employment. As many employers refused to hire persons with disabilities, her Government had taken a number of measures to increase their participation, such as the introduction of quotas, and allocated funding. As a result, their employment rate had increased. It was important to ensure that the most vulnerable people in society also had access to high-quality jobs.
- 389.** Speaking on behalf of the Africa group, a Government representative of Ghana said that jobless growth, greater inequality and the exclusion of vulnerable groups from the gains of economic growth were among the major challenges facing the African region. Investing in quality jobs was the key to promoting inclusive growth. The group endorsed the Office's strategy, in particular the research on what worked and the development of policy tools, policy advice and capacity building. She requested clarification on paragraph 22, and said

that the tripartite constituents should have an opportunity to review the analytical note mentioned in paragraph 24. The Office should continue to cooperate with the International Training Centre of the ILO (Turin Centre) in building the capacity of constituents. The group endorsed the draft decision.

- 390.** A *Government representative of Colombia* said that coherence in the design, implementation, monitoring and assessment of labour and economic policies was essential to ensure the effectiveness of the work under ACI 1. ILO support had allowed Colombia to move forward in the development of tools and policies and in capacity building. Unemployment and poverty had fallen as a result of the Government's efforts to design and implement a labour policy based on the four pillars of the Decent Work Agenda. Colombia endorsed the draft decision.
- 391.** A *Government representative of India* said that the ACI created an opportunity for India to capitalize on its demographic dividend to achieve faster economic growth. The Government was implementing multi-pronged strategies to address supply- and demand-side issues. It had launched a programme focused on employability and entrepreneurial skills, and was developing quality apprenticeships. The Government aimed to create 100 million manufacturing jobs by 2022. The ILO should provide technical guidance to its Members on local job creation. Governments were responsible for facilitating business and ensuring industrial harmony, and his Government had recently introduced a labour portal scheme to support industrial development.
- 392.** A *Government representative of Mexico* encouraged the Office to ensure inter-departmental coordination regarding the ACI. Capacity building was necessary. The ILO's lessons learned must be transmitted to macroeconomic policy-makers. Social protection issues and the school-to-work transition should be included in the focus on what worked. Additional information on the community of practice, and its relationship to the ACI working groups, would be appreciated. He wondered whether the ILO, as the global leader in the area, was itself producing the papers on productivity mentioned in paragraph 22. More Latin American countries should be involved in the agreements mentioned in paragraph 23 that allowed the ILO to conduct additional employment impact assessments. Lastly, he asked whether the paper referred to in paragraph 25 would also be published in the *International Labour Review*.
- 393.** A *Government representative of Argentina* highlighted the role of the State in improving coherence between economic and labour market policies. He proposed that area 1 should include evaluation of the effects of the international financial structure and its impact on job creation, and analysis of employment policies and lifelong learning strategies to overcome social vulnerability. Area 2 should include sectoral training and employment for marginalized groups, in particular in rural areas and for vulnerable groups. Area 3 should include institutions focused on youth employment policy, social economy, and social partners' involvement in consolidating national lifelong learning systems. Area 4 should include employment and lifelong learning policies.
- 394.** A *Government representative of China* said that employment expansion was China's top priority. The Government actively strengthened industries with job-creation capacity, such as the service industry, and had adopted policies for small and medium-sized enterprises (SMEs) to promote job creation. It would strengthen skills training to improve workers' employability as well as the public employment services. Through such policies, the Government had created 10 million new jobs by October 2014.
- 395.** A *representative of the Director-General* (Deputy Director-General for Policy) recalled that the ACIs represented eight overarching priority areas. The goal was to enhance the ILO's ability to develop relevant policy advice. However, only so much could be

accomplished within a two-year programme. Various speakers had called for greater emphasis on certain areas, but it had been necessary to prioritize and focus on what was new. However, all of the comments would be taken into consideration in relation to the outcomes for the next biennium.

- 396.** *A representative of the Director-General* (Director, Research Department (RESEARCH)) said that the four policy areas of the comprehensive ACI 1 had been selected because they were not addressed by other ACIs. Countries had been selected for cross-country analysis for each of the first three strategic areas and, for area 4, the way policies interacted to create more and better jobs. Resource constraints did not permit the selection of a broader range of countries. Evidence showed that sectoral policy was critical to the creation of more and better jobs. Many countries, particularly developing countries, had specialized economies with little diversification, and that had been proven to limit job creation and quality improvements. The role of the enterprise was important in all the four areas under ACI 1. Examining enterprise dynamics was essential to understanding the factors behind more and better jobs. Concerning paragraph 22, the ILO was undertaking studies in a few countries on how to promote the growth of existing enterprises, which was one of the main challenges countries faced.
- 397.** Many speakers had agreed with the document's focus on what worked, and that the situation varied between countries. It was important to use enterprise data as well as macroeconomic data, and the ILO had acquired a major enterprise database that would facilitate examination of many of the issues raised. Lastly, on how work would proceed, an opportunity would be provided for the tripartite constituents to assess what had worked, with the involvement of other international organizations, as had been requested. The fact that there was follow-up in the form of outcome 1 would facilitate the creation of a community of practices.
- 398.** *A representative of the Director-General* (Director, EMPLOYMENT) reaffirmed that, as had been noted, the strategy was coherent with the follow-up to the resolution concerning the second recurrent discussion on employment of 2014, and took note of the request to reiterate explicitly in future documents the understandings that had already been reached on elements such as enterprise policies and enabling environments. The fully-fledged follow-up plan to the 2014 Conference discussion would be considered under the Institutional Segment of the current session of the Governing Body. In response to the request to define the term "employment-friendly macroeconomic frameworks", the Conference discussion and the resolution had determined the elements of pro-employment macroeconomic frameworks. Regarding criteria for country selection under policy area 4, the countries selected were all in the process of adopting or revising their employment policies and had requested ILO support. Low-income countries had been prioritized and regional balance sought. There was no two-track approach to country focus. Areas 1, 2 and 3 focused essentially on thematic research, dialogue and capacity building through cross-country comparative analysis. Area 4, in contrast, related to employment policy in individual countries. The diagnostic framework used was comprehensive and integrated, and would be enlarged in accordance with requests made during the 2014 session of the ILC. She reaffirmed that the work did not duplicate that of the surveys on the enabling environment being carried out in countries; rather, the intention was to use the results of those surveys within a more comprehensive employment diagnostics process in the revision or adoption of employment strategies. Similar information would be gathered for countries for which such surveys did not exist.
- 399.** *The Employer coordinator* said that the document did not sufficiently reflect employers' critical role in creating jobs, the challenges they faced and their aspirations. Therefore, the Employers' group could not accept the draft decision as it stood. Agreement had been reached with the Workers' group on an amendment that would read: "The Governing Body

requests the Director-General to take account of its guidance, and the guidance provided in the 2014 ILC conclusions on the recurrent discussion on employment, including the integrated approach outlined in those conclusions, in implementing the strategy for the ACI on ‘Promoting more and better jobs for inclusive growth’.”

400. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy wished to enrich the proposal by replacing the word “including” by “in particular” and adding “and improved cross-departmental coordination” after “the integrated approach”.

401. *The Employer coordinator and the Worker spokesperson* endorsed that proposal.

Decision

402. *The Governing Body requested the Director-General to take account of its guidance, and the guidance provided in the 2014 conclusions on the recurrent discussion on employment (the conclusions concerning the second recurrent discussion on employment, adopted by the 103rd Session of the International Labour Conference (May–June 2014)), in particular the integrated approach and improved cross-departmental coordination outlined in those conclusions, in implementing the strategy for the area of critical importance (ACI) on “Promoting more and better jobs for inclusive growth”.*

(GB.322/POL/1, paragraph 31, as amended.)

Second item on the agenda

Area of critical importance: Promoting decent work in the rural economy

(GB.322/POL/2)

403. *The Worker spokesperson* said that the Food and Agriculture Organization of the United Nations (FAO), the International Fund for Agricultural Development (IFAD) and the United Nations World Food Programme all had mandates for the rural economy and that the ILO should narrow its focus to its field of competence and where it had a comparative advantage. The focus on rural poverty was too broad and should instead be limited to wage employment in the rural economy. The ACI goals should reflect the strategic pillars of the Decent Work Agenda. Integration in supply chains was not always beneficial to workers or employers. In the absence of collective bargaining to ensure that added value was distributed and living wages paid to workers, there was no guarantee that supply chains promoted sustainable, inclusive and thriving rural economies and the work items in the document did not reflect that link. Under the first priority area, which she welcomed, it was important to better identify target groups. It did not seem wise to use ACI funds to assist Syrian refugees in Lebanon – the crisis unit should have been given dedicated funds for that purpose. While supporting the second priority, she noted again that some work done in that area, the provision of water and food aid in Mali, was not within the ILO’s field of competence. She strongly supported the third priority and the choice of commodities for work on plantations. She welcomed the three studies, a meeting of experts and increased work in that area. Workers’ organizations should be involved in all three priority areas as well as the International Union of Food Workers (IUF) where unions on the ground were weak. Development of wage policy and collective bargaining should be included in the global product. The projects in part D did not address their key priorities and instead focused on small-scale farmers and strengthening of business capacity. The

proposal for increasing productivity in the sugar cane value chain in El Salvador appeared to disregard workers' rights, and the programme on bananas in the Dominican Republic must not ignore the exploited Haitian migrant workers and should involve trade unions. Increasing the institutional capacity of constituents was vital to the promotion of decent work in the rural economy and should get much more focus and resources in the ACI. Work on improving occupational safety and health (OSH) in rural areas should also be included. The group strongly supported the work on plantations and the supply chain, and suggested the ACI focus primarily on those two areas with a particular focus on collective bargaining, freedom of association and social dialogue, taking into account cross-cutting issues such as gender, migrant workers and lack of equal rights for rural workers.

- 404.** *The Employer coordinator* also stressed that the ACI should not duplicate the work of other organizations and should focus on its field of competence. The Employers' group did not consider it a priority to justify an ACI. Its aims overlapped with those of the ACI on promoting decent work in the informal economy, which covered disadvantaged, marginalized and vulnerable workers. Addressing the problems of marginalized groups required examining causes as well as symptoms. Promoting job creation and better incomes in rural areas required an environment conducive to investment and diversification. The conclusions of the 2008 session of the ILC on the promotion of rural employment for poverty reduction remained relevant. The ACI should be based on those conclusions and agreed action plans. The potential of rural areas could be unleashed by strengthening entrepreneurship, building leadership capacity and promoting sustainable rural enterprises. SMEs were important actors in global value and supply chains. A conducive business environment was very important and had been consensually agreed at the ILC in 2008. The ACI should emphasize entrepreneurship and rural sustainable enterprise development in line with the 2007 ILC conclusions concerning the promotion of sustainable enterprises. He noted the need to strengthen awareness-raising and capacity-building activities, particularly among the social partners on an enabling enterprise environment, development and employment in the framework of the ILO's Enabling Environment for Sustainable Enterprises (EESE). The Employers' group had concerns about the ACI and suggested resubmitting the item to the March session of the Governing Body, following full consultation with ACT/EMP and the Employers' group.
- 405.** *Speaking on behalf of the Africa group*, a Government representative of Ghana supported the ILO's approach to rural poverty reduction. The knowledge generated supported constituents in addressing decent work challenges in rural areas through the areas identified in paragraph 5. Her group welcomed the proposed global rural development academy, but requested more information and suggested that the Office explore the possibility of decentralizing the academy in cooperation with established regional institutions. Her group endorsed the targeted strategic interventions and main deliverables, encouraged the sharing of best practices from interventions that had successfully reduced poverty, and supported the draft decision.
- 406.** *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the following countries aligned themselves with the statement: Montenegro, Serbia, Albania, Bosnia and Herzegovina, Ukraine, Republic of Moldova and Armenia. The 2008 ILC conclusions provided clear priority policy guidelines for the Office and constituents. The ILO's approach to decent work in the rural economy corresponded to the principles of the EU's development cooperation policy. The EU acknowledged the ILO's rich experience in rural poverty reduction and addressing some of its root causes through the Decent Work Agenda. She supported the expansion of expertise on the areas of work listed in paragraph 5 and said that the review of ILO tools and methodologies for employment impact assessment and two country case studies should provide input into the 2016 ILC discussion and future ILO work on decent work in global supply chains. She supported the analysis of the drivers of rural vulnerability and of decent work challenges in

the plantations sector. The proposed Recommendation on the transition from the informal to the formal economy would help to eliminate one of the main drivers of decent work deficits in rural economies. Special attention should be paid to female workers, child poverty and social exclusion. Moreover, migration from rural areas should be considered. She supported the production of policy guidance notes, encouraged the development of statistical indicators and data on decent work in rural areas, and welcomed the development of knowledge-sharing and learning initiatives. She called for interdepartmental collaboration and partnerships with other international intergovernmental organizations. Further information on financial resources was requested, and the draft decision was supported.

- 407.** *Speaking on behalf of ASEAN*, a Government representative of Cambodia said that ASEAN had adopted the Socio-Cultural Community Blueprint to address social-cultural disparities and poverty, and had implemented the Framework Action Plan on Rural Development and Poverty Eradication (2011–15). He thanked the ILO for its initiatives in member States, particularly in the Lao People’s Democratic Republic and Indonesia. ASEAN supported the consolidation of ILO work in rural areas with greater focus on supporting agricultural growth and food security, promoting economic diversification and triggering productive transformation, and greening rural economies. The draft decision was endorsed.
- 408.** *Speaking of behalf of ASPAG*, a Government representative of the Islamic Republic of Iran fully concurred with the ILO’s approach to rural poverty reduction. The resolution and conclusions adopted by the ILC in 2008 and relevant Governing Body decisions should be the basis for the ACI’s strategic orientation. Research on the focus areas was crucial to improving existing policies, tools and strategies. Statistical indicators on employment and decent work in rural areas were needed. Strengthening the capacity of constituents to implement effective strategies was key. ASPAG suggested that the development of cooperative enterprises should be considered when conducting research, as cooperatives played an important role in alleviating rural poverty. It welcomed the global rural development academy and encouraged the Office to strengthen and expand its partnerships, including with regional development banks. The draft decision was endorsed.
- 409.** *A Government representative of India* welcomed the proposed strategic and comprehensive approach to promoting decent work in the rural economy. A focus on creating effective local job strategies was needed to translate rural economic growth into employment and decent work opportunities. He referred to several initiatives in India. Data were crucial to decent work for vulnerable rural populations. The ILO could play a decisive role in providing technical expertise and capacity building for national statistical systems. The ILO could work on building the capacity of social partners in social dialogue. The draft decision was supported.
- 410.** *The Minister of Labour and Employment of Bangladesh* said that in rural economies women were particularly vulnerable due to their lack of access to resources and skills. Skills training for workers led to higher productivity, which attracted greater investment in rural enterprises. Rural enterprises required innovative technology. Therefore, support for human resources development and technological innovation was crucial.
- 411.** *A Government representative of China* said that a number of measures had been taken to promote the rural economy, rural employment and the expansion of social security. Referring to several new initiatives, he noted that China had given priority to poverty reduction, particularly in rural areas, and had achieved the Millennium Development Goal (MDG). The Office should continue its work on ACI 5 and integrate decent work into rural development strategies to promote the transformation of rural economies and to improve training for those working in rural areas.

- 412.** A *Government representative of Mexico* endorsed the approach described in paragraphs 1–4. A lack of access to social protection should be included as one of the root causes of rural poverty. Concerning the ACI's strategic orientation, the 2013 ILC conclusions on employment and social protection in the new demographic context should be also considered. Knowledge development and dissemination should also cover social inclusion. The analysis of the drivers of rural vulnerability in rural zones and the development of a rapid assessment tool were extremely important. Further information was requested on the methodology and coverage as well as characteristics of the countries retained for the analysis. He welcomed the review of tools and methodologies for assessments, but questioned whether two case studies sufficed to develop effective policies and strategies. The Office was requested to provide additional information on the composition, operation and funding of the network referred to in paragraph 17, and to consider coordination through the Social Protection Inter-Agency Cooperation Board. The draft decision was endorsed.
- 413.** A *representative of the Director-General* (Deputy Director-General for Policy) said that the ILO had been trying to influence the policy of other organizations to leverage their expertise and resources with a view to achieving decent work in the rural economy, and it had enjoyed some notable successes. Its work with the G20 Development Working Group had led to the inclusion of the creation of decent work as one of three areas of policy priority in the G20 Framework on Food Security and Nutrition. It had also been working towards leveraging the resources of other organizations, such as IFAD, to advance the creation of decent work in the rural economy. Leveraging its comparative advantage with regard to, among others, employment and enterprise, it had not strayed from its mandate or duplicated other efforts, but had made a strategic breakthrough. It would not be productive to revise the strategy and revisit it in March, given that it had already been widely agreed upon and that some interventions and pilot programmes had already been successful. Criticisms, guidance and advice would be taken into account, both for adjustments to ongoing work, as well as to inform strategies for the following biennium.
- 414.** A *representative of the Director-General* (Director, Sectoral Policies Department (SECTOR)) said that, even after the renewal of the ILO's mandate for the rural economy in 2008, efforts had remained fragmented with limited visibility. That ACI was one of the most cross-cutting as it bridged all pillars of the Decent Work Agenda, regions and departments. Although the ILO had no institutionalized segment to deal explicitly with sustainable rural livelihoods a lot of in-house expertise existed. While the ACI had sought to follow the 2008 ILC conclusions, there had been challenges regarding focus given the vastness of the area of work. The ILO had forged strong partnerships with the FAO, the World Bank and others and it needed to leverage further support, knowledge and expertise to make an impact at the higher aggregate level of policy in broader rural development strategies. It had sought to extend its work with governments, workers' and employers' organizations and national stakeholders to implement decent work in national development strategies.
- 415.** In response to constituents' questions, she explained that the rural development academy was to be held in Turin in October 2015; the feasibility of replicating it regionally could be explored. The ILO would continue to leverage support from other agencies to integrate decent work into rural development strategies, including through its active involvement in the High-Level Task Force on Food Security and the Secretary-General's Zero Hunger Challenge. A sugar cane project in El Salvador supported the implementation of OSH legislation in sugar cane mills and discussions on a tripartite strategy to improve sugar cane workers' access to social protection, while a project in the Dominican Republic was focused on the banana sector and addressed, among other things, the issue of migrant Haitian workers.

416. *The Employer coordinator* thanked governments for their interventions, which had demonstrated their consensus on and enthusiasm about rural issues. The report, however, did not fully reflect its stated goal to be guided by the 2008 ILC resolution and conclusions on promoting rural employment for poverty reduction. Both the Employers' and Workers' groups had agreed in informal discussions that they had every desire to continue work on rural economies and wished to make two amendments to the draft decision. The sentence to be added aimed to help refocus, since more work was required to restore consensus on the matter, preferably through informal meetings rather than through the Governing Body.

417. *The Worker spokesperson* supported the amendment.

418. The draft decision was adopted as amended.

Decision

419. *The Governing Body requested the Director-General:*

- (a) *to take account of the guidance provided in implementing the strategy for the area of critical importance on the promotion of decent work in the rural economy (ACI 5), including the conclusions on promoting rural employment for poverty reduction, adopted by the 97th Session of the International Labour Conference (June 2008); and*
- (b) *to provide further information concerning ACI 5 at the 323rd Session of the Governing Body (March 2015).*

(GB.322/POL/2, paragraph 32, as amended.)

Third item on the agenda

Chairing the UNAIDS Committee of Cosponsoring Organizations (CCO) in 2015: Opportunities for the ILO

(GB.322/POL/3(Rev.))

420. *The Worker spokesperson* agreed that the ILO's chairmanship of the UNAIDS CCO in 2015 would provide a unique opportunity to better mainstream the ILO's tripartite work on HIV and AIDS into the inter-agency dialogue, as well as the UN General Assembly high-level meeting on HIV/AIDS in 2016. Trade unions played a pivotal role in the AIDS response and proved to be agents of change. Donor and Global Fund withdrawals from middle-income countries, compounded by the global economic and jobs crisis and cuts to public expenditure, threatened to undermine progress. Cuts to public expenditure on health could undermine progress made. Persisting stigma and discrimination undermined access to fundamental and other labour rights. The promotion of HIV-sensitive social protection floors should be taken up by UNAIDS work; the VCT@WORK initiative should be linked more closely to social protection; and the ILO should reformulate its message under that initiative to stress that no HIV workplace testing should be promoted unless HIV-sensitive social protection floors were available for workers undergoing testing.

421. The ILO should: highlight the trade unions' role in shaping the global architecture of AIDS and the importance of boosting public expenditure on health; strengthen implementation of the revised ILO strategy concerning HIV and AIDS and the world of work; identify

indicators of success for the HIV and AIDS Recommendation, 2010 (No. 200); and help mainstream international labour standards on social protection, occupational safety and health, no discrimination, gender, labour inspection and freedom of association within the UNAIDS Programme Coordinating Board and country work. For the 2016 United Nations meeting on HIV/AIDS, the ILO should make sure that social partners were involved in the process, including by securing places on the UNAIDS civil society bodies, and it should consult with ACTRAV and ACT/EMP and the respective secretariats for the meeting's preparation. The ILO should strengthen the cooperation between workers' and employers' organizations to mobilize communities and create the demand for essential HIV services. His group endorsed the draft decision.

- 422.** *The Employer coordinator* said that his group supported the comments made by the Workers' group and endorsed the draft decision.
- 423.** *Speaking on behalf of GRULAC*, a Government representative of Cuba emphasized that key population groups such as sex workers, workers in the informal economy and others should not be overlooked. The common belief was that the main measures to counter HIV/AIDS should come from ministries of health, whereas policies and programmes such as "Getting to Zero at Work" were not fully understood. HIV/AIDS should not be solely a public health issue but viewed as a multisectoral one. Chairing the CCO represented an opportunity to strengthen the tripartite response to HIV/AIDS in the workplace and promote a better appreciation of the ILO's role. Stepping up the response would require more intersectoral dialogue and collaboration using the mechanisms with the greatest reach and impact, such as Recommendation No. 200 and the ILO code of practice on HIV/AIDS and the world of work. During its chairmanship, the ILO should aim at improving support for social justice and measures against discrimination and stigmatization. Emphasis on UNAIDS high-impact countries should not detract from support to other countries. The group supported the draft decision.
- 424.** *Speaking on behalf of the Africa group*, a Government representative of Ghana said that chairing the CCO would give the ILO the opportunity to showcase the activities carried out on HIV and AIDS in the world of work and to reaffirm the area as critical to achieving decent work through sustainable development. She suggested the submission of an update to the Governing Body during the 104th Session of the International Labour Conference to evaluate progress and to make any amendments before the scheduled discussion in March 2016. Access to social protection guaranteed people living with HIV and AIDS a life of dignity. The social partners could be instrumental in strengthening dialogue to support targeted and sustained interventions, particularly in less privileged regions. As the target year for the 2011 Political Declaration on HIV and AIDS and the MDGs approached, the group requested an impact assessment on progress made, gaps identified and how challenges could be dealt with through the sustainable development goals. Referring to the havoc unleashed by the current outbreak of Ebola virus disease in parts of Africa, she said the ILO should raise global awareness of the urgent need to halt its further spread. The group supported the draft decision.
- 425.** *Speaking on behalf of the industrialized market economy countries (IMEC)*, a Government representative of France indicated that the revised ILO strategy to address HIV and AIDS would continue to apply throughout the ILO's tenure as Chair of the CCO. He highlighted the importance of combating stigma and discrimination at the workplace, promoting gender equality and women's empowerment, and access to prevention, treatment and support. The ILO should reinvigorate an effective common programme and coordinated action against AIDS by the UNAIDS cosponsors. HIV and AIDS in the world of work should remain a priority for the Office, which should use all appropriate means to ensure its integration into the post-2015 sustainable development agenda. The group supported the draft decision.

- 426.** A *Government representative of India* said that the active engagement of employers' organizations in raising awareness could help eliminate HIV-related stigma and discrimination in the workplace and protect those unable to work. A number of countries had exclusive policies for tuberculosis, and care should be taken not to weaken action on HIV/AIDS through combined approaches. Data collection on HIV/AIDS was a challenge, and the CCO could develop mechanisms to achieve a data baseline. Regarding labour matters, the ILO should always assume a leadership role.
- 427.** A *Government representative of Zimbabwe* requested information on how the ILO would influence stakeholders such as specialized agencies of the UN system, civil society and donor communities to mobilize resources for HIV/AIDS-related programmes. The ILO's chairing of the CCO could raise awareness among other organizations regarding child labour. The Office should clarify its intended strategy to ensure that the problem of HIV and AIDS was maintained in the post-2015 development agenda.
- 428.** A *Government representative of Mexico* said that the ILO could strengthen its participation in UNAIDS and redefine its sponsorship and collaboration in the light of the ACIs and the ten outcomes of the transitional strategic plan for 2016–17. HIV and AIDS should figure prominently in the post-2015 development agenda. Exchanges with projects could be used to share good practices. HIV and AIDS were mentioned specifically only under outcome 8 of the transitional strategic plan, but they should be included under other outcomes and the regional priorities. Concerning the proposal to adopt a wider approach to HIV and AIDS, there was no clear suggestion for ILO action and the proposal was missing from the draft decision. The role played by labour inspectors in the development, application and dissemination of policies and programmes on gender should be mentioned under outcome 7 of the transitional strategic plan. More information was requested regarding ILO action on travel restrictions due to HIV infection, which was not included under outcome 9. His Government supported the draft decision.
- 429.** A *Government representative of China* called on the ILO to promote the integration of HIV and AIDS in the post-2015 development agenda and apply its unique expertise to assist member States in adopting measures to address HIV-related stigma and discrimination in the workplace. His Government supported the draft decision.
- 430.** A *Government representative of Poland* said that ILO input on HIV and AIDS was needed and recognized. The CCO should strengthen existing commitments and should seek to meet needs in the post-2015 period. The ILO, the social partners and other stakeholders should reinforce a rights-based and stigma-free approach. Full coherence among UNAIDS and cosponsoring organizations was essential for the success of the HIV response. Her Government supported the draft decision.
- 431.** A *Government representative of Cambodia* said that HIV was not an isolated issue and required a multisectoral approach and global efforts, which should be factored into the post-2015 development agenda. His Government supported the draft decision.
- 432.** A *representative of the Director-General* (Chief, HIV/AIDS and the World of Work Branch (ILO/AIDS)) observed that the ILO and its constituents were committed to continuing to be an active part of the UNAIDS family. The ILO would ground its action on the revised strategy adopted by the Governing Body in March 2012 and would continue its involvement in both high-impact and other countries.
- 433.** An *Employer member from South Africa* indicated that interaction with the other UNAIDS cosponsors provided an opportunity for further coherence among bodies in the UN system. The issue of HIV had become less visible, creating a risk of complacency which coincided with less donor funding owing to budgetary constraints and a perceived duplication of

work by UN bodies. The success of the ILO in chairing the CCO would depend on its ability to champion the needs of its constituents and to position the workplace as an important setting for the global HIV/AIDS response. Another priority was the transition from the sixth MDG to the post-2015 development agenda. The ILO should increase its efforts on the implementation of Recommendation No. 200 and use the opportunity to promote the “Getting to Zero at Work” campaign.

Decision

434. *The Governing Body requested the Office to:*

- (a) *submit at its 326th Session (March 2016) a report on the results achieved during the Director-General’s tenure as Chair of the UNAIDS CCO in 2015 and any follow-up implications; and*
- (b) *as appropriate, given the intergovernmental process, provide member States with all required and requested information and support needed to integrate HIV and AIDS into the post-2015 sustainable development agenda.*

(GB.322/POL/3(Rev.), paragraph 23.)

Social Dialogue Segment

Fourth item on the agenda

Sectoral and technical meetings 2013–14 and Sectoral Activities Programme for 2014–15

(GB.322/POL/4)

435. *The Chairperson* thanked the Governing Body for the confidence it had placed in her. Her country, Albania, attached great importance to social dialogue, which was one of the basic principles of democracy. Social dialogue promoted social cohesion, improved living conditions and increased prosperity.

436. *The Employer coordinator* said that global forums were a valuable way of addressing issues of a potentially contentious nature in an atmosphere of cooperation and open-minded dialogue. There had also been a constructive exchange between employers, workers and governments in the advisory bodies in relation to proposals for meetings to be held in the next biennium. While fitting sectoral activities into the ILO’s wider planning process had long been recognized as a difficult issue, sectoral meetings were of great value to employers and workers and needed to continue to be held. The Employers supported the draft decisions.

437. *The Worker spokesperson* supported the draft decisions in paragraphs 20, 25 and 28. He welcomed the work done by the Group of Experts for the revision of the IMO/ILO/UN ECE Guidelines for Packing of Cargo Transport Units (CTUs) and the interim report of the Joint ILO–UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel. The three global dialogue forums had been attended by numerous workers, demonstrating how pertinent they were. The high-quality conclusions they had generated required concrete follow-up and action. To ensure fruitful discussions, it was essential that delegations were representative of their sectors

and that all relevant players were sitting at the table. His group therefore regretted that at the Global Dialogue Forum on Wages and Working Hours in the Textiles, Clothing, Leather and Footwear Industries, representatives of a number of large buyers had not been present.

- 438.** *Speaking on behalf of the Government group*, a Government representative of Italy expressed the group's appreciation of sectoral meetings and at being involved in setting the priorities for sectoral work. The group supported the draft decisions. At its current session, the Governing Body was scheduled to discuss several issues that might affect future sectoral work. Those discussions raised questions about the alignment of sectoral activities with strategic priorities and ways of making sectoral meetings more effective and cost-efficient. At the March session, the group would present a number of suggestions to those ends.
- 439.** *Speaking on behalf of GRULAC*, a Government representative of Cuba said that his group aligned itself with the statement made by the Government group. It supported the draft decisions in paragraphs 20 and 25. His group maintained its position that, where meeting participation was limited, regional balance and group autonomy needed to be respected. The group noted with satisfaction that all meetings in the appendix to GB.322/POL/4 would be open to all governments and supported the draft decision in paragraph 28. Since the existing regulations for sectoral meetings no longer corresponded with the practice, a discussion on revising the regulations should take place. In presenting proposals for meetings in 2016–17, the Office should also prepare an information document showing the average cost of holding tripartite sectoral meetings, meetings of experts and global dialogue forums in Geneva, and what would be the estimated cost of holding those meetings in the five ILO regional offices.
- 440.** *Speaking on behalf of the Africa group*, a Government representative of Mali said that the group endorsed the recommendations of the meetings that had taken place. It invited the Office to take the necessary follow-up measures to give effect to the recommendations of the three forums and asked the Office to take particular note of the situation in Africa when doing so. The group supported the three draft decisions.
- 441.** *The Employer coordinator* stated that, with the limited number of nominations available to each of the parties participating in sectoral meetings, it was a challenge to bring together a representative and knowledgeable group of people who could speak for the many countries and different parts of each sector. The Employers' group was very committed to achieving that goal and for that reason made use, *inter alia*, of representative organizations. He regretted that he had to repeatedly explain why his group sent representatives with a broad range of experience and knowledge, and not simply representatives of individual companies.
- 442.** *The Worker spokesperson* explained that his remark had been of a general nature and aimed to underline the importance of ensuring the presence of a representative delegation on all three sides of the ILO's constituency. Since the quality of outcome of the discussions hinged on the involvement of a wide and representative set of the different actors, that was an important issue.
- 443.** *A representative of the Director-General* (Director, SECTOR) in response to various interventions said that the Office indeed would need to focus more on implementing the conclusions of sectoral meetings. The prevailing dual governance structure determining sectoral work – recommendations by sectoral advisory bodies combined with indicators under programme and budget outcome 13 of the Strategic Policy Framework – continued to complicate effective work planning. Nonetheless, she believed that a way had been found to align the two different governance structures. She looked forward to the guidance

on improving sectoral work that the Government group had said it would submit to the Governing Body in March 2015. The Office had noted GRULAC's request for information on the cost of holding sectoral meetings in the various regions and would provide an indication of resulting cost implications for the March 2015 session of the Governing Body.

Decisions

I. Meetings held in 2013 and 2014

444. The Governing Body:

- (a) *took note of the IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units;*
- (b) *authorized the publication by the IMO of the Code as a joint IMO/ILO/UNECE publication;*
- (c) *authorized the Director-General to communicate the above decisions to the IMO and the UNECE;*
- (d) *authorized the Director-General to communicate the final reports of the Global Dialogue Forum on Initiatives to Promote Decent and Productive Work in the Chemical Industry, the Global Dialogue Forum on Challenges to Collective Bargaining in the Public Service and the Global Dialogue Forum on Employment Relationships in the Media and Culture Sector to governments, requesting them to communicate the reports to the employers' and workers' organizations concerned, and to the international employers' and workers' organizations and other international organizations concerned; and*
- (e) *requested the Director-General to bear in mind, when drawing up proposals for future work, the recommendations for future action by the ILO made by the three forums.*

(GB.322/POL/4, paragraph 20.)

II. Interim report of the Joint ILO–UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART)

445. The Governing Body:

- (a) *took note of the situation and findings set out in the CEART's interim report and the recommendations contained in paragraphs 9, 26 and 31 therein; and*
- (b) *authorized the Director-General to communicate the interim report of the CEART to the governments and organizations concerned, and invites them*

*to take the necessary follow-up action as recommended in it
(CEART/INT/2014/1).*

(GB.322/POL/4, paragraph 25.)

III. Upcoming meetings

- 446.** *The Governing Body endorsed the proposals made in the table in the appendix to document GB.322/POL/4, relating to the dates, duration, official title, purpose and composition of the meetings listed therein.*

(GB.322/POL/4, paragraph 28.)

Fifth item on the agenda

Follow-up to the Meeting of Experts on Labour Inspection and the Role of Private Compliance Initiatives (Geneva, 10–12 December 2013)

(GB.322/POL/5)

- 447.** *The Worker spokesperson said that the Meeting of Experts had provided some clarification on private compliance initiatives (PCIs) and their relationship with labour inspection but it remained a complex area due to the vastness of initiatives. It had confirmed that labour inspection was indeed a public function and therefore a government responsibility. The institutional structure was weak in many countries; in those, public labour inspection systems needed to be particularly strengthened. The Workers' group was concerned at the decrease in resources allocated to public inspection in certain countries. The ILO should focus on strengthening labour inspection systems in those countries, instead of on expanding the role of private initiatives. Labour union experience with PCIs had not been positive: they did not lead to better compliance with national laws and international labour standards, nor did they (even with the existence of certification processes) prevent the occurrence of serious accidents. Labour unions were most of the time not involved in those initiatives and most PCIs did not cover freedom of association or the right to collective bargaining. PCIs should complement public labour inspection, never replace it. There should be close coordination with public inspection and trade unions should be involved. Promotion of the right to organize and collective bargaining needed to be an integral part and any Office work should respect such conditions. The group hoped that the resources allocated under the relevant ACI and policy outcome 7 in the transitional strategic plan for 2016–17 would focus primarily on strengthening public labour inspection. The group wished to know how the Better Work programme had contributed to building a coherent labour inspection system and strengthened public inspection, and to promoting freedom of association. It invited the Office to develop a clear definition of PCIs, in particular in view of the forthcoming discussion of decent work in global supply chains at the 105th Session of the International Labour Conference. It approved the draft decision.*

- 448.** *The Employer coordinator said that there was a need to clarify and increase knowledge about PCIs. The Employers' group considered PCIs to be initiatives taken by actors other than the government, and not supported by public authorities. PCIs could not be used to improve the efficiency of labour inspections and should never compensate for the shortcomings of labour inspection services. The role of government was to enable a sound*

climate for social dialogue and to ensure the proper functioning of labour inspection systems. Nonetheless, the group supported the idea that the impact, sustainability and effects of PCIs in domains such as working conditions, freedom of association, industrial relations and safety and health, should be further analysed in their different aspects. The ILO should maintain its programmes and technical assistance on labour administration and inspection systems in closer cooperation with workers' and employers' organizations. Guidelines on PCIs should be developed at a later stage, because the parameters, framework and good practices needed to be identified first. The establishment of a forum to continue an open dialogue among tripartite constituents would be the appropriate way forward. Paragraph 14 of the appendix containing the Chairperson's summary and recommendations was not a reflection of the views expressed at the Meeting of Experts, and the group did not understand the rationale behind the statement.

- 449.** *Speaking on behalf of the Africa group*, a Government representative of Mali noted with interest the role of PCIs in the improvement of working conditions. However, PCIs must not infringe on the work done by labour inspections to ensure the application of national and international standards. The group endorsed the Meeting's recommendation on strengthening the ILO's work on labour administration through the allocation of resources, which could be taken into account in the 2016–17 programme and budget. It requested that this should be reflected in the draft decision in paragraph 8, and that the suggested forum should take place in 2015.
- 450.** *A Government representative of the Russian Federation* said that the final report of the Meeting of Experts was really only an outline and did not specifically define PCIs. It was not clear, for example, whether collective bargaining should be regarded as an aspect of private initiatives, or whether a private initiative was the result of the development of employers' social responsibility of social partnership or of incentives. PCIs were not prevalent in the Russian Federation. Rather, the labour inspectorate's current role was to encourage employers to engage in such initiatives. To improve compliance, an internal monitoring system was being developed whereby employers could carry out self-assessment of labour law compliance and provide the results to the government labour inspectorate. Her delegation agreed that attention should be paid to understanding how PCIs operated in the informal economy, and that private initiatives were not a substitute for labour inspection but played an auxiliary role in helping employers comply with legal requirements. It further supported proposals for tripartite cooperation mechanisms in the context of PCIs with a coordinating role for the labour inspectorate and agreed with the ILO's role as outlined in point 4 of the appendix.
- 451.** *A Government representative of France* said that PCIs should not be a substitute for the labour inspectorate's public function and that inspectors should be well trained.
- 452.** *A Government representative of India* said that labour inspection should be a sovereign and public function and that PCIs should not replace labour inspectors. His Government had taken a number of initiatives to strengthen labour inspection and ensure workplace compliance. He urged the ILO to undertake research activities in the context of developing countries and to explore new avenues for facilitating compliance and hoped that the ILO would continue to support its constituents in capacity building.
- 453.** *A representative of the Director-General* (Director, Governance and Tripartism Department (GOVERNANCE)) said that the Office had noted the consensus that labour inspection should remain a public function and that the scope of PCIs required further clarification, given the broad spectrum of private initiatives. He took note of the views on what the Office should do in the area of labour inspection and also recalled the March 2014 discussion on the progress of the Better Work programme. Under ACI 7 on strengthening workplace compliance through labour inspection, the Office strategy was

built around seeking out innovative and sustainable compliance initiatives. He urged governments, along with workers' and employers' organizations, to strengthen their labour administration and inspection systems and to recognize those institutions as important contributors towards national development.

Decision

454. *The Governing Body:*

- (a) *took note of the final report of the Meeting of Experts on Labour Inspection and the Role of Private Compliance Initiatives; and*
- (b) *requested the Director-General to bear in mind the Meeting's deliberations and the views expressed by the Governing Body, in preparing the Programme and Budget proposals for 2016–17.*

(GB.322/POL/5, paragraph 8.)

Technical Cooperation Segment

Sixth item on the agenda

ILO's Technical Cooperation Strategy 2015–17

(GB.322/POL/6)

455. *The Employer coordinator* regretted the fact that the ILC had not discussed technical cooperation since June 2006, with the result being that the proposed strategy was very disjointed. As one of the ILO's most important tools, technical cooperation must be discussed by the ILC. The Conference should also discuss the 2013 *ILO Field Operations & Structure and Technical Cooperation Review*. The document was supposed to pay special attention to capacity development for constituents, in accordance with the 2008 ILO Declaration on Social Justice for a Fair Globalization. However, figure 2 (Appendix I) showed that in 2004–13 social dialogue (which included capacity development) had been one of the lowest beneficiaries of extra-budgetary technical cooperation expenditure. More should be done to involve constituents in the technical cooperation management cycle and to incorporate capacity development in all ILO projects. The Office's elaboration of a rights-based approach to development cooperation policies, reflected in box 1, was misleading. The Turin Centre could do more to help the Office build the capacity of constituents and implement technical cooperation programmes and projects. Further consultations were required in that regard. Field offices should be helped, through capacity building, to mobilize resources. She also noted the absence from the document of a reference to public–private partnerships. Subject to those points, she supported the draft decision.

456. *The Worker spokesperson* said that the technical cooperation strategy should be based on the alignment of extra-budgetary resources with the programme and budget outcome areas suggested for 2016–17, and on a more balanced distribution of resources between the strategic objectives and the outcomes. Integrated resource management and the pooling of regular and voluntary funding needed further study as to their impact. The “emergence of new development actors and modalities” (paragraph 2(c)) represented a risk of privatization of the UN system. The Office should strengthen its internal procedures for

regulating activities with private entities based on the procedures adopted for public-private partnerships and the enterprise initiative. He endorsed the four elements of the proposed strategy, but the tables in the document should include an operating principle and target(s) for a better distribution of resources across outcomes and give greater prominence to international labour standards. Those standards should feature, together with fundamental principles and rights at work, in the list of operating principles. His group supported the reduction in the number of programme and budget outcomes for 2016–17. Global flagship programmes should be focused on each of those outcomes. He welcomed the inclusion of capacity development of constituents as one of the four axes of the strategy, which should incorporate specific support for each category of constituents and enhanced capacity building at the bipartite and tripartite levels, including in the flagship programmes. To be effective, technical cooperation projects should not only be managed in a decentralized fashion; they should draw upon all the skills and knowledge available at headquarters, in the field and at the Turin Centre. There should be greater collaboration with the Centre in building the capacity of constituents and ILO staff, along with the operating principle of staff mobility between the Centre and the Office. Concerning table 4, his group wondered why the targets for resource mobilization only referred to proportional increases and not to an absolute increase of resources and for the need to attract more un-earmarked resources. In conclusion the distribution of extra-budgetary resources should be rebalanced among the various outcomes to achieve, in all regions, the goals set according to the four pillars of the Decent Work Agenda.

- 457.** Speaking on behalf of IMEC, a Government representative of Italy expressed her group's full support for the proposal to replace the term "technical cooperation" by "development cooperation", a much broader concept. She noted with satisfaction that the new strategy was based on guidance from the Governing Body and took account of the 2013 *ILO Field Operations & Structure and Technical Cooperation Review*. She hoped that, in the future, when external variables were better known, a fuller picture would be given of the implementation of the reform in the field operations and structure, and its implications for the ILO's development cooperation strategy. She would appreciate more information about the five proposed flagship programmes, how they would be determined and the effect they would have on current programmes, as well as about progress on gender equality in the future strategy. She urged caution with regard to the involvement of the ILO in response to disasters, conflict and emergencies, where its role should be to help create employment opportunities and to promote workplace rights and protections. In that regard, she would welcome more information about the proposed fund for kick-starting and coordinating responses to fragility and special situations, and about the global team to be set up by the end of 2014. She noted with satisfaction the focus on capacity building, which did not always have to be on a tripartite basis, and the enhanced cooperation with the Turin Centre. She called for updates on the development cooperation training programme to be piloted in 2015 and for additional information on the targets and deliverables set out in tables 1, 2 and 3, in order to see how the Office proposed to measure effectiveness. The targeted delivery rate for 2015–17 was not very ambitious. As well as tables 2 and 3 in Appendix I, there should be an additional table listing contributors to, and recipients of, Regular Budget Supplementary Account funds. She supported the intensified follow-up concerning non-earmarked contributions and noted that, as part of the internal reform, decentralized programming and management responsibilities should also apply to activities financed from the Regular Budget Supplementary Account. Those points should be taken into account in the independent external evaluation of the technical cooperation strategy in 2016. She suggested adding, at the end of the draft decision in paragraph 34, the words "and to provide an update of the strategy at the March 2015 Governing Body session".
- 458.** Speaking on behalf of the Africa group, a Government representative of the United Republic of Tanzania welcomed the four elements on which the strategy was centred. Enhancing the capacity of social partners was vital to development cooperation, along with

strengthened South–South cooperation and public–private partnerships. He urged the Office to consider extending development cooperation to fragile States and those in special situations, and to include in the strategy the areas of critical importance and the regional initiatives. The Africa group requested continued assistance in addressing decent work deficits in Africa, and support for the Yaoundé Tripartite Declaration on the implementation of the Social Protection Floor and the Ouagadougou Plan of Action for Promotion of Employment and Poverty Alleviation. His group supported the change of the name of the Technical Cooperation Segment to the Development Cooperation and Partnerships Segment.

- 459.** *Speaking on behalf of GRULAC*, a Government representative of Cuba said that South–South and triangular cooperation, while beneficial, were no substitute for traditional, official development assistance. South–South and triangular cooperation constituted a unique and privileged approach to enhance cooperation among developing countries facing common challenges. National ownership was enhanced when projects responded to countries' needs, demands and priorities. Project evaluations should be shared with national authorities. Those requirements were not adequately reflected in the proposed deliverables and targets. National priorities and ILO purposes would best be met through teams in the field, as suggested in paragraph 25. Situations related to natural disasters, conflict, serious violation of workers' rights and unacceptable working conditions were very diverse and required specific, focused and time-bound responses. As for fragility and special situations, the ILO should concentrate on matters within its competence, including prevention and social policies based on social dialogue. Regarding table 4, target 1, the ILO should consider increasing regular contributions as core resources that offered greater predictability, transparency and alignment with priorities. Target 2 would need to reflect the Monterrey Consensus on Financing for Development, calling on developed countries to contribute 0.7 per cent of their gross domestic product to official development assistance, and between 0.15 per cent and 0.2 per cent to the least developed countries. He hoped that some of those funds would go to the ILO's Decent Work Agenda. When prioritizing countries, the ILO should consider not only per capita income but also other factors such as the number of ratified Conventions. He suggested deferring the draft decision until the March 2015 session of the Governing Body, to allow for further consultation with the social partners and all interested parties.
- 460.** *Speaking on behalf of the BRICS countries (Brazil, Russian Federation, India, China and South Africa)*, a Government representative of Brazil said that development and technical cooperation should remain a priority area for the ILO, complemented with South–South and triangular cooperation modalities. She agreed with the objective of focusing technical cooperation on five global flagship programmes. However, the focus should be on long-term commitments to support development, prevent crises and build resilience, rather than on a number of diverse activities. The ILO's cooperation efforts should be rooted in national ownership and social dialogue. Social partners and governments should have an opportunity to discuss more thoroughly the International Aid Transparency Initiative mentioned in table 2, including with regard to the role of the ILO's regional and local offices. In the context of capacity development, she wondered what was meant by "learning-related standards". Some of the targets proposed for resource mobilization in table 4 were unclear and might discourage members of the Organization from engaging in technical cooperation. To preserve the multilateral character of development cooperation, core funding must be increased, irrespective of the flow of voluntary contributions. The participation of traditional donors ought to be reflected in the second target. Further discussion of the strategy would be desirable, and she suggested deferring a decision on it until the March 2015 session of the Governing Body.

- 461.** A *Government representative of Colombia* said that the ILO's cooperation policy should address three fundamental factors: efficiency, coherence and effectiveness. Labour rights were a core part of the development cooperation strategy, which included social dialogue, good governance, social justice, equality and institutional capacity building. She took note of the Office proposal to adopt the concept of "development cooperation" instead of "technical cooperation". Development cooperation would require a strategy embracing focus, effectiveness, capacity development and resource mobilization. Development cooperation should be subject to more rigorous oversight regarding the allocation of non-earmarked and lightly earmarked resources. To ensure greater accountability, transparency and sustainability, projects should have technical monitoring and oversight committees with tripartite participation. Capacity building could be strengthened through knowledge-sharing, not only between countries within a region but also between regions. The ILO's support in that area had been and would continue to be a useful tool. It was important to involve new stakeholders and mobilize local resources, in order to ensure that work was more cohesive.
- 462.** A *Government representative of Trinidad and Tobago* said that the vulnerabilities of small island States, coupled with the challenges arising from natural disasters, meant that some Caribbean countries might be considered to be in a special situation, while not necessarily meeting the criteria for the "special situations" referred to in the strategy. Therefore, the type and reach of support programmes needed to be adapted to the recipient States. It was through the partnerships with the ILO, especially its subregional and regional offices, that technical cooperation was best administered and long-term sustainable solutions found. The partnering of the Turin Centre with institutions was welcomed. It would have been useful if the paper had outlined the implications of the new approach for the ILO and for constituents. She expressed the hope that the new development cooperation strategy would not involve unduly onerous procedures for accessing ILO support.
- 463.** A *Government representative of Japan* said that the rights-based approach towards development taken by the strategy was less suited to some of the least developed countries, as they required more immediate results. An approach that focused on cooperation at the grass-roots level, such as by providing basic vocational and entrepreneurial training and improving working conditions in collaboration with social partners, had been proven to be effective and efficient, as well as yielding immediate results. He suggested including that type of approach in the strategy. In order to prioritize the ILO's goals, it would be necessary to identify the areas and means of cooperation. The Development Assistance Committee (DAC) of the OECD had developed criteria for technical cooperation strategies, which were objective and internationally accepted. He suggested that they should be used in the strategy in order to avoid confusion and duplication.
- 464.** A *Government representative of India* said that ensuring that the ILO's development cooperation strategy was in line with the sustainable development goals would lead to a cohesive approach. The scope and arrangements of the strategy should primarily focus on meeting nationally set priorities while promoting the Decent Work Agenda. The country offices were called on to work closely with national partners before implementing technical cooperation projects, to ensure their relevance. The Office was urged to continue implementing smaller country-specific projects and ensure they were of high quality, efficient and cost-effective. Collaboration with the Turin Centre was welcomed but, in view of the increased participation of non-tripartite members in training events and workshops, the ILO was urged to keep a check on the composition of training participants. While his Government had always supported alternative forms of cooperation, they should not be considered a substitute for North-South cooperation. New partnership models needed to be developed that focused on results and priorities. Job creation continued to be at the heart of development and economic recovery; budgetary provisions for employment projects should therefore continue to be a priority.

- 465.** A *Government representative of Zimbabwe* expressed the hope that one of the final sustainable development goals adopted by the United Nations would be on full and productive employment and decent work for all. While the change of terminology from “technical cooperation” to “development cooperation” was welcomed, the essence of technical cooperation in its current form, which included cooperation between constituents and the Office, should be preserved. Her Government agreed with the draft development cooperation strategy, which should be guided by constituents’ needs, and supported the draft decision.
- 466.** A *Government representative of China* said that while his Government would work with the ILO to explore new channels for South–South cooperation, it could not replace North–South cooperation. It was important to be responsive to the needs of recipient countries; that could be achieved by enhancing country ownership and stepping up capacity building. His Government supported the flagship programmes aimed at improving effectiveness and visibility. The ILO was encouraged to continue to tap into the potential of public–private partnerships and involve the private sector in development cooperation.
- 467.** A *Government representative of the Republic of Korea* said that capacity development of staff was essential for improving the effectiveness and quality of projects. Training programmes run together with the Turin Centre were welcomed and new programmes should reflect the needs on the ground. Given the trend towards resource mobilization at regional level and the increase in public–private partnerships, programmes to develop capacity in dealing with private sector engagement would be needed. Decentralization could result in projects overlapping and coordination problems. It was therefore important to establish communication channels and an effective management system between ILO headquarters and the regional and country offices. The plans to establish a knowledge-sharing platform for project management were welcomed. The operating principles and targets for the strategy should be fine-tuned and reflected in detailed indicators.
- 468.** Speaking on behalf of ASEAN, a *Government representative of Cambodia* said that the strategy seemed to focus primarily on a rights-based approach, rather than on the concrete programmes to be covered. The latter should include the ASEAN regional programme and individual country programmes. The group attached importance to promoting country ownership through tripartism. The Office was requested to enhance collaboration with the ILO Regional Office for Asia and the Pacific in Bangkok, ILO country offices and the ASEAN secretariat to draw up concrete programmes for inclusion in the strategy. It was also requested to include those detailed programmes in the Programme and Budget for 2014–15 and the proposals for the Programme and Budget for 2016–17, as well as in the annual evaluation report of the strategy.
- 469.** A *Government representative of Algeria* said that account should be taken in the strategy of the concerns and priorities expressed by governments.
- 470.** Speaking on behalf of ASPAG, a *Government representative of China* said that more focused flagship programmes and smaller country-specific and targeted projects were welcomed. There were challenges regarding resource mobilization, which would require complementary work to be carried out at headquarters and in the regions. The ILO was encouraged to call for further contributions from the social partners and international organizations to help fund its development cooperation programme. It was also encouraged to promote country ownership by involving member States in drawing up and implementing the development cooperation programme. A balanced approach to resource allocation was stressed. To that end, the Office was requested to draw up a framework or guidelines to ensure greater transparency in the implementation of development cooperation programmes. Indicators such as the increase of resource contributions from middle-income countries would require further consultation at country level. The group

aligned itself with the suggestion made by GRULAC to defer the draft decision to March 2015.

- 471.** *A representative of the Director-General* (Deputy Director-General for Field Operations and Partnerships) said that the strategy should be informed by the post-2015 development agenda and fit in with the Strategic Policy Framework under discussion. Many important matters would have to be incorporated as and when they became clearer. The adoption of the draft decision would make it possible to start implementation and consult the Governing Body in March regarding indicators and in November regarding the post-2015 development agenda and development funding. Regarding member States' contributions, the emphasis was on stepping up efforts to work with countries that were willing to use domestic resources. That proportional increase of domestic development funding did not imply an absolute decrease of contributions from other partners, who currently ensured 80 per cent of extra-budgetary contributions. Flagship programmes were not intended to replace other activities. The idea was to scale up certain programmes, either on a country-by-country basis or a thematic basis. The flagship programmes should be fully in line with the ten outcomes in the draft transitional strategic plan for 2016–17. A working group had looked at possible criteria, but no decision had been taken as to the number of programmes or the areas they would cover. The flagship programmes were intended to act as a link between the reform of field operations and the proposed technical cooperation strategy. Regarding fragility, the ILO was not a humanitarian aid organization. It had focused on and would continue to underscore the importance of income-generating activities aimed at assisting countries to recover from crises. The term “fragile State” might sometimes apply to a country that would not usually be deemed fragile but which might find itself in a difficult situation requiring specific action. The aim of the proposed procedures was not to create an undue burden on States, employers or workers.
- 472.** *A representative of the Director-General* (Director, Partnerships and Field Support Department (PARDEV)) said that the Office shared the view that national and tripartite ownership of development cooperation was of crucial importance. A better balance of the resources allocated to the ILO's different strategic objectives partly depended on the demands of beneficiary countries and the priorities of donor countries, not solely on the Office. Nonetheless, in 2014 more than 20 per cent of new extra-budgetary approvals were for the strategic objective of social dialogue. Since 1999, considerable progress had been made on the rate of delivery of technical cooperation, with a figure of 82 per cent achieved in 2013. Voluntary contributions were for the most part from a small group of northern industrialized countries, with 20 per cent coming from the private sector, public-private partnerships, development banks, other UN agencies and emerging economies. The proposal was to raise the latter share to 25 per cent; it was not to replace North–South cooperation with purely South–South cooperation or with funds provided by middle-income countries. All ILO projects were evaluated, based on the criteria of the OECD DAC. With the aim of improving cooperation with the Turin Centre, a framework agreement was in place between the Partnerships and Field Support Department and the Turin Centre which led to many joint activities. The learning-related standards referred to in the paper were pedagogical standards developed by the Turin Centre to measure the quality of learning.
- 473.** *A Government representative of Brazil*, speaking at a subsequent sitting, said that the request made by GRULAC the previous year, to hold informal consultations in preparation for the agenda item, remained relevant. The Workers' and Employers' groups and a number of Governments had provided input, which should be taken into account. The ILO was part of the UN family, and its development cooperation strategy should be based on the outcomes of multilateral conferences relating to the matter. The meaning of “member States with substantial development cooperation portfolios”, the fund for kick-starting and coordinating responses, and the five global flagship programmes referred to in table 1

should be discussed. Further information should be provided on the International Aid Transparency Initiative, referred to in table 2. No reference was made in table 4 to new and additional resources as part of development assistance. The targets set by the Office should be more ambitious. The issue was raised as to whether it would not have been better to discuss those matters at an informal inter-sessional consultation.

Decision

474. The Governing Body:

- (a) *recalled that informal tripartite consultations should be held in matters of strategic importance, particularly for decisions with long-term impact;*
- (b) *took note that adjustments to the development cooperation strategy 2015–17 might be necessary to take into account the sustainable development goals, the transitional strategic Programme and Budget for 2016–17, the ongoing internal reform of the Office, as well as the findings of the forthcoming evaluation of the technical cooperation strategy;⁶*
- (c) *requested the Office to provide the Governing Body, at its 323rd Session (March 2015), with a document, for decision, on the mechanisms in place to ensure the involvement of constituents in strategic matters pertaining to development cooperation;⁷*
- (d) *requested the Office to begin implementing the development cooperation strategy summarized in the paper, taking into account the guidance given in the discussion;*
- (e) *requested the Office to present refined deliverables and/or targets for tables 1, 2 and 4 in document GB.322/POL/6, for adoption, at the 323rd Session of the Governing Body (March 2015); and*
- (f) *requested the Office to present a revised strategy, for adoption, at its 325th Session (November 2015).*

(GB.322/POL/6, paragraph 34, as amended.)

Seventh item on the agenda

**Enhanced programme of technical cooperation
for the occupied Arab territories**
(GB.322/POL/7(Rev.1))

475. A representative of the Director-General (Director, ILO Regional Office for Arab States) said that she had attended the Cairo Conference on Palestine: Reconstructing Gaza, and had visited Gaza since the publication of the paper. The devastation of lives and livelihoods was likely to undermine any meaningful socio-economic development for

⁶ See GB.322/POL/6, para. 7.

⁷ See GB.322/POL/6, para. 6, Appendix II, on “country ownership”.

years. Meeting urgent humanitarian needs was a priority. To secure tangible gains, the Office had been working closely with its partners to scale up interventions that had been successful in the past. The Office's proposal rested on three pillars: emergency employment for rehabilitation of the community and economic infrastructures and for improved access to basic services; enhancement of the employability of young people, in order to meet labour market needs associated with reconstruction and recovery; and capacity development for tripartite constituents and local partners. There was an urgent need to realign the Decent Work Programme (DWP) and ensure a fully national response. Time lines and activities needed to be adjusted, notably for the plan to incorporate a child labour module in the 2015 national labour force survey and for implementation of the first ever social security system for private sector workers; in fact, the National Tripartite Social Security Committee was drafting the new law for adoption in early 2015. The ILO had been invited to present its proposals for establishing a coordination group on employment and skills within the complex national aid coordination structure for the Palestinian economy. The substantive content that the Office had already put forward had resulted in the suggestion of linking the new tripartite plus working group to the Prime Minister's office.

- 476.** *The Employer coordinator* welcomed the attention that the Office was paying to the region. Despite the ILO's endeavours, the situation had worsened because peace negotiations had stopped. Violence was escalating, resulting in increased poverty and unemployment. Decent work was stillborn in the occupied Arab territories, because the people living there could not manage their own resources, given the current situation. As stated in the Appendix to the Director-General's Report to the 103rd Session (2014) of the ILC, *The situation of workers of the occupied Arab territories*, many obstacles existed, including the lack of financial resources. The international community had to do more. The requests submitted to the Office by the Arab group that related to the situation of Palestinians and people living in the occupied Arab territories needed to be addressed. The yearly reports of the Director-General should reflect on the suffering of the people in the region and make concrete proposals within the context of a short-term and medium-term action plan funded by the ILO and in cooperation with regional and international partners. An item should be added to the agenda of the ILC on the issue. More financial assistance was needed to revive the special Palestinian fund for social protection, and the enhanced programme of technical cooperation needed to be further developed. Activities should be diversified, and budgetary allocations secured to see them through. Cooperation between Arab organizations and the ILO needed to be set up, so that they could work together towards rebuilding Gaza.
- 477.** *The Worker spokesperson* said that the Workers' group would have hoped for a bolder approach to the situation of Palestinian workers, which was characterized by increasing instability and violence. No real progress towards decent work and the enjoyment of fundamental principles and rights at work could be made until the occupation was ended and Palestine was recognized as an independent state. The Office should not lose sight of long-term aims and objectives amidst the urgent short-term needs of the recovery. The group noted the overall progress made to promote the labour rights of Palestinian people through building the capacities of trade unions and national institutions, cooperatives, and employment, social security, social dialogue and the governance of labour market institutions. However, the current disastrous situation needed to be addressed. Assessing the effectiveness of interventions aimed at enhancing employment opportunities was important. Many Palestinians were forced to work in the informal economy, were denied access to economic and natural resources and subject to all kinds of restrictions. It was therefore important to go beyond the promotion of entrepreneurship and self-employment. The Office needed to be more innovative in its efforts to promote decent work and sustainable economic activities. The group supported the Office's efforts related to the fishery sector and called for all restrictions on the Gaza Strip to be lifted, as well as the

lifting of the embargo and all import and export barriers. The group hoped that the provisions of the August 2014 ceasefire agreement would come into effect, allowing Palestinians to enjoy their fundamental rights, including freedom of mobility in Gaza, the West Bank and East Jerusalem, and called on the international community to move forward towards a peace agreement.

- 478.** *Speaking on behalf of the Africa group*, a Government representative of the United Republic of Tanzania commended the Office's support in implementing the Decent Work Agenda in the occupied Arab territories and thanked the development partners for their funding. The Africa group agreed with the proposal to enhance implementation of the Palestinian DWP in the areas of labour market governance, employment and social protection, and said that it would welcome further measures to extend technical cooperation operations to all occupied Arab territories. It urged the Office to continue engaging with governments and social partners to promote the Decent Work Agenda and strive for everlasting peace in the Middle East.
- 479.** *Speaking on behalf of ASPAG*, a Government representative of China thanked the Office for its technical cooperation programme for the occupied Arab territories and encouraged its continued commitment to the DWP and particularly the reconstruction of Gaza.
- 480.** *Speaking on behalf of the IBSA countries (India, Brazil and South Africa)*, a Government representative of Brazil expressed support for the right of the Palestinian people to self-determination and a two-state solution. In light of the desperate economic and social situation in Gaza, IBSA welcomed the coordinated involvement of the ILO in the development of a UN support plan for the transformation of the Gaza Strip, as well as the inclusion of specific priority actions for the Gaza Strip in the Palestinian DWP. IBSA noted with particular interest the ILO's plans to enhance its support to the fishery sector with a view to improving livelihoods and creating job opportunities. The IBSA Fund had financed projects in Ramallah, Nablus and Gaza. IBSA was engaged in the construction and equipping of a centre that would offer activities for adults with disabilities and had financed the rehabilitation and reconstruction of the Al Quds hospital. ILO technical cooperation was an important element of a broader effort to strengthen Palestinian institutions. IBSA welcomed the progress that had already been made, noting that a social security system for private sector workers and their families might soon be established.
- 481.** A *Government representative of Turkey* referred to the negative impact of the latest conflict on, *inter alia*, the economic and social situation, productive assets, unemployment and labour market conditions in Gaza. His Government continued to provide humanitarian assistance to Gaza and was involved in projects to supply electricity to Gaza and to build field hospitals. It strongly supported the ILO's involvement in the reconstruction of Gaza and noted the ILO's efforts to establish a social security system and to introduce a new social security law.
- 482.** A *Government representative of Mexico* agreed that it was imperative to intensify the peace process in order to ensure that a two-state solution could be achieved, which would enable the development of a buoyant economy with a social dimension. He expressed concern that the current situation was resulting in the continued deterioration of workers' conditions and rights. He noted the progress made in relation to improved governance, establishment of the first social security system for private sector workers, gender issues and youth labour market participation. He also noted with interest the ILO's contribution to socio-economic recovery in Gaza through the promotion of job opportunities and livelihoods in the fishery sector and emphasized the need to enforce one of the key provisions of the unlimited ceasefire agreement, which called for expansion of the fishing zone from three to six nautical miles off the Gaza coast. The Government of Mexico encouraged the ILO to continue working with other organizations in the UN system to develop a support plan for

the transformation of Gaza, which would prioritize governance, recovery, reconstruction and structural development issues.

- 483.** *A representative of the Director-General* (Director, ILO Regional Office for Arab States) thanked the delegates for their words of support and assured them that the Office would do its best to meet their expectations. The ILO would try to be more resourceful, innovative and bold in its technical solutions, with a view to bringing about the desired social justice outcomes.

Outcome

- 484.** *The Governing Body took note of the report and welcomed the update by the Office on recent developments, expressing support for the programme elements proposed in document GB.322/POL/7(Rev.1), including support for the reconstruction of Gaza.*

(GB.322/POL/7(Rev.1).)

Multinational Enterprises Segment

Eighth item on the agenda

ILO collaboration with other intergovernmental and international organizations in promoting the principles of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy

(GB.322/POL/8)

- 485.** *The Worker spokesperson* welcomed the high interest in the MNE Declaration at the 18th American Regional Meeting and suggested that a short paper on the organization and outcomes of the MNE discussion there should be submitted to the 323rd Session of the Governing Body, to draw lessons including for the organization of the MNE sessions at upcoming regional meetings. She also welcomed paragraph 18 of the conclusions and asked for follow-up work to be undertaken. As to the document submitted to this Governing Body session, she would have appreciated a clearer delineation between public and private initiatives. On the UN Guiding Principles on Business and Human Rights, she stressed the importance of further formalizing the ILO's collaboration with the Working Group, particularly in thematic reports and country visits, to ensure the ILO would drive the labour agenda. Regarding the Global Compact, she expressed concern with the disbanding of the inter-agency group and asked the Director-General to address the governance issues with the Chief Executives Board for Coordination (CEB) and to ensure closer coordination among the core organizations. She expressed concern on the level of resources used to support corporate social responsibility (CSR) initiatives that were not resulting in better compliance with the principles of the MNE Declaration, and requested the Office to step up efforts to promote the implementation of the MNE Declaration principles. More could be done to cooperate closely with OECD national contact points about international labour standards and to counsel them if those standards were breached. Extreme caution was required in proceeding with cooperation with the International Organization for Standardization (ISO). The ILO should not become merely an adviser for

other initiatives, but should actively contribute and assist others to ensure that the principles of ILO standards are fully implemented together with those of basic human rights; and to promote social dialogue and the inclusion of trade unions. The MNE Declaration could be used in a more practical way to promote such implementation. She further emphasized the added value of the ILO in promoting social dialogue and ensuring the participation of trade unions in initiatives, the role of international framework agreements in the promotion of decent work in supply chains and the importance of legislative changes to ensure freedom of association as part of initiatives such as the Accord on Fire and Building Safety in Bangladesh. The ILO should provide training on the MNE Declaration at the Turin Centre and devise a regional implementation strategy for the Americas, as well as consider adapting the Declaration's wording to the current situation and requirements of due diligence in global supply chains. The Workers supported the draft decision.

- 486.** *The Employer coordinator* highlighted that the Office paper addressed two issues: the promotion of the MNE Declaration and the ILO interaction with other international organizations. The Governing Body had taken decisions regarding both in the past and she wished to have more information on what the ILO was doing to implement those decisions. She welcomed the fact that the implementation of the MNE Declaration had been discussed at the Regional Meeting. Moreover, ILO local and regional offices should raise awareness of the MNE Declaration when carrying out their activities. The Helpdesk was working well to address individual queries. The Governing Body had also requested that the principles of the MNE Declaration should be incorporated into technical cooperation initiatives, where appropriate, and that they should also guide enterprise creation initiatives on the ground. She requested an update on the collection of information on the effect given to the principles of the MNE Declaration. She suggested reinstating the past practice of inviting organizations that referred to ILO texts and standards in their initiatives to Governing Body sessions devoted to MNEs in order to continue dialogue with those organizations at the political level to ensure that they were interpreting and using ILO texts and standards correctly. She welcomed the active role played by the ILO in the work of the UN Working Group on Business and Human Rights. She regretted that the inter-agency consultation forum of the UN Global Compact was no longer functioning and requested the Office to take the necessary action to ensure that inter-agency consultations at the political level were resumed. The role of the ILO was not so much to provide technical input as to ensure that those initiatives were in line with ILO objectives and thus promote policy coherence at the political level. The Governing Body should also follow the work of the OECD, which was increasingly drawing on ILO standards. Lastly, she proposed an amendment to the draft decision to make it clear that the promotion of the MNE Declaration and ILO collaboration with other intergovernmental and international organizations were two related but separate issues, by adding the wording "and to ensure policy coherence with international organizations through inter-agency dialogue at the political level".
- 487.** *Speaking on behalf of IMEC*, a Government representative of the Netherlands said that, given that the MNE Declaration was often referred to as one of the key instruments for promoting ILO standards and CSR, the Office should play a leading role in providing guidance to stakeholders on the implementation of those standards and of CSR initiatives. He asked how the promotional activities set out in the document submitted to the previous Governing Body session had contributed to the achievement of the proposed Strategic Policy Framework and programme and budget outcomes. He would have appreciated information on the ILO's collaboration with other organizations, such as the International Finance Corporation (IFC) and the rest of the World Bank Group, UNIDO, UNCTAD and UNDP, as their activities were also relevant for disseminating the MNE Declaration. He also welcomed the formalization of the cooperation between the ILO and the UN Working Group responsible for promoting the dissemination and implementation of the UN Guiding

Principles on Business and Human Rights and wondered what enhanced cooperation was foreseen as a result. He enquired as to the specific problems that the ILO had encountered in cooperating with the UN Global Compact following the disbandment of the inter-agency team. He indicated that governments in the Global Compact Government Group could raise that issue in the framework of broader UN Global Compact governance debates. Welcoming the cooperation between the ILO and the OECD, he asked what more active collaboration between the two organizations would entail and whether it would have financial implications. He also wished to know whether the Turin Centre could play a more structured role in joint educational activities with the other organizations. The ILO should collaborate with other organizations more generally on matters relating to the Decent Work Agenda. He suggested examining developments, trends and innovations in those organizations in view of the upcoming Conference discussions on SMEs (2015) and on global supply chains (2016). IMEC considered the draft decision to be redundant, as the paper had been submitted for debate and guidance.

- 488.** *Speaking on behalf of the Africa group*, a Government representative of Ethiopia encouraged the Office to use the UN Guiding Principles on Business and Human Rights and the annual UN Forum on Business and Human Rights to disseminate the ILO agenda and the MNE Declaration more widely. Its regional and country offices could help to promote the inclusion of the principles of the Declaration in national policies and action plans. The group also encouraged the ILO to participate in the open-ended intergovernmental working group on a legally binding instrument on transnational corporations and other business enterprises with respect to human rights, established by the UN Human Rights Council, and to use the occasion to demonstrate the relevance of the MNE Declaration to that instrument. Moreover, the ILO should establish a forum for consultation with the UN Working Group on Business and Human Rights, the UN Global Compact and the OECD with a view to advancing its Decent Work Agenda and promoting social policies that ensured the positive contribution of multinational enterprises. The establishment of such a forum would also enhance the use and recognition of the MNE Declaration and promote coherence among the frameworks of other international organizations in line with the Declaration's principles. The Office should report on any developments in ILO collaboration with intergovernmental and international organizations at the next session of the Governing Body.
- 489.** *Speaking on behalf of GRULAC*, a Government representative of Cuba expressed regret over the disbanding of the Global Compact's inter-agency governance team, and supported the Office's proposal to reinforce the governance structure and refocus it on its original mission. In line with its mandate to supervise labour standards internationally, the ILO should strengthen its ongoing collaboration with other organizations, leading with its technical expertise, in particular the OECD. The concepts of due diligence and access to remedy for victims of business-related human rights violations were particularly important, as was the strengthening of international mechanisms which protected such rights. The ILO's advantage in that domain was its tripartite structure, with enterprises playing an active role alongside governments and employers' and workers' organizations in the promotion of decent work. It was worth examining how the relevant mechanisms of the ILO and OECD had worked in practice with regard to the Rana Plaza factory collapse, in order to draw lessons. GRULAC supported the development of a sound strategy to promote the MNE Declaration and was ready to participate in the various corresponding forums.
- 490.** *A Government representative of the Russian Federation* praised the collaborative work undertaken by the ILO and encouraged it to take a leading role in collaborative efforts to promote human rights. Its strategies to promote the principles of the MNE Declaration with other organizations were effective. Collaboration at all levels – international, regional and sectoral – was important, and the regional offices played an important role. With

regard to the observance of ILO standards, it was necessary to provide technical support to social partners at the national and regional levels. The range of partners participating in the MNE Declaration's implementation should be broadened to include, for example, the BRICS countries and the Shanghai Cooperation Organization, as such associations could contribute greatly.

- 491.** A *Government representative of Argentina* commented that real sustainable development required a new business spirit committed to decent work. Since 2003, Argentina had been creating a new economic and political model geared towards the democratization of society and decent work. The financial crisis had shown that it was indispensable, especially for developing countries, to focus on growth of the real economy rather than financial speculation. The real economy could be sustainable and productive only if it improved citizens' lives and strengthened internal markets, and that was why Argentina strongly supported initiatives such as the MNE Declaration. However, the Declaration should address additional issues, such as the regulation of supply chains, and collaboration between organizations on the application of international labour standards in specific regions.
- 492.** A *Government representative of India* said that the socially responsible behaviour of MNEs should extend beyond legal obligations and should support socio-economic development. The Government of India had established National Voluntary Guidelines on Social, Environmental and Economic Responsibilities for businesses and a CSR clause within its Companies Act, 2013, making it the first country in the world to have legislation on CSR. He agreed that other organizations should align their policies with the objectives of the MNE Declaration; moreover, the dissemination of such policies would address the interests of the least developed countries. Enterprises' development and implementation of international framework agreements had to be within the national framework of each country. Care should be taken not to promote private compliance initiatives when establishing international labour standards. He requested more information regarding progress on the two new global tools and the e-learning module on better understanding MNEs that had been proposed during the previous Governing Body session. While the due diligence approach to both labour rights and human rights was positive, it was important that labour rights should not be conflated with human rights, and the primacy of labour issues must not be lost in the development of linkages with other agencies. Views on supply chains should be developed only after the relevant Conference discussion in 2016.
- 493.** A *representative of the Director-General* (DDG/P) said that a discussion on the pilot implementation of the ILO's relationship with the ISO was scheduled for the next session of the Governing Body. Responding to the Employers' suggestion to continue dialogue with other organizations at the political level, she endorsed the idea and would take action on it, while noting the recent high-level engagement between the Director-General and the UN High Commissioner for Human Rights. On the proper amount of resources to commit to collaborative efforts, the ILO made its expertise available when there was a question involving ILO instruments, standards, fundamental principles and rights at work or the ILO's mandate more generally, such as in the UN Working Group or the OECD national contact points. However, the ILO had its own ambitious agenda, and was constantly balancing the demands and resources against the benefits to be gained in terms of the Organization's goals.
- 494.** A *representative of the Director-General* (Director, Enterprises Department (ENTERPRISES)) said that the discussion at the American Regional Meeting on the promotion of the MNE Declaration had indeed been well attended and elicited specific proposals on how to enhance the visibility and implementation of the MNE Declaration. The Office was developing specific follow-up activities and would explore the suggestion of making the MNE Declaration implementation a standing agenda item for Regional

Meetings. If desired by the tripartite constituents, the practice of inviting high-level representatives of other organizations to foster policy dialogue could be reinstated. Regarding specific partners, the ILO was very actively engaged with the UN Office of the High Commissioner for Human Rights and with the UN Working Group on Business and Human Rights, and had agreed to participate in the new UN intergovernmental working group to consider a legally binding instrument. Regarding outcomes of the recent OECD meeting on the garment industry, the OECD had decided to establish an advisory group to provide industry-specific guidance on due diligence, which the ILO had been invited to join. Discussions were ongoing about the training offer at the Turin Centre which would attract broader audiences. While other organizations such as the World Bank had not been included in the paper, the ILO was nevertheless working with them to promote the MNE Declaration principles. The widespread support for governance reform of the Global Compact was welcome; it was difficult to make progress when the inter-agency governance team had been unilaterally disbanded.

- 495.** *The Employer coordinator* was pleased to note the consensus with regard to the central role of the MNE Declaration and the need for better global coherence to promote it. She welcomed the possibility of reinstating the practice of inviting other international organizations to the MNE Segment, and appreciated the fact that political dialogue existed with various organizations.
- 496.** *The Worker spokesperson* noted the consensus supporting a standing agenda item on the implementation of the MNE Declaration in the Regional Meetings and regarding dialogues at the political level with other organizations. She requested an update on the promotional strategy of the MNE Declaration at the 323rd Session of the Governing Body, and stressed the importance of linking MNE work to technical cooperation and the enterprise initiative. The Workers wished to supplement the amendment proposed by the Employers by adding the word “including” before “through inter-agency dialogue at the political level”, as that was not the only means of securing coherence.
- 497.** *Speaking on behalf of IMEC*, a Government representative of the Netherlands said that groups should adhere to the procedure for proposing amendments. IMEC needed additional time to consider the new proposals.
- 498.** A representative of the Director-General (Deputy Director-General for Policy) clarified that creating a standing item on the agenda of Regional Meetings could require an amendment to the Rules for Regional Meetings. The Office could not, therefore, make a firm commitment but would look into it.
- 499.** *Speaking on behalf of IMEC*, a Government representative of Canada proposed a subamendment replacing the word “ensure” with “promote”, so as to create realistic expectations regarding the work of the Office.
- 500.** *The Worker spokesperson* and *the Employer coordinator* supported the amended decision.

Decision

- 501.** *The Governing Body took note of the information contained in the document and requested the Office to take into account its guidance on enhancing the further use and recognition of the MNE Declaration, in line with the Governing Body's decision, and to promote policy coherence with international organizations, including through inter-agency dialogue at the political level.*

(GB.322/POL/8, paragraph 35, as amended.)

Legal Issues and International Labour Standards Section

Legal Issues Segment

First item on the agenda

Privileges and immunities of the International Labour Organization: Identification document for Employer and Worker members of the Governing Body (GB.322/LILS/1)

- 502.** *The Employer coordinator* said that his group reaffirmed its support for the proposed identification document. It noted that the usefulness of the document would depend upon its recognition in practice and, in that respect, assumed that the ILO contact telephone number would be accessible both day and night for the purpose of confirming the validity of the document. The group agreed with the proposed evaluation of the practical usefulness of the document at the end of the current term of the Governing Body and supported the draft decision.
- 503.** *The Worker spokesperson* said that her group considered that sufficient safeguards were provided to address the concerns that had been raised by Governments in the course of previous discussions of the item. The group supported the draft decision.
- 504.** *Speaking on behalf of the industrialized market economy countries (IMEC)*, a Government representative of Canada welcomed the improved detailed proposal that included nearly all of its previous requests. Absorption of the cost of the document within the budget of the Office was welcomed, as was the proposed evaluation at the end of the current term of the Governing Body. IMEC wished to limit the authority for card issuance to the current Governing Body and to require a new decision for future Governing Bodies. It therefore suggested amending the draft decision to include the words “for 2014–17” after the words “identification document”.
- 505.** *Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)*, a Government representative of Cuba thanked the Office for taking many of its previous comments into consideration. The group was willing to support the proposed format of the document, on condition that the text on the back of the document included the statement “These privileges and immunities may not be invoked before the State of which the holder is a national”.
- 506.** *A representative of the Director-General* (Deputy Legal Adviser) said that the Office wished to propose two very slight modifications to the amendment proposed by GRULAC, which would not affect in any manner the scope or effect of the amendment. The English and French statements on the back of the card should be aligned with the wording of Article V, section 17, of the 1947 Convention on the Privileges and Immunities of the Specialized Agencies and contain the words “applicable” and “opposable” instead of “invoke” and “invoquer”. Moreover, the Spanish should contain the word “titular” instead of “persona” so as to conform with the first sentence of the statement.

- 507.** Speaking on behalf of GRULAC, a Government representative of Cuba said that his group agreed to the proposed modifications.
- 508.** Speaking on behalf of the Africa group, a Government representative of Angola said that his group reaffirmed its position that the document had no practical use, given that it was neither a piece of national identification nor a travel document, and would have a purely declaratory value. It nevertheless did not object to the document, despite its cost.
- 509.** The Employer coordinator agreed to the amendments proposed by GRULAC and IMEC.
- 510.** The Worker spokesperson agreed to the amendment proposed by GRULAC, but emphasized that the amendment gave visibility to what her group considered a significant weakness of the 1947 Convention – that is, that the privileges and immunities were not applicable in relation to the authorities of the State of which the person was a national or of which he or she was or had been a representative. The group looked forward to examining in the Governing Body possible ways to strengthen the protection of Worker representatives against victimization. It also agreed to the amendment proposed by IMEC.

Decision

- 511.** The Governing Body requested the Director-General:
- (a) to issue an identification document for 2014–17 for Employer and Worker members of the Governing Body as described in this document, with the following statement on the back of the document: “These privileges and immunities are not applicable in relation to the authorities of the State of which the holder is a national”; and
 - (b) to evaluate the usefulness of the document at the end of the current term of the Governing Body.

(GB.322/LILS/1, paragraph 11, as amended.)

International Labour Standards and Human Rights Segment

Third item on the agenda

Report of the first meeting of the Special Tripartite Committee established under Article XIII of the Maritime Labour Convention, 2006 (Geneva, 7–11 April 2014) (GB.322/LILS/3)

- 512.** The Worker spokesperson expressed appreciation for the important steps taken by the tripartite constituents and the Office towards the implementation of the Maritime Labour Convention, 2006 (MLC, 2006), and welcomed the amendments to the Code of the Convention, which were expected to enter into force on 18 January 2017. The procedure outlined in paragraphs 5–10 of the report of the Chairperson of the Special Tripartite Committee (STC) demonstrated the added value of the modern mechanisms of the MLC,

2006, which worked on the basis of social dialogue and tripartism. Paragraph 11 of the Chairperson's report made reference to the need for uniform implementation of the definition of a seafarer, a concern that had been raised previously by seafarers and more recently during the first meeting of the STC. Specifically, the definition of the term "seafarer", as adopted in national legislation, was sometimes overly restrictive and had led to the exclusion of cadets and personnel employed under outsourced service agreements, such as security personnel, and repair and maintenance technicians whose main place of work was on a vessel. The group also had concerns related to the costs for seafarers of travel to the vessel and of obtaining a visa, as well as to issues related to social security. Those points needed to be addressed, through tripartite work in the sector. She expressed support for the draft decision.

- 513.** *The Employer coordinator* expressed appreciation for the successful outcome of the first meeting of the STC. The amendments to the Code of the MLC, 2006, had been adopted by an overwhelming majority. It was to be hoped that those amendments would enter into force in 2017, as foreseen. The first meeting had provided a forum for a useful exchange of information and experiences on the working of the MLC, 2006. He expressed agreement with the draft decision, and indicated that the important work of the STC should be supported. In that respect, the next meeting of the STC, which was scheduled for 2016, should take place in the period January–March 2016, if the programme and budget allowed it. Clarification was requested as to why the meeting had not been scheduled for 2015.
- 514.** *Speaking on behalf of the Africa group*, a Government representative of Angola noted that the STC had voted overwhelmingly in favour of the proposed amendments to the Code of the MLC, 2006, that had been submitted to it. Moreover, an important and very useful exchange of information had taken place during the first meeting of the STC. In particular, the need for uniform application of the definition of a seafarer had been discussed. The Committee of Experts on the Application of Conventions and Recommendations (CEACR) might wish to consider that issue when it conducted its review of reports under article 22 of the ILO Constitution. Regular meetings of the STC, as recommended in the resolution adopted by the participants at the first meeting, would enable the further exchange of information and the promotion of social dialogue at the international level and ensure a more effective implementation of the Convention. The Africa group took due note of the arrangements concerning the requests for consultation submitted under Article VII of the Convention. The Africa group was not opposed to the draft decision.
- 515.** *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the following countries aligned themselves with the statement: Turkey, Montenegro, Serbia, Albania, Bosnia and Herzegovina, Republic of Moldova and Georgia. The recent amendments to the Code of the MLC, 2006, were important as they constituted a sustainable solution on the matters of injury, illness or death and abandonment of seafarers and contributed significantly to enhancing the attractiveness of the seafarers' profession. The second meeting of the STC should be held in 2016. The EU should continue to be invited to participate in meetings of that Committee, given the contribution of EU legislation to the implementation of the MLC, 2006, and the important impact the work of the STC might have on that legislation. She expressed support for the draft decision.
- 516.** *Speaking on behalf of GRULAC*, a Government representative of Cuba noted that the first meeting of the STC had resulted in useful bipartite and tripartite exchanges and that consensus had been reached on the application of the Convention in areas of common interest such as the regulation of seafarer recruitment and placement services and the jurisdiction with respect to seafarers' employment agreements. Furthermore, it had highlighted the need for uniform application of the definition of a seafarer. He drew attention to the amendments to Regulation 2.5 on "Repatriation" and Regulation 4.2 on

“Shipowners’ liability”. He welcomed the fact that those amendments would enter into force on 18 January 2017 and that a resolution had been adopted on transitional measures of an operational nature concerning the financial security requirements in respect of abandonment of seafarers and for shipowners’ liability. Lastly, he recognized the need to hold regular meetings of the Committee over the following years and supported the draft decision.

- 517.** A representative of the Director-General (Director, International Labour Standards Department (NORMES)) provided the following clarifications in response to the Workers’ and Employers’ statements. On the need for uniform implementation of the definition of a seafarer in the MLC, 2006, the definition had been extensively discussed during the development of the Convention; the preparatory work for the MLC, 2006, would be helpful in that regard, as well as with respect to the question of costs, raised by the Workers. The CEACR would begin examining the first reports under article 22 of the ILO Constitution at its upcoming session in November–December 2014 and those questions might well be the subject of consideration. Where it was not clear whether the MLC, 2006, addressed those specific issues, the STC would be the proper body to discuss them. In relation to the issue of social security provisions under the MLC, 2006, the Office was preparing an inventory on the provision of social protection and social security for seafarers, which should provide the information envisaged in the resolution concerning social security adopted at the 94th (Maritime) Session of the International Labour Conference in 2006. The Office had already consulted the social partners concerned on that initiative. With regard to the dates for the second meeting of the STC, it was not possible for it to be held in 2015, as it had not been included in the Programme and Budget for 2014–15. However, it was foreseen that the meeting would be held in the first quarter of 2016, as would be reflected in the decision.

Decision

518. The Governing Body:

- (a) *took note of the information presented in the report of the Chairperson of the Special Tripartite Committee to the Governing Body (GB.322/LILS/3), including the information in paragraph 14 of that report and paragraph 442 of the final report of the first meeting of the Special Tripartite Committee established under Article XIII of the Maritime Labour Convention, 2006 (MLC, 2006), regarding the arrangements for consultation under Article VII of the MLC, 2006;*
- (b) *reappointed for two years Mr Naim Nazha as the Chairperson of the Special Tripartite Committee for a second consecutive term; and*
- (c) *decided to convene the second meeting of the Special Tripartite Committee in the first quarter of 2016, subject to financial arrangements being made for this purpose.*

(GB.322/LILS/3, paragraph 17, as amended according to the Governing Body discussion.)

Fourth item on the agenda

Choice of Conventions and Recommendations on which reports should be requested under article 19 of the Constitution in 2016 (GB.322/LILS/4)

- 519.** *The Employer coordinator* recalled that the topic of recurrent discussions after 2017 might not be determined until after the evaluation by the Conference of the impact of the ILO Declaration on Social Justice for a Fair Globalization, 2008, at its 105th Session (2016). The choice of instruments on which reports should be requested under article 19 of the Constitution in 2016 therefore had to be made on an ad hoc basis. Both options proposed in the document were pertinent. However, occupational safety and health (OSH) was an area that deserved special attention by the ILO and its constituents. The ILO had an important role to play in that area. ILO standards could be an important building block in that regard, and a general discussion on OSH instruments could give impetus to more cooperation between the ILO and its constituents towards improving the OSH situation in member States. He expressed support for the draft decision.
- 520.** *The Worker spokesperson* expressed support for a General Survey concerning the OSH instruments applicable to the mining, construction and agriculture sectors, in the context of the ILO constitutional objective to protect workers against sickness, diseases and injury arising out of employment. The situation in the construction, agriculture and mining sectors required special attention due to their hazardous nature and the high accident and death rates in those sectors. A General Survey was timely given that no General Survey had previously been conducted on those instruments. It could give impetus to the promotion of their ratification and implementation. However, a General Survey on OSH could not be carried out without taking into account the Occupational Safety and Health Convention, 1981 (No. 155), the first comprehensive instrument on safety and health applicable to all industries, which remained the framework for the different sectoral instruments. The conclusions adopted by the CEACR in the 2009 General Survey concerning the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Safety and Health Recommendation, 1981 (No. 164), and the Protocol of 2002 to the Occupational Safety and Health Convention, 1981, should be taken into account and, where relevant, integrated into the next General Survey in order to ensure coherence and maintain a holistic and integrated approach to the issue. The Indigenous and Tribal Peoples Convention, 1989 (No. 169), was an important Convention, but should not yet be the subject of a General Survey. The work of the Office regarding the ratification and effective implementation of that Convention needed to be strengthened. The Office also needed to take into account the outcome of the first World Conference on Indigenous Peoples (2014), which encouraged “those States that have not yet ratified or acceded to the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169), to consider doing so” and recalled “the obligation of ratifying States under the Convention to develop coordinated and systematic action to protect the rights of indigenous peoples”. Too often indigenous people were not adequately consulted regarding legislative and administrative measures affecting them.

- 521.** The group supported the draft decision. It also requested the Office to develop a proposal for a comprehensive General Survey on the working-time instruments, in preparation for a decision concerning the General Survey to be prepared by the CEACR in 2017. This was timely as 2019 would also mark the centenary of the Hours of Work (Industry) Convention, 1919 (No. 1). The last General Survey concerning the Weekly Rest (Industry) Convention, 1921 (No. 14), the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), and the Holidays with Pay Convention (Revised), 1970 (No. 132), as well as the Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103), and the Reduction of Hours of Work Recommendation, 1962 (No. 116), had been in 1984. The remaining instruments on working time had never been the subject of a General Survey, with the exception of the Hours of Work (Industry) Convention, 1919 (No. 1), and the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), which had been examined in a General Survey in 2005.
- 522.** Speaking on behalf of the Africa group, a Government representative of Botswana indicated that the OSH instruments were an ideal subject for the General Survey to be prepared in 2016. Urgent action was required to address the numerous challenges pertaining to OSH. A General Survey would be timely and critical to the efforts of member States in the implementation of those instruments. It would help focus attention on hazardous workplaces with a view to ensuring the protection of workers in various sectors.
- 523.** Speaking on behalf of IMEC, a Government representative of Canada said that recent fatal accidents in the garment and mining sectors had underlined that much needed to be done to improve OSH in many countries and sectors. That issue was strongly related to the right to life and needed the same attention as the core ILO labour standards. For example, the European Parliament resolution of 14 January 2014 on effective labour inspections as a strategy to improve working conditions in Europe referred to OSH as a fundamental right, as well as to the important role of the enforcement of OSH regulations in protecting workers' rights. A General Survey on OSH, undertaken in the context of the overarching promotional framework of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), could give impetus to further ratifications of the relevant Conventions. The Office was therefore requested to prepare a report form on the OSH instruments enumerated in paragraph 3 of the document for consideration by the Governing Body at its session in March 2015. However, as it had not yet been the subject of a General Survey, Convention No. 169 could be an appropriate subject for the General Survey to be discussed by the Conference at its session in 2018.
- 524.** The Employer coordinator, in response to the statement of the Workers' group, expressed agreement that the conclusions of the 2009 General Survey of the CEACR should be taken into account in the preparation of the General Survey in 2016.
- 525.** The representative of the Director-General (Director, NORMES), noting the tripartite consensus, said that the draft decision would be revised to reflect the discussion.

Decision

- 526.** The Governing Body requested the Office to prepare for the consideration of its 323rd Session (March 2015) a draft report form for the General Survey for 2016 concerning the Safety and Health in Construction Convention, 1988 (No. 167), the Safety and Health in Mines Convention, 1995 (No. 176), and the Safety and Health in Agriculture Convention, 2001 (No. 184), and their respective Recommendations in the context of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and its corresponding Recommendation, taking into account the conclusions of the

Committee of Experts on the Application of Conventions and Recommendations in its General Survey of 2009 concerning the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Safety and Health Recommendation, 1981 (No. 164), and the Protocol of 2002 to the Occupational Safety and Health Convention, 1981, as well as the related discussion and conclusions of the Committee on the Application of Standards of the International Labour Conference at its 98th Session (2009).

(GB.322/LILS/4, paragraph 7, as amended according to the Governing Body discussion.)

Programme, Financial and Administrative Section

Programme, Financial and Administrative Segment

First item on the agenda

Draft transitional strategic plan for 2016–17 and preview of the Programme and Budget proposals for 2016–17

(GB.322/PFA/1)

- 527.** *The Chairperson* invited the Governing Body to make general comments on the agenda item.
- 528.** *The Worker spokesperson*, referring to the profound challenges that continued to beset the world of work, said that his group firmly believed that, to achieve its strategic objectives, the ILO must continue to promote social justice through the Decent Work Agenda and be guided by the 2008 ILO Declaration on Social Justice for a Fair Globalization – the full potential of which had yet to be realized. His group had been supportive of the internal reform process and, in that respect, welcomed the draft plan, its layout and its strategic focus on ten policy outcomes. Each outcome should address all four pillars of the Decent Work Agenda and include more specific indicators and targets on international labour standards, social dialogue and the capacity building of workers' and employers' organizations. Cross-cutting issues should be dealt with under each outcome in a meaningful way with adequate resourcing.
- 529.** Steps should be taken to further mainstream standards across all the outcomes through the identification of relevant instruments, indicators and targets across regions in terms of ratification and application. Regions with the lowest ratification rates had all too often been those with the lowest targets for the rights dimension of the Decent Work Agenda, whereas outcomes focusing on employment and social protection had been given greater prominence, which undermined the ability to deliver on the four strategic objectives in an integrated approach.
- 530.** The Office should indicate the linkages between the strategic plan up to 2017 and the ILO centenary initiatives, in particular with regard to the future of work initiative and also with the follow-up to the evaluation of the 2008 ILO Declaration on Social Justice for a Fair Globalization, both of which should guide the next programme and budget. The Office should also provide clarification on which external experts the Office planned to use for the review of the programme and budget indicators. The Bureau for Workers' Activities (ACTRAV) and the Bureau for Employers' Activities (ACT/EMP) should be fully consulted on the matter.
- 531.** The plan should also address the difficulties encountered in mainstreaming decent work and fundamental principles and rights at work, contain more specific details on the role of multinational enterprises (MNEs) and work on supply chains and set out clearer guidelines on the incorporation of the four pillars of the Decent Work Agenda under each outcome.

- 532.** *The Employer coordinator*, noting the complexity of ILO programming, called on the Office to clarify and simplify the process further, and to explain how the 19 outcomes of the previous period could realistically be distilled into ten. The plan must address the main challenges in the world of work, set clear priorities, respond to constituents' needs, operationalize the ILO's mandate and prevent duplication of work. While his group welcomed the changes incorporated further to earlier consultations, including the selection of promoting sustainable enterprises as the topic of outcome 4, some of the outcomes overlapped or lacked focus. Specifically, the issue of decent work in the rural economy, while important, should not be an outcome in itself; it was rather a matter for the sectoral activities programme and therefore it should either be removed or integrated into outcome 6. Outcome 8 should also be removed, as it overlapped with outcomes 2, 3, 5 and 7, and it was not clear what exactly was meant by "unacceptable forms of work". It might be better framed as "promoting fundamental principles and rights at work". Greater emphasis also needed to be placed on the linkages between outcomes.
- 533.** He called for a reduction in the number of topics addressed as cross-cutting issues, as previous experience had shown that the work in that regard was not clearly visible from the point of view of accountability and added value. It did not make sense to include international labour standards as both a cross-cutting issue and an outcome. Similarly, the justification for including as cross-cutting issues the end to poverty, which would be hard to operationalize in a meaningful results framework, and a just transition to a green economy, which should be incorporated into one of the employment outcomes, was unclear. Furthermore, too much attention was devoted to supply chains, which implied a focus on a small percentage of workers and companies.
- 534.** His group had for a long time called for a fundamental review of how the Organization measured its activities and impact. The reference to an internal and external expert review was not sufficient, not least because consultations were required from an early stage of the drafting process and not merely at the end. External experts should be identified where possible.
- 535.** The overview of regional priorities should be removed and the priorities incorporated into outcome strategies, first to ensure coherence of accountability between headquarters and the field and second because the existing text contained no clear prioritization of action and had omissions; for example, no mention was made of the Oslo Declaration. The inclusion of information on external partnerships was helpful but a more coherent approach was needed. Lastly, he emphasized the special nature of the sectoral activities, which were directly constituent-driven and should not be systematically and automatically linked to indicators.
- 536.** *Speaking on behalf of the Government group*, a Government representative of Italy commended the Office for incorporating lessons learned from past experience, in particular with regard to developing fewer but bigger and better-integrated programmes, the inclusion of cross-cutting issues, the development of clear indicators for each policy outcome and the analysis of the external context of the world of work. Her group attached particular importance to retaining jobs and skills for young people as one of the principal subjects of outcome 1.
- 537.** *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe welcomed the fact that the document focused on key outcomes, which would also serve the ILO well in future four-year strategic plans; reflected internal reforms; was anchored in the Organization's four strategic objectives; and took on board the external context of the world of work, including the sustainable development goals. Reference should be made to Africa's priority of focusing on sectors with high potential for job creation, such as agriculture. It was regrettable that the document in its current form did not contain

indicators to accompany the policy outcomes, which would have allowed the discussions to progress to a different level.

- 538.** Speaking on behalf of the Asia and Pacific group (ASPAG), a Government representative of India commended the Office for reorienting itself to the changing global context and for aligning its policy goals to address the challenges in the world of work. The ten policy outcomes would ensure continuity and effectiveness. His group hoped that the Decent Work Country Programme (DWCP) approach – which had proved successful – would continue to be pursued. Nevertheless, ASPAG hoped that the past imbalance in the allocation of resources to the region would be adjusted to reflect the fact that it was home to more than half the world's workforce, and that the region would receive more technical expertise from the ILO. Noting with satisfaction the priority given to job creation, and especially youth employment, he said that ASPAG fully supported the scaling up of programmes in that regard, provided that the policy tools were flexible enough to reflect regional and national contexts, not overly prescriptive and allowed for the involvement of country offices. Similarly, initiatives to promote social protection floors should not be uniformly imposed, but rather determined nationally. He called on the Office to work with member States to overcome the technical problems faced in ratifying core Conventions and regularly to provide the Governing Body with information on progress made in the area of research.
- 539.** Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC), a Government representative of Cuba supported the Government group's statement, noting that, although the number of outcomes had been reduced, leaving room for greater focus, all in all, the plan still effectively covered 19 "priority areas". The priorities on research, knowledge, labour statistics and capacity development, and on international labour standards, would be more appropriate as cross-cutting strategies only, and the stated intention of linking all outcomes to the four pillars of the Decent Work Agenda should be given greater emphasis. His group would like further clarifications as to why one of the outcomes would be considered an exception when developing indicators, what strategy would be used to develop Office-wide methods of work and how those methods would be adapted to regional and national contexts. More information was also requested regarding the strategy to be pursued to improve ILO services in the five thematic areas under outcome 1. The key expected changes should seek both greater and better use of knowledge on macroeconomic policies, and interaction and complementarity with public policies. Furthermore, both qualitative and quantitative targets should be considered, and relevant statistics should be compiled in that regard. Under outcome 2, the ratification and implementation of international labour standards should be considered separately and all obstacles to ratification were of relevance. It was important to make a distinction between social security and social protection under outcome 3. The Social Protection Floors Recommendation, 2012 (No. 202), sought the extension of social protection as a whole and a focus on social security alone was contradictory. Furthermore, no distinction should be made between pensions and social security as the former were one of the nine elements established under the Social Security (Minimum Standards) Convention, 1952 (No. 102). Any participatory approach in that regard should also include ministries of labour and social security institutions. Given the considerable progress made in the region in the area of social security, a reference to lessons learned in that regard would have been appreciated. Outcome 4, while important, should also seek to improve competition and strengthen capacity for innovation. In addition, the formalization of small and micro-enterprises should be reflected in the means of action and support. Under outcome 5, the ILO should consider ways of overcoming the problem of fragmented ILO action. There was a need for greater awareness beyond constituents regarding the transition to the formal economy under outcome 6. Outcome 7 should not be limited to progress made through the Better Work programme and outcome 8 should also consider lessons learned from limited access to social protection. With regard to outcome 9, while empirical evidence was

certainly important when designing labour migration policies, social dialogue was equally important. Lastly, the cross-cutting strategy of a just transition to a greener economy should refer to sustainable production and consumption patterns rather than restricting the concept to the green economy.

- 540.** *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of the United Kingdom said that, while he welcomed the process to align the ILO's planning and budgeting cycle with the quadrennial comprehensive policy review cycle and the focus on ten policy outcomes, the plan should be more focused. A number of outcomes, such as outcome 2, referred to processes rather than outcomes and should be reformulated. The advocacy, governance and support outcomes should be considered as enablers underpinning other outcomes. The cross-cutting issues were both means and ends, and gender equality and the green economy were of particular importance for the Decent Work Agenda. While his group supported the concept of the centenary initiatives, in recognition of the fact that the world of work context had changed considerably in recent years, it would like further clarification as to how those initiatives fitted into the plan. It was also interested in getting evidence that a results-based framework was being used for strategic planning and resource allocation, and an overview of how the new programme and budget compared with the current framework.
- 541.** *Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)*, a Government representative of Cambodia welcomed the draft transitional strategic plan and in particular the introduction of the ten policy outcomes. The overview of regional priorities should take account of the priorities identified by the 23rd ASEAN Labour Ministers Meeting, in May 2014, with regard to building a competitive labour force. In addition, ILO means of action should include resource allocations to assist countries affected by natural disasters, and national and regional situations should be taken into consideration to ensure the practical application of research undertaken by the Office. Effective international cooperation efforts were essential in mainstreaming the Decent Work Agenda into national and international programmes and in promoting wider engagement with government agencies.
- 542.** *A Government representative of China* noted that the plan and the programme and budget proposals needed to respond to post-crisis challenges. The Governing Body should seize the opportunity of the post-2015 development agenda and of the ILO reform. His Government supported the reduction in the number of policy outcomes to ten, the inclusion of the cross-cutting issues and the emphasis given to youth employment. The extension of social security should be at the heart of the plan. The implementation of the programme and budget should respond to the needs of the tripartite constituents and enhance the influence of the ILO, taking social and economic diversity into consideration so that all workers at the grass-roots level could benefit.
- 543.** *A Government representative of Trinidad and Tobago* supported the GRULAC statement, adding that the more targeted approach would garner wider support for the ILO's work. In particular, her Government welcomed the reference to micro-enterprises. With regard to the regional priorities, the success of the ILO's strategies and programmes would be enhanced by taking into account the differences between intraregional economies. Particular attention should be given to the specific concerns of small island States.
- 544.** *A Government representative of the United States* supported the IMEC statement, noting that her Government attached particular importance to the ILO's standards work, the promotion of more and better jobs, workplace compliance, the protection of workers from unacceptable forms of work and creating and extending social protection floors. It also encouraged efforts for coherence and Office-wide collaboration, although certain areas of overlap should be reviewed. She requested further information as to who would conduct the external review of draft indicators.

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- 545.** *The Chairperson* opened the discussion on sections III to VI of the document (paragraphs 23–188).
- 546.** *The Employer coordinator* said that his group wished to see a clear reference to outcome 4 under outcome 1, as the two were closely interrelated. In particular, greater focus was needed on skills development and apprenticeships, and the ILO should consider partnering with the Global Apprenticeships Network. With respect to the section on international labour standards as a cross-cutting strategy, only instruments that were fully up to date should guide the work under the outcome. Evidence-based research should be neutral and should not seek to justify political aims.
- 547.** Regarding outcome 2, international labour standards should address labour realities and the standards review mechanism (SRM) should become operational as quickly as possible. The pace of work had so far been disappointing. Outcome 3 was too narrow and the ILO should also support countries with existing social protection systems, especially with regard to their sustainability in light of ageing populations.
- 548.** The 17 pillars of the 2007 International Labour Conference (ILC) conclusions concerning the promotion of sustainable enterprises should be clearly established as the framework for outcome 4. References to global supply chains in paragraphs 57, 59 and 61 should be removed, given that the ILC discussion on that subject would not be held until 2016. The problem section focused on limitations to accessing higher value-added supply chains, while inadequate enabling environments with low productivity and high informality levels were the real problem. Lessons learned in paragraph 56 should draw on work done in relation to the enabling environment for sustainable enterprises.
- 549.** Outcome 5, if included at all, should be more focused on skills development and should seek to promote both workers' and employers' organizations. Outcome 7 was too narrowly focused on labour inspection and should also address occupational safety and health (OSH) under the comprehensive title "Promoting safe workplaces". Regarding outcome 10, his group wished to participate fully and efficiently in ILO activities and argued for additional resources for ACT/EMP.
- 550.** Lastly, constituents needed to be directly involved in the identification of research issues to meet their needs and greater clarity was needed on the research reporting structure. Research would benefit from a broader intellectual base and the research gap regarding strategies to create enabling environments for sustainable enterprises should be addressed.
- 551.** *The Worker spokesperson* supported the strategy for outcomes 1 and 3, noting that youth unemployment levels were related to overall unemployment. The Human Resources Development Recommendation, 2004 (No. 195), should be added to the list in paragraph 29. It was important to advise countries on the promotion of decent work as a tool for reducing poverty. In respect of outcome 3, the reference in paragraph 50 to the Social Security (Minimum Standards) Convention, 1952 (No. 102), and other social security Conventions was welcomed.
- 552.** His group supported outcome 2 but the work planned under that outcome should be clarified in the proposals for March 2015. The priority should be to ensure that the Office developed targeted promotional work for relevant international labour standards and assisted countries in ratifying and applying them based on the comments of the ILO supervisory system. Targets and indicators should be developed regarding ratification rates across all regions and for each outcome.

- 553.** Outcome 4 should include measures to help enterprises meet challenges regarding business efficiency, better working conditions and environmental sustainability. The promotion of decent work was central to building sustainable enterprises, including in their supply chains, and should be a priority. The outcome should also integrate work on cooperatives and the social economy.
- 554.** Reference to cooperatives and social economy organizations should be made in the last bullet point in paragraph 55 and the third bullet point in paragraph 57. The Promotion of Cooperatives Recommendation, 2002 (No. 193), should be added to paragraph 58. Paragraph 59 could make an explicit reference to collective bargaining as a key tool to improve working conditions in enterprises. Not only small and medium-sized enterprises (SMEs) but also MNEs were relevant in respect of sustainable enterprises.
- 555.** Regarding outcome 5, it was important to focus on promoting freedom of association and collective bargaining and on the role of standards to combat child and forced labour. He welcomed the focus on plantations and the goal of improving working conditions and incomes of agricultural workers in supply chains. Mature systems of industrial relations should be promoted in those areas. Work on economic diversification and productive transformation was also supported.
- 556.** Concerning outcome 6, the section on expected changes and paragraph 80 should better reflect the need for a comprehensive framework to formalize the informal economy, including rights, social protection, minimum living wages, job-centred macroeconomic policies and industrial policies to encourage the expansion of formal higher added value jobs. The outcome should be used to promote the Recommendation that the ILC would be adopting the following year. Paragraph 76 should focus on extending the scope of labour laws to include traditionally excluded categories of workers or by amending the law to cover the full range of relationships under which work was performed.
- 557.** Concerning outcome 7, the group supported paragraph 87. The strategy should be guided by the 2011 ILC conclusions. Strengthening the public function of labour inspection and the resources allocated to it had to be the priority under this outcome as it would contribute to improving the protection of workers' rights. While private compliance initiatives could complement public inspection, they could only do so with the strong involvement of trade unions. In some cases private compliance initiatives were counterproductive, and this should be included under lessons learned.
- 558.** The group supported the focus of outcome 8, which was the appropriate place for OSH, and suggested referring specifically to the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), relating to hazardous sectors.
- 559.** Concerning outcome 9, the group endorsed the strategy of implementing a rights-based approach to migration and the means of action in paragraph 112, which would allow the Office to work on migration policies to guarantee the protection of migrant workers' rights. Tripartite guidelines for fair recruitment should be developed to further protect the rights of migrants employed by private recruitment agencies.
- 560.** The group strongly supported the strengthening of workers' organizations under outcome 10 and requested ACTRAV and ACT/EMP involvement across the ten outcomes.
- 561.** The group supported the cross-cutting strategies and requested that they be duly reflected under each outcome in the March 2015 Governing Body document. Decent work was the surest way out of poverty. Labour market institutions and wages played a central role in

reducing poverty and inequalities. The transition to a green economy was important, as was gender equality and non-discrimination.

- 562.** The paper was weakest in terms of regional priorities. The March Governing Body document was expected to integrate them under each outcome with the relevant targets and indicators. None of the regions had included work on outcomes 2, 5 and 10, which was a concern particularly in the cases of Asia and the Arab States that had low ratification rates and workers' rights' abuses. The priorities listed did not reflect the rights dimension, which should be better integrated in the strategy for all regions by March. For Europe, reference to the Oslo Declaration had to be added.
- 563.** The group endorsed the research agenda as set out in paragraph 177. It welcomed the strengthening of the strategic partnership with the International Training Centre of the ILO in Turin (Turin Centre) and capacity building for ILO constituents, which should go hand in hand with a resource mobilization strategy allowing workers' and employers' organizations to participate in the activities.
- 564.** *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe supported the focus on a reduced number of policy outcomes, including those relating to the areas of critical importance (ACIs).
- 565.** Evaluating how the ILO had been moving towards realizing the policy outcomes since the adoption of the Strategic Policy Framework 2010–15 was central to screening the policy outcomes outside the ACIs. More information was requested on the selection criteria for those policy outcomes. He expressed the expectation of his group that policy outcomes relating to HIV and AIDS at the workplace, skills development and social dialogue be included in the transitional strategic plan.
- 566.** *Speaking on behalf of GRULAC*, a Government representative of Cuba, referring to paragraph 160, underscored that the Inter-American Centre for Knowledge Development in Vocational Training (CINTERFOR) should be strengthened in view of the need for vocational training in the region. It was hoped that the ILO would adapt and strengthen existing tools to provide technical assistance. Concerning outcome C, as well as diversifying donors, it was also necessary to diversify partnerships. South–South cooperation was only addressed in two regional contexts, Latin America and Africa. However, there was the scope to consider intraregional South–South cooperation. South–South cooperation could, therefore, be viewed as a cross-cutting issue.
- 567.** *Speaking on behalf of IMEC*, a Government representative of the United Kingdom expressed support for the move to fewer, bigger and better-integrated programmes, which should be reflected in the indicators and framework in the March 2015 proposals. The ILO was encouraged to create clearer links between development results, resource mobilization goals and actual financial resources. The Office could learn from other organizations' experiences with structured financing dialogues. The Office had recognized the need for better focus and teamwork between different policy areas and between headquarters and the regions and was urged to go further in that regard. The inclusion of an SRM in the standards centenary initiative was welcomed. A functioning SRM was of critical importance to the implementation of labour standards and should be prioritized. More information was requested concerning the flagship academy in paragraph 41 in respect of the areas it would cover, its links to the Research Department and the role of the International Labour Standards Department. Strengthening research, knowledge and statistics would be required to support successful policy outcomes. The Office was urged to identify and make best use of existing data from other bodies.

- 568.** A *Government representative of China* referred to outcome 1, noting that the promotion of the green economy had become a priority in order to create jobs. The ILO was urged to promote international coordination since macroeconomic policies had a significant impact on job creation. Concerning outcome 2, it was hoped that the ILO would be able to set up its standards evaluation system and proceed to the regrouping of standards, thus ensuring that they were better adapted to the realities on the ground. Regarding outcome 3, the ILO should invest more in the broadening of social protection floors and take a more targeted approach. Awareness-raising efforts should be stepped up so that social protection floors could be included in the post-2015 development agenda. Under outcome 4, enterprise creation should be a priority. A balanced approach to small and micro-enterprises should be pursued in order to boost the creativity and dynamism of those enterprises. Data collection on the link between the development of those enterprises and job creation should be reinforced. Concerning outcome 5, priority should be given to developing countries regarding decent work in the rural economy, while taking into account their economic reality. Greater emphasis could be placed on the impact of economic transitions and labour migration in rural areas on employment, social protection and industrial relations. China had done considerable work in the area and would willingly share its experiences.
- 569.** *The Chairperson* opened the discussion on section VII (paragraphs 189–215).
- 570.** *The Worker spokesperson* welcomed outcome A. The Office should ensure further tripartite involvement in the advocacy work, which was expected to be included in the proposals for March. Outcomes B and C were essential to achieving the goals set by the ILO. The most obvious way of tracking change was to track the allocation of resources. He asked whether the Office could give some preliminary indication regarding the size and percentage of resources, including staff time, for the policy outcomes and the advocacy, governance and support outcomes. Resources should also be allocated to the cross-cutting issues.
- 571.** *The Employer coordinator* stressed that the basis for all advocacy work was the position and approaches agreed on in the Governing Body and the ILC. There needed to be strong governance structures and control mechanisms to ensure that any published material was a true reflection of the ILO's position. Concerning outcome B, the appointment of the risk manager and the plan to strengthen the evaluation process were welcomed. He raised the issue as to whether the reform process itself should be assessed. Concerning outcome C, the group had expected more information on the lessons learned from the ACI experience to be reflected in paragraph 206. One lesson from field work was that the social partners needed to be included from the outset. That was an issue on which there should be a clear commitment in the strategic plan for 2016–17.
- 572.** Speaking on behalf of the Africa group, a Government representative of Zimbabwe commended the inclusion of the advocacy, governance and support outcomes in the draft transitional strategic plan. The Decent Work Agenda could only remain relevant and be included in the programmes of other United Nations (UN) agencies if it continued to feature in the ILO's strategic plans. The internal reforms on the functioning of the Governing Body and the ILC, as well as the results-based management approach, would ensure that the transitional strategic plan was more effectively implemented.
- 573.** Speaking on behalf of IMEC, a Government representative of the United Kingdom welcomed the advocacy, governance and support outcomes and recognized the progress that had been made in increasing transparency, accountability and efficiency; however, he requested clearer indicators. As previously stated, the results under the Strategic Policy Framework could best be achieved if the Organization had a proper system of governance and oversight. He urged the Office to continue to implement the Independent Oversight Advisory Committee (IOAC) recommendations in full, recalling the concerns expressed by

the IOAC regarding the inaccessibility of complex financial reports. The Office should bear that in mind when preparing the Programme and Budget proposals for 2016–17. IMEC welcomed the emphasis placed on strengthening and streamlining support services in headquarters and the regions, asking the Office to provide more details on how it expected to achieve better value for money and greater efficiencies. He encouraged the Director-General to continue work on the ongoing review by the International Civil Service Commission (ICSC) of the UN Common System Compensation Package.

- 574.** A representative of the Director-General (Director, Strategic Programming and Management Department) said that the discussions had provided the Office with guidance for finalizing the Programme and Budget proposals for 2016–17, which would be available in early February 2015. In replying to the issues raised by Governing Body members, he made seven points. First, regarding the ten policy outcomes, the 2008 ILO Declaration on Social Justice for a Fair Globalization underpinned the proposals, including the inseparable, interrelated and mutually supportive nature of the strategic objectives. The Director-General had proposed to focus on ten areas, respecting the agreed positions of the Governing Body. International labour standards served not only as a separate policy outcome but also provided the guiding principles for the other outcomes, and served as a cross-cutting strategy. Thus, there were ten policy outcomes plus three supporting outcomes, and the cross-cutting strategies. Second, acknowledging the interlinkages between outcomes, the Office would prepare a table outlining the operational linkages between them. Third, the Office had been working on an ongoing basis with in-house and external experts to review each and every indicator. Fourth, the separate section on research was in answer to the Governing Body's request that, following the establishment of the new Research Department, the same level of information previously provided by the International Institute of Labour Studies would be reflected in the programme and budget. Fifth, concerning the criteria used to select the policy outcomes that did not correspond to ACIs, constituents' priorities were identified through many different forums, which helped highlight where strong tripartite agreement existed, such as on labour migration. Sixth, the academies at the Turin Centre, mentioned by IMEC, had been introduced in 2009 and enabled the Centre to provide more in-depth and comprehensive courses. Finally, in relation to outcome 5, the Office had taken note of the comments made during the discussion.
- 575.** The Director-General said that the discussion had been useful and the most substantive preview discussion in recent biennia. Effective processing of the points made during the discussion would pave the way for another positive discussion in March 2015 and a good product at the end of the process. A critical issue touching on the architecture of the programme and budget was the identification of the ten policy outcomes and the five cross-cutting strategies, along with the three advocacy, governance and support outcomes. The relationship between them would be further clarified. By including outcomes A, B and C, the Office was taking further steps to meeting its commitments to the Governing Body in terms of transparency and good management of the Organization. The concern expressed with regard to the complexity added to the programming process was noted, although the inherent complexities of the process could not be denied.
- 576.** The Office had also carefully noted the comments and suggestions on the content of the ten policy outcomes. Overlap should be avoided, and the interrelations between the different outcomes needed to be worked through. At the same time, it was true that some of the proposed policy outcomes built on the guidance provided by the Governing Body on previous occasions. That was the case of the outcomes on the rural economy and the informal economy, which the Governing Body had requested the Office to handle separately. The Office would make adjustments to the regional priorities, including with a view to reconciling the policy outcomes with the realities of very diverse regional and national situations. The Office was firmly committed to making research capacities an

engine for evidence-based policy advocacy, as requested by the Governing Body. Already that was having an effect on high-level discussions with the G20, the World Bank and the International Monetary Fund. The Office would consult with constituents and present a paper at the March Governing Body session which reflected the views and addressed the concerns of Governing Body members, equipping the Organization with a strategic plan and the programme and budget needed to confront the challenges ahead.

Outcome

- 577. *The Governing Body provided guidance to the Office on the draft proposals and took note of the report.***

(GB.322/PFA/1.)

Second item on the agenda

After-service health insurance: Review

(GB.322/PFA/2)

- 578. *The Employer coordinator*** said that his group strongly supported the approach in paragraph 53 to ensure that the costs of entitlements after retirement were accumulated during the period of active service. The wider application of a payroll charge on non-regular budget-related projects and programmes was a reasonable way forward and he encouraged more detailed planning in that direction. However, the transfer of underspending of the approved budget to a reserve for the after-service health insurance (ASHI) was more problematic because it could only be a complementary measure.
- 579. *The Worker spokesperson*** said that his group supported the proposals in paragraph 55 and encouraged the Office to continue exploring ways to fund the ASHI liability, including a possible contribution from the Office. Furthermore, it supported adopting preventive measures to mitigate future health costs.
- 580. *Speaking on behalf of GRULAC***, a Government representative of Cuba suggested waiting for the outcome of the negotiations in the UN General Assembly and, in the meantime, continuing with the original plan. In addition, the Office should explore options for containing costs, such as adopting preventive health measures and adjusting co-payments to encourage beneficiaries to use a network of providers. It could also look into alternatives to ensure a broader use of the mechanism to levy a payroll charge on personnel costs of non-regular budget-related projects and programmes. The regular budget should not fund the ASHI liability for such staff. Lastly, an investment policy should be considered; the UN multi-agency working group discussions could provide guidance.
- 581. *Speaking on behalf of IMEC***, a Government representative of Spain said that the paper only partially covered the key ASHI elements, focusing on its funding rather than reducing the liability. There was a lack of detailed information on costs, benefits covered, eligibility conditions, comparisons with other organizations, the legal framework for changes, management models and potential savings in different scenarios. The paper failed to address how the fund to cover the liability would be regulated, or to provide forecasts on the ILO's future finances and the impact of the proposed model on the budget and the ILO's activities. IMEC supported the provisional earmarking of future underspending of the approved budget for transfer to an ASHI reserve. The group suggested that the paper should have included proposals for measures to reduce the ASHI liability in terms of the benefit coverage, such as: amending the subsidy; changing the eligibility criteria, including

for dependants; ensuring that coverage was complementary to national health-care systems; determining the level of coverage based on total income from all sources; re-examining levels of coverage; reviewing pre-approval policies; and providing incentives for employee well-being. Consideration should be given to funding through the regular budget as a staff cost, without involving an increase in member States' contributions or undermining the ILO's regular activities, together with a comprehensive financial plan, including ILO financial projections for the coming years. IMEC therefore proposed a draft decision requesting the Office to submit a broader analysis to include the information it felt was lacking.

- 582.** A *Government representative of Mexico* stressed the need for further information on the long-term implications of the proposed schemes, including up-to-date actuarial information following the impact assessment of the decision to raise the retirement age to 65. She requested that a future Governing Body report should address such concerns as the fact that the recent short-term rise in interest rates had been taken into consideration in long-term projections, and that the proposed funding required a close link between contributions, costs and actuarial yields, meaning that the investment strategy should be closely linked to the medium- and long-term actuarial requirements. Moreover, it would be useful if table 3 included data over a longer period and projected figures for different scenarios. She encouraged the Organization to broaden its analysis but to await decisions from the UN General Assembly.
- 583.** Speaking on behalf of the Africa group, a Government representative of Chad noted that the ILO ensured access to health care to former staff irrespective of where they lived, which had meant higher costs due to an increase in retirees and the special health-care needs of an ageing staff. The group encouraged the establishment of a reserve to fund the liability. It fully supported the proposals in the paper.
- 584.** A representative of the Director-General (Treasurer and Financial Comptroller) said that the terms of reference of the UN inter-agency working group on ASHI, established in response to a General Assembly resolution, addressed almost all of the points raised. The ILO was an active participant in the working group and would share the views expressed by the Governing Body with the working group. The results of the working group's review were to form a substantial part of the Secretary-General's report to the General Assembly in 2015. With regard to the matter of subsidy rates raised by IMEC, the ILO applied the rates recommended to the UN system as a whole. The ICSC had reviewed those rates in 2014 and recommended to the General Assembly that the status quo be maintained. On the proposed draft decision requesting a paper with further information, he suggested waiting for the outcome of the UN General Assembly's consideration of the matter at its 70th Session in order to ensure a harmonized approach to what was a system-wide issue.
- 585.** The Chairperson asked whether, in the light of that suggestion, IMEC could consider withdrawing its proposed decision, and whether the Governing Body could take note of the comments and guidance provided and continue on that basis, pending a report to the Governing Body based on the broader analysis from the UN system.
- 586.** Speaking on behalf of IMEC, a Government representative of Canada, after further deliberations, said that his group noted the ILO's commitment to submit further information to the Governing Body following consideration of the matter by the UN General Assembly. However, the group understood that the ILO's ASHI liability was among the most significant in the UN system and he underscored the need for the ILO to pursue work on ASHI-related issues that did not require common system input. With the assurance that the matter would be addressed again by the Governing Body in March 2016, IMEC withdrew its proposed decision.

Outcome

- 587.** *The Governing Body provided observations and guidance to the Office and took note of the agreement of the Office to prepare a further document incorporating the results of the UN General Assembly's consideration of this matter at its 70th Session.*

(GB.322/PFA/2.)

Third item on the agenda

Update on the headquarters building renovation project

(GB.322/PFA/3)

- 588.** *The Employer coordinator welcomed the news regarding the approval of the building permit. The building should comply with Swiss law not only for the security of its staff but also to lead by example. Rather than being additional, the requirements mentioned in paragraph 6 were in fact existing standards that the Office had not previously taken into account that the permit request procedure had brought to light. His group sought clarification regarding the provisions described in paragraph 7, which it believed had been required since 2008. It also requested more details regarding how much of the cost increase was due to new regulations and how much was due to pre-existing regulations that had been ignored, along with more information regarding what fractions of the remainder were due to architectural requirements and cost adjustments. The Employers' group endorsed the draft decision.*
- 589.** *The Worker spokesperson stressed the importance of compliance with health and safety standards for ILO staff and for contractors and workers working on the renovation project. Regarding paragraph 21(g), it was important to make sure that the car park was safe. As stated in previous sessions, the key element to raising the funds necessary for the renovation was the land plot sales. He requested that the Office provide a further update on the review of the Appia plot along with further clarification on the estimated time frames for the two plots to be sold. It was important that the Office should continue to explore other possibilities for additional funding, and it should inform the Governing Body regularly on all developments. The Workers' group supported the draft decision.*
- 590.** *Speaking on behalf of the Africa group, a Government representative of Algeria requested information on what impact the renovations would have on the functioning of the Governing Body and the ILC, and how inconveniences could be avoided. He stressed the importance of continuing to look for other sources of funding. More information was requested on the total cost of the project. The unforeseen additional costs went against the recommendations of previous Governing Body sessions.*
- 591.** *Speaking on behalf of GRULAC, a Government representative of Cuba voiced his regret that the Office had again to reduce the scope of the renovation project. He thanked the Office for being transparent and urged it to do everything possible to comply with the original objectives of the project and avoid further reductions. GRULAC supported the Director-General's approach of proceeding with caution and in stages. It asked the Office to identify savings that allowed cost control and guaranteed resources to finance elements not currently included in the renovation plan. It urged the Office to collaborate with other renovation projects in Geneva. Contact should be made with those responsible for the renovation of the *Palais des Nations*, which would enable good practices to be shared and*

costs to be reduced through joint bidding procedures. Access for persons with disabilities should be a top priority. Being transparent with Office staff would have a positive impact on the transparency of the project for the constituents. Decisions relating to the building renovation must always be submitted to the Governing Body. For the 323rd Session of the Governing Body, the group requested further information on: the follow-up on the improvements necessary for providing access to persons with disabilities; the request for funding, including from public-private associations; and the widening of the interpreters' booths. The group supported the draft decision.

- 592.** *Speaking on behalf of IMEC*, a Government representative of the United Kingdom noted with satisfaction the progress made and the Office's transparency. The group requested clarification on the requirements necessary to obtain the building permit in relation to fire safety and the requirements arising from the new local norms, and further information on how the architectural requests related to the cost increase, as well as on the exact nature of the cost adjustments. It expressed concern that continuous cost adjustments could have an impact on the current budget and asked for more information on savings that could offset some of the cost increase. It also asked whether the withdrawal of certain proposed modifications detailed in paragraph 5 would result in further cost savings. It looked forward to being provided with more information on the development of the land plots and the associated potential monetary value, and suggested approaching the tripartite membership for possible sponsorship for the renovation of the Governing Body Room and Room II. It urged the Office to continue exploring innovative financing options. IMEC approved the decision.
- 593.** *A Government representative of Mexico* said that the Office should continue looking for savings to at least partially compensate for the cost increase. She expressed support for the gradual renovation of the lower floors as funding became available and the financing of urgent works from the maintenance provisions. She supported the draft decision, requesting that the Director-General continue to look for additional funds that would enable the entire project to be completed and that a report be presented at the next Governing Body session.
- 594.** *A Government representative of Switzerland* said that the 2010 budget for the renovation project had not taken into account existing fire safety regulations, which explained subsequent changes to estimates, but that the 2015 Swiss fire regulations could not solely account for the additional CHF24.5 million in costs. He requested further information on the factors behind that increase.
- 595.** *A representative of the Director-General* (Deputy Director-General for Management and Reform (DDG/MR)) said that the major cost increases were due to requirements in two areas of fire safety. First, separate lifts from the ground floor to the 11th floor were needed to accommodate the fire service and, therefore, goods lifts would have to be completely renovated and the lift shafts and the roof would have to be fireproofed. Second, an overpressure system was required in all the lift wells and stairwells, which would lead to a large number of installations on the roof of the building and screening to surround them. Other costs related to, *inter alia*, problems with electrical ducting, waste management issues and site access issues. Reducing the scope of the renovation would not have an impact on the additional costs, as such costs were associated with the core elements of the building. However, more cost-effective methods in various areas were being examined, and incentives for contractors to identify other opportunities to cut costs were also in place.
- 596.** As to the land, some discretion would have to be exercised in the discussion of its value, as potential purchasers might be present. An interim report on the review of the Avenue Appia plot had generally confirmed the previous valuation. The actual value of the land would depend on the stage of development at which the ILO disposed of it, but informal

expressions of interest in the land were in the range of previous valuations. The sale of the Route de Ferney plot was more complicated, as the land was a leasehold from the Canton of Geneva, and an agreement would have to be reached with the Swiss authorities on the final value of the land to be assigned to the ILO. Negotiations would continue in the following months.

- 597.** He strongly endorsed the IMEC comment that tripartite Members of the Organization might consider sponsorship of the renovations and said that the ILO was open to other sources of funding. Finally, he expressed his appreciation to the City of Geneva, the Canton of Geneva and the Confederation for their collaboration.

Decision

- 598. *The Governing Body:***

- (a) *took note of the proposed additional requirements and costs associated with the granting of the building permit and the resulting reduced scope of the project required to retain the total cost approved in the 2010 plan while implementing necessary safety and environmental measures; and*
- (b) *requested the Director-General to continue to explore options for additional financing beyond that approved in the comprehensive plan to enable the full scope of the project to be realized.*

(GB.322/PFA/3, paragraph 28.)

Fourth item on the agenda

Other financial questions

Appointments to the Investments Committee of the International Labour Organization

(GB.322/PFA/4/1)

- 599.** *The Worker spokesperson* said that the gender balance of the Investments Committee was not ideal, but supported the draft decision.
- 600.** *The Employer coordinator* said that he agreed with the content of the document and the statement made by the Workers' group.
- 601.** *Speaking on behalf of the Africa group*, a Government representative of Algeria welcomed the document, supported the draft decision and recommended that the Office should ensure a balanced representation of men and women in all ILO committees.

Decision

- 602. *The Governing Body renewed the appointment of Mr René Zagolin, Mr Xavier Guillon and Mr Max Bärtsch as members of the Investments Committee for a further period of three years, expiring on 31 December 2017.***

(GB.322/PFA/4/1, paragraph 3.)

Audit and Oversight Segment

Fifth item on the agenda

Matters relating to the Joint Inspection Unit (JIU): Reports of the JIU (GB.322/PFA/5)

- 603.** *The Worker spokesperson* supported the responses outlined by the Office on the three JIU reports on staff recruitment in the UN system, on the review of enterprise resource planning and on the review of long-term agreements in procurement in the UN system. He requested further explanation of the four recommendations that were either not accepted or considered not applicable to the ILO in the review of individual consultancies in the UN system. In particular, on the recommendation on remuneration, he sought information on what served as a benchmark for remuneration for individual consultancies. With regard to the report on lump-sum payments in lieu of entitlements, he asked whether the JIU would consider taking into account the overall review of compensation packages which was being carried out by the ICSC. Concerning the report on staff–management relations in the UN specialized agencies and common system, he inquired why the recommendations on the reporting of non-staff contractual arrangements, the funding of training activities on staff–management issues and the financing of the representational functions of staff federations were not acceptable to the ILO. His group asked to be kept informed about the amount of ILO staff time devoted to JIU activities.
- 604.** *The Employer coordinator* commended the Office on implementing 18 of the 23 accepted recommendations and urged it to decide on the recommendations “under consideration” in the paper. He asked what steps would be taken to implement recommendations more quickly and reduce the time lapse between publication of the reports and the ILO’s reporting to the Governing Body on their follow-up. He repeated the Employers’ request for a rolling reference document covering the previous three years of JIU reports.
- 605.** *Speaking on behalf of the Africa group*, a Government representative of Ethiopia urged the Office to accelerate the implementation of the recommendations in progress. Measures to address geographical diversity and gender policy in the Organization’s consultancy policy would ensure that the ILO obtained consultants from a wider range of countries and regions and would remedy the disadvantages faced by some consultancies owing to their location.
- 606.** *Speaking on behalf of IMEC*, a Government representative of the Netherlands looked forward to discussing the JIU’s forthcoming study of the system-wide implementation of the initiative for full and productive employment and decent work for all. On the subject of individual consultancies, although in many instances and notwithstanding certain risks, it might well be more cost efficient to use individual consultancies rather than to hire new staff, it would be unwise to adopt geographical diversity and gender balance as criteria when procuring consultancy services. He asked why the ILO had rejected the recommendation on limiting the duration of consultancy contracts; whether there were any examples of consultancy agreements whose duration should not be limited; and whether the ILO had considered the potential savings on administrative costs that might be achieved by implementing the recommendation concerning lump-sum payments.
- 607.** *A Government representative of India* asked the Office to provide details of any cost–benefit analysis carried out in respect of the recommendation to offer a lump sum to cover

all travel-related expenses, as well as details of the proposed review of the system-wide implementation of full and productive employment and decent work for all.

- 608.** A representative of the JIU noted that all JIU reports for the previous six years could be accessed on the Unit's website. The report on the use of individual consultancies was based on ILO standards. The UN system's employment of many consultants for extended periods without social benefits or pension rights was inconsistent with international labour standards and with UN values and principles. The ILO should facilitate the use of good labour practices in the UN system in line with its standards. The ILO should likewise support the recommendations on staff-management relations in order to promote a better working environment within the various organizations in the UN system. The recommendations concerning long-term agreements on procurement could generate substantial savings through collaborative procurement, heighten efficiency and reduce risks. The review of mainstreaming the Decent Work Agenda throughout the UN system would be finalized by the end of 2014. There was room to improve the ILO's acceptance rate of the JIU's recommendations as it ranked only 16th among 26 UN organizations and entities. With regard to issues raised by Governing Body members, it was unacceptable not to apply the criteria of geographical diversity and gender balance to consultancy agreements when they were extensively used by an organization. Limiting the duration of such contracts was aimed at preventing the overuse of non-staff contracts.
- 609.** A representative of the Director-General (Director, Strategic Programming and Management Department) said that the ILO did not have any benchmarks for the remuneration of individual consultants; it followed market rates in most of the areas where it was working. However, different procedures applied to different contract value thresholds. Lump-sum payments were made for some travel-related expenses, such as home leave. A careful review had been made of the administrative costs entailed in managing such arrangements. The ILO did not have the IT capacity to keep a central register of non-staff consultants, nor was that currently deemed a priority. The ILO provided compensation for the time spent on training by staff representatives, provided premises and communication facilities, but did not fund the training. His unit, which was responsible for the overall coordination of relations with the JIU, had one half-time staff member whose work was dedicated to the follow-up to JIU recommendations, but many other staff members were also involved in that task. On the rolling reference document requested, footnote 3 of the report provided a link to such a document covering a five-year period. ILO non-staff contracts took many forms and shapes and were therefore of different lengths. Staff contracts complied with the JIU recommendations.

Outcome

- 610.** *The Governing Body took note of the report and invited the Office to take into consideration the views expressed during its discussion.*

(GB.322/PFA/5.)

Sixth item on the agenda

Annual evaluation report 2013–14

(GB.322/PFA/6)

- 611.** *The Employer coordinator congratulated the Evaluation Office for its impressive JIU ranking in the UN family's top three as well as the external auditors' highlighting of the Evaluation Advisory Committee (EAC) as an example of good practice. He wished to*

know why progress had been slow on follow-up to the evaluation to promote sustainable enterprises. With reference to table 2, he asked why no action had been taken on 17 recommendations in the Arab States and what the Office was planning to do to rectify that situation. In reference to figure 2, he queried how the Office intended to improve the quality of independent project evaluations and whether the job descriptions of departmental evaluation focal points would be developed and standardized. The issues outlined in paragraphs 53, 56 and 63 clearly required follow-up. It would have been preferable if the Office's response and follow-up had been more clearly described in table 5. The Employers endorsed conclusions 4 and 5 and supported recommendation 4 on impact evaluation. Some of the actions itemized in Appendix I did have cost implications over and above staff time; therefore, he wondered how the Office could be certain that recommendations could be implemented if no provision was made for those costs.

- 612.** *The Worker spokesperson* noted progress on the evaluation strategy and supported recommendation 1 regarding its extension. Gaps in implementing the recommendations on OSH needed to be filled swiftly. He therefore requested more information about the new research functions in the knowledge-gathering system. He asked why follow-up on the evaluation of the ILO strategy to promote sustainable enterprises and decent work had been slow.
- 613.** Regarding the workplan for future evaluations, rather than evaluating jobs and skills for growth in 2016, it would be more advisable to look at more and better jobs for inclusive growth. It might also be wise to conduct fewer evaluations, but to devote more time to their follow-up. Referring to paragraph 36, he wished to know at which constituents the 33 per cent of project report recommendations were targeted. He invited the Office to better engage workers' organizations in the design and implementation of DWCPs. Some of the threats and weaknesses identified in Part II on assessing the ILO's effectiveness and results obviously still needed to be addressed including the fact that the system generated competition between managers to deliver outcome based work plans and country programme outcomes. The Office also plainly required clearer guidelines on the implementation of its activities in relation to DWCPs and country programme outcomes in order to work as one ILO. The Workers endorsed all the recommendations contained in the report and supported the draft decision.
- 614.** *Speaking on behalf of IMEC*, a Government representative of Norway noted good progress on the Evaluation Office's strategy and stressed that evaluations were an important means of providing evidence of what worked and ensuring transparency and accountability. IMEC therefore appreciated that the report highlighted the importance of impact evaluations and the need for robust logical frameworks and monitoring mechanisms. Independent, external evaluators had to receive direct, unfiltered input from stakeholders. IMEC supported all the recommendations in the report.
- 615.** *Speaking on behalf of the Africa group*, a Government representative of Chad said that, since the implementation of an evaluation strategy would boost the Office's performance, his group supported the draft decision.
- 616.** *A Government representative of China* welcomed the results achieved by the Office in implementing the evaluation strategy in the period 2011–15 and drew attention to the need to adopt a scientific evaluation method and indicators appropriate to the ILO.
- 617.** *A representative of the Director-General* (Director, Evaluation Office) welcomed the continued support of the constituents for substantial effective and independent evaluation in the ILO and acknowledged the need to strengthen impact evaluation. The delay in the approval of the workplan for the follow-up to the independent evaluation on sustainable enterprises was due to scheduling cycles of the EAC. Only two evaluations in the Arab

States were included in the review and delays in follow-up to one had resulted in the postponement of action for the 17 related recommendations. The workplan for the next biennium would define the responsibilities of departmental evaluation focal points more clearly. Regarding the Evaluation Office's assessment of the ILO's overall effectiveness in implementing the Strategic Policy Framework, he stressed that table 5 showed that there had been considerable management take-up on many of the evaluation recommendations and that only highlighting the ones for which action was still required was not productive. On resource requirements, he confirmed that recommendations in the annual evaluation report 2011–12 could largely be implemented through deployment of existing staff and small financial contributions. Dealing with quality issues in evaluation reports while numbers were increasing could be addressed through more capacity or raising the financial threshold for independent evaluations, thereby reducing the numbers of evaluations.

Decision

- 618. *The Governing Body took note of the report and endorsed the recommendations (paragraphs 7, 50, 71 and 72) to be included in the ILO's rolling plan for the implementation of recommendations and suggestions to be reported on in the annual evaluation report 2014–15. It also confirmed the priorities identified in the report on the programme of work for 2016–17.***

(GB.322/PFA/6, paragraph 73.)

Seventh item on the agenda

Discussions of high-level evaluations: Strategies and Decent Work Country Programmes

(GB.322/PFA/7)

- 619. *The Worker spokesperson expressed serious concern at some of the findings of the independent evaluation of the ILO's strategies on fundamental principles and rights at work (FPRW), in particular: the fact that not all outcome strategies addressed the needs identified by constituents or the gaps identified by the ILO supervisory machinery; the lack of a strategy to mainstream FPRW in the Office's activities; the varied treatment of FPRW in DWCPs; the unequal distribution of extra-budgetary resources among the different categories of fundamental principles; and the fact that not all DWCPs promoted the right to freedom of association and collective bargaining. He asked how the Office intended to address those shortcomings. While constituents' needs had to be addressed in DWCPs, this should not result in country priorities ignoring decisions taken by the Conference. His group welcomed the fact that the recommendation contained in paragraph 41 had been reflected in the Programme and Budget for 2016–17. The group also asked how the Office was going to address the imbalances in extra-budgetary resources between categories of FPRW.***
- 620. *The independent evaluation of the ILO's strategy on policy coherence for decent work had shown that much remained to be done to mainstream decent work in policy-making at the national level and in the policies of key international agencies and multilateral institutions. In particular, he mentioned the importance of developing decent work indicators covering the four pillars of the Decent Work Agenda. The post-2015 development agenda should also include decent work as one of its key goals. He asked why paragraph 101 did not include guaranteeing rights at work as a decent work priority of the ILO DWCP for North Africa. His group supported the creation of tripartite coordination platforms and replicating***

them in all projects. The group also supported the need for the tripartite approach and international labour standards to be applied more vigorously. The Office should also assess the sustainability of its interventions in crisis-affected countries.

- 621.** *The Employer coordinator* said that it was regrettable that the paper did not cover the implementation of the plan to follow up on the resolution on FPRW adopted at the 2012 ILC. Such omission called into question the relevance of the Governing Body's decision on the action plan and the recurrent discussion itself. Any ad hoc action plans must be compatible with the Strategic Policy Framework. His group supported the recommendations but found that two important points were missing: the need to build the capacity of the social partners, and the need for the FPRW Branch to work not only with the Strategic Programming and Management Department (PROGRAM) but also ACT/EMP and ACTRAV. His group welcomed the fact that the second generation of DWCPs had been developed on the basis of broader consultations and supported building local analytical and institutional capacities to measure progress.
- 622.** Regarding the independent evaluation of the ILO's strategy on policy coherence, the group did not agree with the recommendations contained in paragraphs 87 and 88. Decent work was not a quantifiable and objective universal standard that could be applied to all workers and jobs worldwide. Furthermore, countries should not be compared on the basis of a limited number of decent work indicators when there were a host of factors distinguishing them. The ILO should focus on collecting fact-based statistics that helped countries achieve national priorities for economic development and employment creation. There was no need to include an indicator for decent work in the next Strategic Policy Framework, as it would be measured under the different outcomes. Nor did his group agree with the recommendation contained in paragraph 89. It was not necessary to choose between assistance related to resolving structural issues and capacity building, as the two went hand in hand. The Office must focus on work with its constituents and therefore should assess the advantages and risks of working more closely with non-governmental organizations (NGOs), which were not constituents.
- 623.** In North Africa, the ILO had been operating in an unstable environment following the Arab Spring. The Office should consider whether a DWCP was the right option for those countries or whether a more flexible approach was required. Noting that the country offices in Algiers and Cairo had lacked the human resources necessary to deal with the frequently changing circumstances, he asked why decent work specialists in social protection and social security had not been appointed. He also queried why it had taken so long to address the structural shortcomings of the Algiers and Cairo offices. His group endorsed the remainder of the recommendations.
- 624.** *Speaking on behalf of the Africa group*, a Government representative of Ethiopia asked how the Office planned to take the relevant aspects of the 2008 Declaration on Social Justice for a Fair Globalization into account when evaluating the strategies and action for the realization of FPRW. The Office should also continue its efforts to carry out activities addressing the four principles of the 1998 Declaration, and to raise awareness of the Declaration among the staff of other UN agencies. While emphasizing that constituent demand should be the main driver of strategies and DWCPs, the group endorsed the recommendations and the draft decision.
- 625.** *Speaking on behalf of IMEC*, a Government representative of Italy said that the recommendation that the Strategic Policy Framework should include specific indicators for the realization of FPRW and measurable results on mainstreaming decent work should be reflected in the subsequent paper submitted to the Governing Body. The group endorsed the recommendation contained in paragraph 42. The recommendation contained in paragraph 131 was relevant to the Office as a whole. The group would appreciate more

information on the action taken by the Office to give effect to the recommendations contained in the paper.

626. A *Government representative of China* said that China endorsed all the recommendations in the paper and encouraged the Office to continue its efforts to implement them. The Office should consider strengthening its cooperation with other international organizations with a view to coordinating efforts to promote decent work policies. Decent work indicators should take into account countries' different levels of development.
627. A *Government representative of Zimbabwe* asked whether the Office concurred with the finding that the 1998 Declaration was generally not well understood, even among partners, and, if so, what solutions it envisaged.
628. A *representative of the Director-General* (Director, Governance and Tripartism Department) said that the Office would reflect the recommendations of the high-level evaluation and the Governing Body's comments in the action plan for 2012–16. The FPRW Branch would work with ACT/EMP, ACTRAV and other relevant departments to include FPRW in DWCPs and in the ACIs; to develop an operational strategy addressing the four categories of FPRW, which would be piloted in a limited number of countries in 2015; and to include FPRW in training for new ILO officials and UN staff.
629. A *representative of the Director-General* (Director, Multilateral Cooperation Department) said that mainstreaming decent work in the Office's activities would continue to grow in importance but was more easily said than done. While recognizing that decent work remained difficult to capture using indicators, the Office would take into account the importance of collecting basic data on which it could draw. The Office recognized the need to select a smaller number of indicators that covered all relevant areas and that catered to the needs of particular countries. Discussions on policy coherence could be wide-ranging and it was important for the Office to be able to draw upon the knowledge and information provided by think tanks and NGOs in addition to constituents, while still exercising judgement.
630. A *representative of the Director-General* (Regional Director of the ILO Regional Office for Africa) agreed that DWCPs needed to be tailored to the needs of individual countries and actively involve the tripartite constituents in their development and implementation. However, it had been necessary to develop further strategies to address the priorities of the countries in North Africa. The Office had taken note of the concerns raised about the Algiers and Cairo offices and had taken steps to remedy the situation: a director had been appointed to the Algiers office and efforts were under way to rebuild its capacity. Moreover, the process of transferring responsibilities back to the Algiers office had begun. The Office had already started giving effect to the recommendations arising from the independent evaluations.

Decision

631. ***The Governing Body requested the Director-General to take into consideration the findings, lessons learned and recommendations (paragraphs 37–43, 84–90 and 126–133) of the three high-level independent evaluations presented in the report and to ensure their appropriate implementation.***

(GB.322/PFA/7, paragraph 140.)

Personnel Segment

Eighth item on the agenda

Statement by the staff representative

632. The statement by the Staff Union representative is reproduced in Appendix I.

Ninth item on the agenda

Reform plan of action in the area of human resources management: Update (GB.322/PFA/9)

633. *The Employer coordinator* expressed his group's appreciation of the briefing it had been given, in advance of the session, by the ILO's Human Resources Development Department (HRD). It welcomed the progress made on the human resources reform, as a core element of the agenda of the Director-General. In particular, the group hoped that the mobility policy would be finalized soon and agreed that the Organization needed a robust policy on the prevention and resolution of harassment grievances. The group supported the draft decision.

634. *The Worker spokesperson* commended the positive climate of social dialogue between the Administration and the Staff Union, which provided a key element in the human resources reform process. The group hoped that the mobility policy would be finalized in time for the launch of the new recruitment and selection procedures. It welcomed the proposed amendments to the Staff Regulations related to harassment procedures but specified that the protection they provided should apply to all employees regardless of status. It should be noted that the language of the Staff Regulations was still not gender neutral. The Office's contracts policy should provide attractive conditions of service within the ILO. His group welcomed the increased cooperation between HRD and the Turin Centre, which played an important role in strengthening capacity building for both ILO staff and constituents. Staff of the Turin Centre should be covered by the same mobility policies as other ILO personnel and enjoy the same positive climate of social dialogue as at headquarters. The group supported the draft decision.

635. *Speaking on behalf of the Africa group*, a Government representative of Ghana said that her group welcomed progress made by the Office in various human resources areas. She reiterated its hope that the ILO would continue to consider an expansion of language requirements, in order to improve geographical representation through recruitment of candidates from areas where English, French or Spanish were rarely used. The group looked forward to full implementation of the revised human resources procedures in 2015 and endorsed the draft decision.

636. *Speaking on behalf of GRULAC*, a Government representative of Cuba said that his group welcomed the progress made on the human resources reform and appreciated the positive relations being maintained between staff and management. The reform should ensure the uniform application of criteria and procedures, transparency and fair recruitment; it should furthermore provide for career development and mobility, and promote diversity in the staffing structure. Regarding the proposed amendments to the Staff Regulations, he requested further information regarding the motives for the amendment to Chapter IX,

Annex III, on travel and removal expenses. The definition of harassment provided in Chapter XIII, article 13.4, paragraph 1, should be more specific, given the absence of any commonly accepted term covering all forms of workplace harassment. Furthermore, the definition of sexual harassment in paragraph 2 of that article should be more flexible and take account of regional differences. Lastly, provisions should be included to protect officials against unfounded claims.

- 637.** *Speaking on behalf of ASPAG*, a Government representative of Japan said that his group supported the amendments to the Staff Regulations. It welcomed the launch of ILO People and called on the Office to continue defining the system, in view of the assistance it could afford in increasing staff mobility to the field. ASPAG continued to be conscious of a geographical imbalance in senior and junior staff and it again requested the Office to submit information regarding the number of staff at Director level and above by country at the next Governing Body session. ASPAG supported the draft decision.
- 638.** *Speaking on behalf of IMEC*, a Government representative of the United States commended the work done by the Office on giving effect to the human resources reform. Her group approved the amendments to Chapter XIII of the Staff Regulations and appreciated the clear definition of the receivability of harassment grievances. In order to ensure the integrity of the process, the group urged the Office to pay close attention to verifying the merits of each case sent for investigation. The Office should maintain the highest level of claimant and respondent privacy to ensure due process and it should ensure that claimants were adequately protected from retaliation. The group also approved the amendments to Chapters VII and IX, noting that the expansion of the period for the payment of removal expenses should be applied strictly and without exception. IMEC welcomed the progress made on the mobility and contracts policies and looked forward to reviewing both of them. The group hoped that the Office would leverage its human resources achievements in meaningful ways. In particular, staff performance evaluations should create a collaborative and iterative dialogue, and the ILO should continue to embed the cultural changes needed in that regard. IMEC approved the draft decision.
- 639.** *A Government representative of the Republic of Korea* said that the Korean Government supported the Office's human resources reform plan to introduce a more transparent merit-based selection procedure and set up selection panels. She welcomed the launch of ILO People. As many countries from the Asia and Pacific region were under-represented at the ILO, her Government strongly supported the plan to increase staff diversity and hold workshops with the countries concerned. She expressed support for the draft decision.
- 640.** *A Government representative of China* expressed support for the human resources reform. The ILO had made efforts to ensure transparency in selection procedures and to tackle the under-representation of some countries by providing technical support. The Office was encouraged to continue that work and to set targets and goals. He expressed support for the draft decision.
- 641.** *A Government representative of the Islamic Republic of Iran* said that the comprehensive human resources reform initiatives were welcome, as were the new procedures aimed at ensuring transparent and merit-based recruitment. The launch of ILO People and the Employee Profile tool would play a central role in supporting effective workforce planning. The Field Operations and Structure and Technical Cooperation Review would have significant implications for implementation of the ILO Human Resources Strategy, and it was essential to set up a sustainable staffing model for ILO field operations. The increased cooperation between the Turin Centre and HRD had been noted. Asian and Pacific countries were under-represented, and the persistent imbalance at headquarters and in regional offices needed to be corrected through the careful recruitment of qualified staff

from all countries that were not adequately represented. The Office was encouraged to step up its efforts in the area. He expressed support for the draft decision.

- 642.** A representative of the Director-General (Director, Human Resources Development Department) thanked the members of the Governing Body for their support for the proposed changes to the Staff Regulations. In response to the question concerning travel and removal expenses, he said that the existing rule had proved to be impractical and the number of exceptions had grown. It was necessary to be able to apply the rule consistently, and it was preferable to bring the duration for submitting a claim into line with other repatriation benefits. The definitions of harassment and sexual harassment had been the subject of considerable discussion in the Joint Negotiating Committee, which had preferred to have more general definitions that would encompass both the types of harassment under consideration, as well as any types of behaviour that might arise in the future. With regard to a time line for the mobility policy, he expressed the hope that the policy would be finalized after the Governing Body session and would be ready for publication at the same time as the new recruitment and selection procedures were implemented. The time line for finalizing the contracts policy was a more complex matter, as it would be necessary to hold internal consultations and obtain legal and financial advice. In addition, changes to the contract policy would require some extensive redrafting of the Staff Regulations. Regarding geographical balance and mobility, it was hoped that the new recruitment and selection procedures would redress the situation.

Decision

643. The Governing Body:

- (a) *noted the progress made in implementing the Director-General's human resources reform; and*
- (b) *approved the amendments to the Staff Regulations contained in the appendix to document GB.322/PFA/9.*

(GB.322/PFA/9, paragraph 22.)

Tenth item on the agenda

ILO staff costs in the context of the review by the ICSC

(GB.322/PFA/10(&Corr.))

- 644.** The Worker spokesperson said that his group had taken note of the information provided and had no specific comments to make.
- 645.** The Employer coordinator noted that staff costs in constant US dollar terms had remained flat over the previous three biennia, while exchange rates had fluctuated and had had a significant impact on those costs. The Office had continued to perform its activities while keeping costs down, which was commendable. He supported the draft decision.
- 646.** Speaking on behalf of the Africa group, a Government representative of Ghana commended the work of the three working groups established to facilitate the work of the ICSC. The cost increases for non-staff items due to local inflation and the effects on both staff and non-staff costs of trends in the Swiss franc/US dollar exchange rate were causes

for concern. She commended the Office's efforts to extend its outreach and programmes while keeping cost increases to a minimum. The group looked forward to the holistic appraisal of the revised compensation package, which was expected to be submitted to the UN General Assembly by the close of 2015.

- 647.** *Speaking on behalf of IMEC*, a Government representative of Spain said that the document only referred to trends in a general manner and suggested that it would have been a good opportunity to provide a detailed analysis of staff costs. While staff compensation was determined by the ICSC, the ILO nevertheless had some influence on staff costs, including staff welfare policies and management of ASHI. Only two variables had been taken into account in the analysis: cost increases and the impact of exchange rate adjustments. Further information concerning, for example, medical expenses and staff numbers, could have been included. He asked if a new document could be drawn up which included trends in staffing costs, broken down by item – for example wages, medical expenses and grants – and grouped by professional category and geographical area, bearing in mind the impact on the budget and staff numbers.
- 648.** *A representative of the Director-General* (Treasurer and Financial Comptroller) said that an objective of the paper, as requested by the Governing Body Screening Group, had been to look at cost trends at an aggregate level and their impact on the delivery of programmes. He was pleased to note from the interventions that this had largely been achieved. He had taken note of the request for further detailed information by IMEC and would review how that could best be provided.

Outcome

- 649. *The Governing Body took note of the report.***

(GB.322/PFA/10(&Corr.).)

Appendix I

Statement by the Chairperson of the Staff Union Committee

Mr Chairperson,
 Director-General,
 Members of the Governing Body,
 Colleagues and all present today,

I have the honour to address you as Chairperson of the Staff Union, speaking on behalf of all my colleagues who work at headquarters or in the field, and who belong to a union body comprising almost two-thirds of all the staff.

Whenever the Governing Body meets, the staff representative has an opportunity to make a statement to the ILO constituents concerning the position of the Union Committee on the decisions or recommendations adopted by the administration. From one administration to the next, there will sometimes be intensive debates and consultations before this statement is made. Today I can tell you that this consultation process has in fact taken place and that we can be happy to be working in an organization such as ours, in which there is now, and I hope will long be, a climate which lends itself to dialogue and to healthy working relationships. This favourable climate is due largely to the unique institutional structure of our Organization, but also to the ability of our chief to listen and consult with us.

Unfortunately, this is not always the case in other organizations in the United Nations common system. The dismissal of the staff representative at WIPO in the course of his duties last September came like a thunderbolt. It has had a negative impact on public opinion, and has indelibly tarnished the reputation of the entire United Nations family. This regrettable incident is unworthy of the spirit and the underlying mission of the United Nations, and it is a matter of urgency for the ILO, as the leading agency in the area of employment and freedom of association, to ensure that this climate of social dialogue prevails throughout the United Nations system.

Having said that, I will now make use of the short time I have to explain to you the challenges for the staff inherent in the decisions or positions which have been or will be adopted.

Yesterday you began discussing our future agenda, and you have already touched upon topics relevant to our social protection or our conditions of employment and work.

So let us turn straight away to the reform plan of action and update in the area of human resources management (GB.322/PFA/9).

Since March this year, staff representatives and the administration have been discussing the various subjects covered by the reform of human resources management.

As the staff representative, I must begin by conveying to you the concern of the staff in the field and in the technical cooperation projects about the most recent communications from the administration on the review of the external structure. This concern stems from the fact that specific decisions are pending but are not being communicated to, or discussed with, the union representatives in the regions. The other major concern has to do with the following paradox. Although in theory, all the proposals and intentions of the administration seem to be headed in the direction of “one ILO”, each day, in practice, an ever-deeper wedge is being driven between those staff who are performing tasks supposedly essential to the Organization and those who, because of an often artificial

difference in sources of funding, are working under quite different terms of employment and recruitment. I also wish to mention all those colleagues who are recruited for short-term employment, under contracts subject to haphazard renewal and without any social security. They continually add to the numbers of those in precarious employment situations, who have sometimes worked for the Organization for over five years, and who are increasingly turning to the Staff Union for help.

It is a praiseworthy aim for the Office to have at its disposal the amount of talent and expertise it needs at the time and in the places it needs them, but they must be recruited in a decent manner, to use a term familiar to you. This talent and expertise must not be exploitable at will, depending on the funds forthcoming from sponsors. It would be even more decent, given that the projects in question are often planned for execution over five-year periods, if contracts for some of these people were not subject each month to renewal in a manner unworthy of the international labour Conventions and Recommendations; if they did not depend on the goodwill of managers anxious to meet their goals but who are little concerned, and above all rarely penalized, for unacceptable terms of recruitment. It is beyond question that my colleagues in technical cooperation, just like those whom we also call the long-term insecure staff members, and the interns, offer added value to the range of activities and programmes put in place by the Organization. They must be given due recognition, and not be treated as second-class citizens as regards career prospects, social security and security of employment.

That brings me to the most important aspect of the ongoing negotiations, the **reform of contracts policy**.

The policy on contracts is the key to the entire ILO policy on the employment of staff and their working conditions. From the start of our consultations with the staff, it has been clear that if there was to be a reform of the policy on contracts, it must be based in every instance on two fundamental conditions. The first of these conditions is that when the administration makes its proposals, it must also supply all the information needed to judge what impact the proposals will have on the staff as a whole. The second condition is that these negotiations must be aimed at an improvement, not a deterioration, in the terms of employment of the staff.

For the staff representatives, reform does not mean dismantling existing arrangements for the sake of streamlining the common system, or downgrading terms of employment, or tearing up all the existing rules. The staff representatives see reform as an endeavour to ensure that the best terms of employment and good practice prevail, for example by retaining contracts of indefinite duration.

Bringing into question this ultimate, indispensable employment guarantee would be like asking you, the delegates, for the sake of streamlining the United Nations system, to abolish the tripartite structure in this Governing Body. That would certainly provoke a lively and long drawn-out debate. And fortunately for the staff of the ILO, the present challenge can be met head-on in discussions with the administration about contracts policy.

I will say it again: the best guarantee of independence in the international civil service, so that it can meet the needs of its constituents in an objective way, is permanent security of employment.

As you see, in the context of the reform this topic is by far the most complex one and is crucial for the future of the Organization, but the staff representatives have committed themselves to discuss it frankly and without any taboos, and they will continue negotiating in good faith so that an outcome satisfactory to all can be achieved in the shortest possible time.

As for the introduction of a new mobility policy, the last missing element in the collective agreement on recruitment and appointment, this too has been the subject of many consultations and discussions between the administration and the staff. The staff is of course convinced, like the Director-General, that for the Organization to discharge its

responsibilities to the constituents in full, alongside an appropriate recruitment policy it needs to have an effective mobility policy. But if the staff is to have confidence in this policy, it must also be seen to be transparent, based on merit, and be applied to all categories of staff, including our colleagues at the Turin International Training Centre, and be an integral part of the process already negotiated in the collective agreement on recruitment and appointment. It must refer to specific criteria for the duration of employment, be exempt from patronage and offer a natural means of career progression. In addition, to encourage the staff to be mobile, the policy should offer specific incentives and take account of the present diversity and complexity of family circumstances. Discussions on this question have been constructive, and we are hoping to bring them to a conclusion very shortly. But here too, the ILO must acquire the means to meet its goals.

In document PFA/9, you are also invited to give your views on a number of amendments to the Staff Regulations concerning allegations of **sexual harassment and harassment in general**.

On this matter, the staff representatives share, almost entirely, the administration's satisfaction that an agreement to combat all forms of harassment within the Organization has almost been concluded. This agreement aims to provide the Organization with appropriate tools to, on the one hand, clearly define what constitutes harassment, and, on the other, independently investigate any allegations relating to such a breach. However, the Union regrets that the collective agreement on this issue was not signed before the Governing Body convened. If it had been signed it would have complemented the provisions that were submitted for the Governing Body's approval aimed at guaranteeing protection against harassment and against all forms of retaliation – not only for staff with regular contracts but also for so-called "precarious" staff and interns, who are clearly much more vulnerable than fixed staff. Moreover, it would have resulted in the establishment and implementation of prevention measures, which are critical to effectively combating this scourge.

Other agreements, notably those relating to gender equality and work-life balance, have yet to materialize, for reasons the staff find difficult to comprehend.

With regard to maternity protection, progress, again much to the staff's regret, is still to be made, although the Organization has been a prominent advocate on the global stage for best practices in this area more than once this year. It would be regrettable if "shoemakers' children were once more the worst-shod", and if the Organization failed to apply internally what international Conventions preach to the world.

Ironically, the first topic on the agenda for your adjudication this morning was the **future of our health insurance and the health insurance coverage of our retired colleagues** – one of the only topics on which there has been no consultation whatsoever with the staff representatives: yet the proposals implicit in document GB.322/PFA/2 would inevitably have significant repercussions on the terms of staff employment.

As regards social security and health insurance, international civil servants are in a category of their own; they are stateless in a sense, being allowed neither to contribute to their national social security systems while performing their duties within the United Nations system, nor as retirees, after their years of service. This is why the staff representatives are always very attentive to any discussion or decision relating to their health insurance fund. They certainly welcomed, with pleasure, the recent appointment of the new secretary of the fund, but will not be any less vigilant with regard to the measures put in place drastically and quickly to improve the governance of this body, as well as the quality of services and the services provided.

After years of inaction and lack of transparency, after years of chronic delays in the payment of medical bills (which can result in field staff living through veritable financial ordeals), after years of non-approval of services, the patience and indulgence of the staff have been worn down so much that they will not consent to make any further financial efforts which may be requested of them.

In the light of the above and this morning's discussions on this matter, I request that any future proposal made by the administration on this topic should be the subject of a prior consultation with the staff representatives, and that their point of view should be reflected, if it is not incorporated in such new proposals.

I should also inform you that the issue of **physical safety** in the field continues to raise serious concerns among my colleagues. The **Ebola epidemic** has led the Staff Union to request the Director-General's assurance that precautionary measures have indeed been taken for all eventualities, in consultation with the staff representatives and the Committee on Occupational Safety and Health (COSH), in order to guarantee the protection of staff at headquarters and in the field against this horrific disease. The Staff Union has also drawn attention to the proliferation of regional tensions and armed groups in the field – constituting formidable challenges for which the ILO should be actively prepared.

I will finish my statement by once again sharing with you the ILO staff's impression of the document which has been presented to you on **ILO staff costs in the context of the review by the International Civil Service Commission (ICSC)**. Firstly, with regard to the revision of all the services provided within the common system currently sought by the ICSC, I wish to thank the Director-General, on behalf of the staff of the ILO, for having taken a stance which does justice to the specialized agency that he represents. It is necessary simply to make the United Nations system a competitive employer that attracts qualified staff. Streamlining and rationalization should aim to promote fairness and justice, and not only to reduce costs. Staff remain very motivated to perform at a high level and even to risk their lives, while respecting the noble aims of this Organization. However, there is a limit to the amount of work that can be done with only meagre resources, and this was reached long ago.

In view of the figures presented in document GB.322/PFA/10, the staff representatives note that staff have honourably discharged the duties under their mandates despite the continuous attacks on the international civil service, and without breaking the – already very restrictive – budget ceilings. The staff representatives draw attention to the potential dangers, however, of budgeting for staff expenses exclusively on the basis of rationalization and profitability. The inevitable consequences of trying to limit staff expenses too severely are an increase in staff workload, stress and demotivation.

In spite of numerous requests along these lines by the Union, no evaluation has been conducted, to date, of the cost to the Organization of the almost exponential increase in cases of burnout and musculoskeletal disease recorded over recent years as a consequence of budgetary reductions and increases in work intensity. However, the Union welcomes the recent creation of a joint working group on this issue.

The women and men who work for organizations like the ILO love their work deeply and sincerely abide by the principles and values that they promote throughout the world. But to continue to attract new talent, to match the sacrifices that staff – and their families – are prepared to make, wherever in the world they are called upon to fulfil their missions, sometimes in conditions so extreme that they lose their lives, it is absolutely essential that remuneration continues to be based on the Noblemaire and Flemming principles, and that it be accompanied by an appropriate set of services, with due regard for both the growing risk factors and the diverse cultural, linguistic and familial composition of the staff.

The excellence of its staff and, ultimately, the effectiveness of this Organization, depend upon this condition being met.

Thank you for your attention.

Geneva, 4 November 2014

Catherine Comte-Tiberghien

Appendix II

**Bureau international du Travail – Conseil d'administration
International Labour Office – Governing Body
Oficina Internacional del Trabajo – Consejo de Administración**

**322^e session – Genève – novembre 2014
322nd Session – Geneva – November 2014
322.^a Reunión – Ginebra – noviembre de 2014**

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Membres gouvernementaux titulaires
Miembros gubernamentales titulares

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Président du Conseil d'administration:
Chairperson of the Governing Body:
Presidente del Consejo de Administración:

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Algérie Algeria Argelia

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M. A. DROUA, Directeur des relations du Travail, ministère du Travail, de l'Emploi et de la Sécurité sociale.

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M^{me} L. GOURGEL BAPTISTA, Directrice, ministère du Travail

M. J. NETO, Directeur, ministère du travail.

accompagné(s) de:

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M. A. GUIMARÃES, Deuxième secrétaire, Mission permanente, Genève.

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M. T. GOURGEL, Attaché de presse, Mission permanente, Genève.

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Ms B. TRIFONOVA, First Secretary, Permanent Mission, Geneva.

Cambodge Cambodia Camboya

Mr S. ITH, Minister of Labour and Vocational Training.

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Mr S. HENG, Director-General of Administration and Finance, Ministry of Labour and Vocational Training.

accompanied by:

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Mr K. IEM, Counsellor, Permanent Mission, Geneva.

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Mr C. BOU, Adviser to the Ministry of Labour and Vocational Training.

Ms V. SOVANN, Adviser to the Ministry of Labour and Vocational Training.

Mr V. HOU, Undersecretary of State, Ministry of Labour and Vocational Training.

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Mr S. GAO, Counsellor, Permanent Mission, Geneva.

accompanied by:

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Mr S. RONG, Director, Department of International Cooperation, Ministry of Human Resources and Social Security.

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République de Corée Republic of Korea República de Corea

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Emirats arabes unis United Arab Emirates Emiratos Arabes Unidos

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Etats-Unis United States Estados Unidos

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France Francia

M. G. DE ROBIEN, Ambassadeur, Délégué du gouvernement de la France au Conseil d'administration du BIT.

suppléant(s):

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Ghana

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Inde India

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**République islamique d'Iran
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República Islámica del Irán**

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Italie Italy Italia

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Japon Japan Japón

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Royaume-Uni United Kingdom Reino Unido

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Fédération de Russie Russian Federation Federación de Rusia

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Mr A. BOGATYREV, Third Secretary,
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Mr N. MIRONOV, Head of Division,
Department of Economic Cooperation,
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Soudan Sudan Sudán

Ms I. SAYED MAHMOUD, Minister of
Labour and Administrative Reform.

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Representative, Permanent Mission,
Geneva.

Mr E. ADAM, Undersecretary, Ministry of
Labour and Administrative Reform

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Director, International Relations General
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Director, Employment and Migration
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Mr Y. ELTAYEB EISA MOHAMED, General
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Ms S. MOHAMED ABD ALLA, Director,
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Ministry of Labour and Administrative
Reform.

Mr A. DAOUD, First Secretary, Permanent
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Trinité-et-Tobago Trinidad and Tobago Trinidad y Tabago

Ms C. SMITH, Acting Permanent Secretary,
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Development.

Mr J. SOBION, First Secretary, Permanent
Mission, Geneva.

Turquie Turkey Turquía

Mr A. ERDEM, Undersecretary, Ministry of
Labour and Social Security.

substitute(s):

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Ministry of Labour and Social Security.

Mr L. GENÇ, Counsellor, Permanent Mission,
Geneva.

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Mr O. KURAL, Counsellor, Permanent
Mission, Geneva.

Mr A. TOPCU, Counsellor, Permanent
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Mr H. OYMAN, Counsellor, Labour and Social
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**Venezuela (Rép. bolivarienne du)
Venezuela (Bolivarian Rep. of)
Venezuela (Rep. Bolivariana de)**

Sr. E. COLMENARES, Viceministro para Derechos y Relaciones Laborales, Ministerio del Poder Popular para la Protección del Proceso Social del Trabajo.

suplente(s):

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Sr. C. FLORES, Consejero Laboral, Misión Permanente, Ginebra.

acompañado(s) de:

Sra. G. AGUIRRE, Directora de la Oficina de Relaciones Internacionales y Enlace con la OIT, Ministerio del Poder Popular para la Protección del Proceso Social del Trabajo.

Zimbabwe

Mr N. GOCHE, Minister of Public Service, Labour and Social Welfare.

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Mr N. MASOKA, Secretary for Public Service, Labour and Social Welfare, Ministry of Public Service, Labour and Social Welfare.

Mr T. MUSHAYAVANHU, Ambassador, Permanent representative, Permanent Mission, Geneva.

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Membres gouvernementaux adjoints	Deputy Government members
Miembros gubernamentales adjuntos	

Albanie Albania

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Australie Australia

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Bahreïn Bahrain Bahrein

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Mr B. AHMED, First Secretary, Permanent Mission, Geneva.

Mr F. ALBAKER, First Secretary, Permanent Mission, Geneva.

Ms L. ALKHALIFA, Second Secretary, Permanent Mission, Geneva.

Bangladesh

Mr M. HAQUE, Honorable State Minister, Ministry of Labour and Employment.

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Mr K. HOSSAIN, Joint Secretary, Ministry of Labour and Employment.

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M. B. DE CROMBRUGGHE DE PICQUENDAELE, Ambassadeur, Représentant permanent, Mission permanente, Genève.

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Burkina Faso

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**République dominicaine
Dominican Republic
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Ethiopie Ethiopia Etiopía

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Miembros empleadores titulares**

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Vice-Chairperson of the Governing Body:	Mr J. RØNNEST (Denmark)
Vicepresidente del Consejo de Administración:	
Secrétaire du groupe des employeurs:	
Secretary of the Employers' group:	Mr B. WILTON (IOE)
Secretario del Grupo de los Empleadores:	
Secrétaire adjoint du groupe des employeurs:	
Deputy Secretary of the Employers' group:	Sr. R. SUAREZ SANTOS (IOE)
Secretario adjunto del Grupo de los Empleadores:	

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Ms R. GOLDBERG (United States), United States Council for International Business (USCIB).

Ms R. HORNUNG-DRAUS (Germany), Managing Director, Confederation of German Employers' Associations.

Mr H. MATSUI (Japan), Co-Director, International Cooperation Bureau, Nippon-Keidanren/Japan Business Federation (NICC).

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Ms J. MUGO (Kenya), Executive Director, Federation of Kenya Employers (FKE).

Mr P. O'REILLY (New Zealand), Chief Executive, Business New Zealand.

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Miembros empleadores adjuntos**

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Mr M. MDWABA (South Africa).

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Ms S. ROMCHATTHONG (Thailand), Secretary General, Employers' Federation of Thailand.

M. A. SAVANÉ (Guinée), Secrétaire général, Conseil national du patronat guinéen (CNP).

Mr A. WALCOTT (Barbados), Executive Director, Barbados Employers' Confederation (BEC).

Mr P. WOOLFORD (Canada), President, Clairmark Consulting Ltd.

Ms E. ANISIMOVA, accompanying Ms Moskvina.

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Sr. A. LINERO (Panamá), Asesor y Miembro de la Comisión Laboral, Consejo Nacional de la Empresa Privada.
M. B. MATTHEY (Suisse), Directeur général, Fédération des entreprises romandes Genève.
Mr M. OTAREDIAN (Islamic Republic of Iran), President and Secretary-General, Iran Confederation of Employers Association.
Mr B. PIRLER (Turkey), Secretary-General, Turkish Confederation of Employer Associations.
Mr T. SCHOENMAEKERS (Netherlands), Manager for Social Affairs, VNO-NCW.
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Miembros trabajadores titulares	
Vice-président du Conseil d'administration:	
Vice-Chairperson of the Governing Body:	M. L. CORTEBEECK (Belgique)
Vicepresidente del Consejo de Administración:	
Secrétaire du groupe des travailleurs:	
Secretary of the Workers' group:	Sra. R. GONZÁLEZ (ITUC)
Secretario del Grupo de los Trabajadores:	
Secrétaire adjoint du groupe des travailleurs:	
Deputy Secretary of the Workers' group:	Ms E. BUSSER (ITUC)
Secretario adjunto del Grupo de los Trabajadores:	

Mr K. ASAMOAH (Ghana), Secretary-General, Ghana Trade Union Congress (TUC).

Mr F. ATWOLI (Kenya), General Secretary, Central Organization of Trade Unions (COTU (K)).

Ms A. BUNTBACH (Germany), Deutscher Gewerkschaftsbund (DGB).

Mr R. CHANDRASEKHARAN (India), President, INTUC Kerala Branch.

M. L. CORTEBEECK (Belgique), Vice-président du Conseil d'administration du BIT, Président d'honneur, Confédération des syndicats chrétiens de Belgique (ACV-CSC).

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Mr M. SHMAKOV (Russian Federation), President, Federation of Independent Trade Unions of Russia.

M. B. THIBAULT (France), Confédération générale du travail (CGT).

M. P. COUTAZ, accompagnant M. Thibault.

Ms M. HAYASHIBALA, accompanying Mr Sakurada.

Ms B. KÜHL, accompanying Ms Buntenbach.

Mr K. ROSS, accompanying Ms Fox.

Mme V. ROUSSEAU, accompagnant M. Cortebeeck.

Mr F. ZACH, accompanying Ms Buntenbach.

Mr A. ZHARKOV, accompanying Mr Shmakov.

Membres travailleurs adjoints	Deputy Worker members
Miembros trabajadores adjuntos	

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Mr Z. AWAN (Pakistan), General Secretary, Pakistan Workers' Federation (PWF).

Ms B. BYERS (Canada), Executive Vice-President, Canadian Labour Congress (CLC-CTC).

Ms S. CAPPUCCIO (Italy), Confederazione Generale Italiana del Lavoro.

Sra. I. CARCAMO (Honduras), Secretaria de Educación, Confederación Unitaria de Trabajadores de Honduras (CUTH).

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Ms M. LIEW (Singapore), Executive Secretary, National Trade Union Congress (NTUC).

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 Mr D. SHERIDAN, Principal Officer, Department of Jobs, Enterprise and Innovation.
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Lettonie Latvia Letonia

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 Mr E. KORCAGINS, Director, Legal Department, Ministry of Welfare.
 Ms I. DREIMANE ARNAUD, First Secretary, Permanent Mission, Geneva.

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Mr G. CAMILLERI, First Secretary, Permanent Mission, Geneva.

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Namibie Namibia

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Népal Nepal

- Ms R. DAHAL, Second Secretary, Permanent Mission, Geneva.

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Niger Níger

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 Ms J. OKPUNO, Director (E &W), Federal Ministry of Labour and Productivity.
 Ms J. AMAHIAN, Deputy Director (TUSIR), Federal Ministry of Labour and Productivity.
 Mr P. ESELE, Convener (TVET), Federal Ministry of Labour and Productivity.
 Mr J. TSOKWA, Director (TVET), Federal Ministry of Labour and Productivity.
 Ms M. NWORDU, Project Director (SURE-P), Federal Ministry of Labour and Productivity.
 Mr S. KURA, Project Director (TVET), Federal Ministry of Labour and Productivity.
 Mr A. ESSAH, Labour Attaché, Permanent Mission, Geneva.
 Mr A. EKWUFE, PA to the Permanent Secretary, Federal Ministry of Labour and Productivity.
 Mr P. BDLIYA, Director-General (NPC), Federal Ministry of Labour and Productivity.
 Mr J. OLAREWAJU, Director-General (MINILS), Federal Ministry of Labour and Productivity.
 Mr A. ABUBAKAR, Managing Director (NSITF), Federal Ministry of Labour and Productivity.
 Mr A. ABUBAKAR, Director-General (NDE), Federal Ministry of Labour and Productivity.
 Mr H. USMAN, Chief Registrar (IAP), Federal Ministry of Labour and Productivity.

Pérou Peru Perú

Sr. L. CHÁVEZ BASAGOITIA, Embajador, Representante Permanente, Misión Permanente, Ginebra.
 Sra. M. MASAÑA GARCÍA, Ministra, Representante Permanente Alterna, Misión Permanente, Ginebra.
 Sra. S. ALVARADO SALAMANCA, Segunda Secretaria, Misión Permanente, Ginebra.

Philippines Filipinas

Ms C. REBONG, Permanent Representative, Permanent Mission, Geneva.
 Ms M. VALDERRAMA, Labour Attaché, Permanent Mission, Geneva.

Portugal

M. P. BÁRTOLO, Ambassadeur, Représentant permanent, Mission permanente, Genève.
 M. A. VALADAS DA SILVA, Conseiller pour les affaires sociales, Mission permanente, Genève.

Qatar

Mr F. AL-HENZAB, Ambassador Extraordinary and Plenipotentiary, Permanent Representative, Permanent Mission, Geneva.
 Mr M. AL-MARRIKHI, Director, Department of Public Relations and Communications, Ministry of Labour and Social Affairs.
 Mr S. AL-MERRI, Director, Labour Relations Department, Ministry of Labour and Social Affairs.
 Mr K. AL-SULAITI, Director, Information System Department, Ministry of Labour and Social Affairs.

Mr A. AL-HAMMADI, Deputy Permanent Representative, Permanent Mission, Geneva.

Mr R. DIMITROV, Deputy Director, Office of the Customer Experience, Qatar Airways.
 Mr M. AL-SIDDIQI, Legal Specialist, Ministry of Labour.
 Ms L. KHALED, Research Officer, Ministry of Labour and Social Affairs Office, Permanent Mission, Geneva.
 Mr G. HEATH, Lawyer.
 Ms P. CHLADEK, Assistant.

Serbie Serbia

Mr V. MLADENOVIĆ, Ambassador, Permanent Representative, Permanent Mission, Geneva.
 Ms D. MLADENOVIĆ-NESTOROVIC, Second Secretary, Permanent Mission, Geneva.

Singapour Singapore Singapur

Mr K. FOO, Ambassador, Permanent Representative, Permanent Mission, Geneva.
 Mr S. PANG, Deputy Permanent Representative, Permanent Mission, Geneva.
 Ms J. BOO, First Secretary, Permanent Mission, Geneva.
 Mr D. SINGH, Prosecutor, Legal Services Division, Ministry of Manpower.
 Ms E. LAI, Manager, Labour Relations and Workplaces Division, Ministry of Manpower.

Sri Lanka

Mr C. PERERA, Second Secretary, Permanent Mission, Geneva.

Suède Sweden Suecia

Mr J. KNUTSSON, Ambassador and Permanent Representative, Permanent Mission, Geneva.
Mr T. JANSON, Deputy Director, Ministry of Employment.
Ms L. BLOMMÉ, Head of Section, Ministry of Employment.
Mr O. EKÉUS, First Secretary, Permanent Mission, Geneva.
Ms B. MALEKSHAHİ, Permanent Mission, Geneva.

Suisse Switzerland Suiza

M. J. ELMIGER, Ambassadeur, secrétariat d'Etat à l'Economie (SECO), Affaires internationales du travail.
M^{me} V. BERSET BIRCHER, secrétariat d'Etat à l'Economie (SECO), Affaires internationales du travail.
M. L. KARRER, Mission permanente, Genève.
M^{me} R. MELI, Mission permanente, Genève.
M^{me} F. ISLIKER, Section organisations internationales et politique d'accueil, Département fédéral des affaires étrangères.

République tchèque Czech Republic República Checa

Ms M. HOMOLKOVÁ, First Secretary, Permanent Mission, Geneva.
Ms Z. CZERNINOVÁ, Permanent Mission, Geneva.

Tunisie Tunisia Túnez

M. W. DOUDECH, Ambassadeur, Représentant permanent, Mission permanente, Genève.
M^{me} C. KOCHLEF, Premier secrétaire, Mission permanente, Genève.

Viet Nam

Mr Q. DAO, Counsellor, Permanent Mission, Geneva.

Yémen Yemen

Mr W. ALSHAIRIE, Third Secretary, Permanent Mission, Geneva.

**Représentants d'autres Etats non Membres assistant à la session
Representatives of non-member States present at the session
Representantes de otros Estados no Miembros presentes en la reunión**

**Saint-Siège The Holy See
Santa Sede**

M. S.E. Archevêque Silvano M. TOMASI,
Nonce apostolique, Observateur permanent
du Saint-Siège, Mission permanente,
Genève.

Mgr M. DE GREGORI, Attaché, Mission
permanente, Genève.

M. P. GUTIÉRREZ, Mission permanente,
Genève.

**Représentants d'organisations internationales gouvernementales
Representatives of international governmental organizations
Representantes de organizaciones internacionales gubernamentales**

African Regional Labour Administration Centre

Mr D. NEBURAGHO, Director and Head of Mission.

**Organisation arabe du travail
Arab Labour Organization
Organización Árabe del Trabajo**

Mr A. LUQMAN, Director-General.

Ms Z. KASBAOUI, Permanent Delegation of the ALO in Geneva.

Mr R. GUISSOUMA, Head, Permanent Delegation of the ALO in Geneva.

**Union européenne
European Union
Unión Europea**

Mr P. SORENSEN, Ambassador, Head of the Permanent Delegation of the European Union to the United Nations in Geneva.

Mr D. PORTER, Minister Counsellor, Deputy Head of the Permanent Delegation of the European Union to the United Nations in Geneva.

Mr M. FERRI, First Counsellor, Permanent Delegation of the European Union to the United Nations in Geneva.

Mr T. BENDER, Head of External Relations, Neighbourhood Policy, Enlargement, IPA, Directorate-General for Employment, Social Affairs and Inclusion, European Commission.

Ms E. PICHOT, Team Leader, Unit External Relations, Neighbourhood Policy, Enlargement, IPA, Directorate-General for Employment, Social Affairs and Inclusion, European Commission.

Mr L. DIALLO, Policy Officer, Unit External Relations, Neighbourhood Policy, Enlargement, IPA, Directorate-General for Employment, Social Affairs and Inclusion, European Commission.

Mr A. TOGNONI, Permanent Delegation of the European Union to the United Nations in Geneva.

Organisation des Nations Unies pour l'alimentation et l'agriculture

Food and Agriculture Organization of the United Nations

Organización de la Naciones Unidas para la Agricultura y la Alimentación

Ms R. SANTOS GARCIA, Consultant, External and Advocacy Relations, Humanitarian Affairs, FAO Liaison Office in Geneva.

**Conseil des ministres du Travail et des Affaires sociales
des Etats du Conseil de coopération du Golfe**

Council of Ministers of Labour and Social Affairs in Gulf Cooperation Council States

Mr A. AL SEDDEEQI, Legal Researcher.

International Co-operative Alliance

Ms G. HACQUARD, Director of Membership.

Organisation internationale de la francophonie

International Organization of la Francophonie

Organización Internacional de la Francofonía

M. R. BOUABID, Ambassadeur, Observateur permanent.

M. A. BARBRY, Conseiller pour les questions économiques et de développement.

M^{me} A. BOUGUENAYA, Assistante de coopération aux affaires économiques.

Corps commun d'inspection du système des Nations Unies

Joint Inspection Unit of the United Nations System

Mr C. TERZI, Chairman.

Union africaine

The African Union

Unión Africana

Mr J. EHOZOU, Permanent Observer, Permanent Delegation of the African Union in Geneva.

Mr G. NAMEKONG, Senior Economist, Permanent Delegation of the African Union in Geneva.

Ms B. NAIDOO, Social Affairs Officer, Permanent Delegation of the African Union in Geneva.

Banque mondiale

The World Bank

Banco Mundial

Ms S. JACKSON, World Bank's Special Representative to the WTO and UN in Geneva.

Haut-Commissariat des Nations Unies pour les réfugiés

United Nations High Commissioner for Refugees

Oficina del Alto Comisionado de las Naciones Unidas para los Refugiados

Mr J. OSTER, Associate Livelihoods Officer, Operations Solutions and Transitions Section, Division for Programme Support and Management.

Ms R. SAAVEDRA, Operations Solutions and Transitions Section, Division for Programme Support and Management.

Organisation mondiale de la santé

World Health Organization

Organización Mundial de la Salud

Mr D. LOPEZ-ACUÑA, Director, Country Cooperation and Collaboration with the United Nations System.

Ms I. MILOVANOVIC, Coordinator, Country Cooperation and Collaboration with the United Nations System.

Ms M. CRESPO, External Relations Officer, Country Cooperation and Collaboration with the United Nations System.

Mr C. MEYER, Senior Health Adviser, Health Systems Governance and Financing.

Organisation mondiale du commerce

World Trade Organization

Organización Mundial del Comercio

Mr K. STEINFATT, Counsellor, Trade and Environment Division.

Mr J. MONTEIRO, Economic Affairs Officer, Trade and Environment Division.

**Représentants d'organisations internationales non gouvernementales
assistant à titre d'observateurs**
Representatives of international non-governmental organizations as observers
**Representantes de organizaciones internacionales no gubernamentales
presentes con carácter de observadores**

Organisation internationale des employeurs

International Organisation of Employers

Organización Internacional de los Empleadores

Mr B. WILTON, Secretary-General.
Mr R. SUAREZ SANTOS, Deputy Secretary-General.

Association internationale de la sécurité sociale

International Social Security Association

Asociación Internacional de la Seguridad Social

Mr H. KONKOLEWSKY, Secretary-General.
Ms D. LEUENBERGER, Head, Resources and Services Unit.

Confédération syndicale internationale

International Trade Union Confederation

Confederación Sindical Internacional

Ms R. GONZALEZ, Director, Geneva Office.
Ms E. BUSSER, Assistant Director, Geneva Office.

Organisation de l'unité syndicale africaine

Organization of African Trade Union Unity

Organización para la Unidad Sindical Africana

Mr O. LAKEMFA, Secretary-General.
Mr A. DIALLO, Permanent Representative to the ILO and UN Office in Geneva.
Mr E. BENMOUHOUD, National Secretary in charge of Workers' Education.

Fédération syndicale mondiale

World Federation of Trade Unions

Federación Sindical Mundial

Mr E. MUÑOZ.

**Mouvement de libération
Liberation movement
Movimiento de liberación**

Palestine Palestina

Mr I. KHRAISHI, Ambassador, Permanent Observer Mission, Geneva.

Mr I. MUSA, Counsellor, Permanent Observer Mission, Geneva.