

Governing Body

341st Session, Geneva, March 2021

Institutional Section

INS

Minutes of the Institutional Section

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Opening remarks

1. **The Chairperson** welcomed participants to the 341st Session of the Governing Body, which was being held remotely due to the COVID-19 pandemic. Of the 11 agenda items that had been put to a decision by correspondence in advance of the session, ten had been approved by consensus; the relevant comments and decisions would be published online. He drew attention to document GB.341/INS/1, which detailed the special measures adopted for the session. While freedom of expression was vital to the Governing Body's discussions, unparliamentary language must be avoided. He urged participants to exercise caution when using social media so as to prevent outside influence on the Governing Body's discussions and negotiations.
2. **The Director-General** made an introductory statement to the Governing Body. The statement is reproduced in its entirety in [Appendix I](#).

1. Special arrangements for the 341st Session of the Governing Body of the ILO (March 2021) (GB.341/INS/1)

3. In preparation for the adoption of a decision by correspondence, the Office held tripartite consultations with Governing Body members on this item between 29 January and 12 February 2021.
4. As no consensus was reached on the adoption of the draft decision, the Officers of the Governing Body, after consulting the tripartite Screening Group, determined that the draft decision concerning special arrangements should be submitted to a ballot by only the regular members of the Governing Body on 12 February. At the close of that ballot at midnight on 18 February 2021, the Governing Body adopted the decision below with 43 votes in favour, 5 votes against and 5 abstentions.¹

Decision

5. **The Governing Body decided, by correspondence, to hold its 341st Session under the special arrangements and rules of procedure set out in the appendix to document GB.341/INS/1 in order to facilitate the conduct of the session and to hold its plenary sittings from Monday 15 to Saturday 27 March 2021.**

(GB.341/INS/1, paragraph 5)

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

6. **The Government of Morocco** noted that the voting arrangements should take account of potential technical difficulties that might impact the collection of electronic votes.
7. **The Government of the Russian Federation** did not support the draft decision, as there were insufficient legal and practical grounds for the introduction of a voting procedure at virtual sessions. Ballots by correspondence were appropriate only for routine, uncontroversial agenda items.

¹ The [detailed result of the ballot](#) and the complete text of the comments in the original language are available on the [Governing Body's web page](#), together with the decision.

Summary of comments received during the ballot by regular Governing Body members

8. **The Government of Barbados** did not support the proposal, as a vote by correspondence, especially in controversial matters, might lead to the principles of dialogue and consensus being compromised. Furthermore, replies to decisions, particularly objections, should be recorded in summary form in the minutes.
9. **The Workers' group** considered that clear safeguards were required for voting. The ILO must continue to strive to make decisions by consensus, and voting must remain a last resort. When a discussion on an issue reached an impasse, all sides must be encouraged to make attempts, where possible and helpful with the support of the Office, to unblock the situation, and sufficient time must be allowed for proposals that could achieve consensus to be developed, discussed and adopted.
10. If the Chairperson of the Governing Body saw no options for achieving consensus, it was critical that he or she should consult the Vice-Chairpersons. If they too considered consensus to be impossible, the Chairperson could put the decision to a vote, preferably after consulting the Vice-Chairpersons on the arrangements.
11. In the event of a vote, sufficient time must be allowed to ensure that members were properly informed and organized, which in a virtual session would mean postponing the vote to the following day.

2. Approval of the minutes of the 340th Session of the Governing Body (GB.341/INS/2)

Decision

12. **The Governing Body approved, by correspondence, the minutes of its 340th Session, as amended.**

(GB.341/INS/2, paragraph 2)

3. Agenda of the International Labour Conference

3.1. Agenda of future sessions of the Conference (GB.341/INS/3/1(Rev.2))

13. The Governing Body had before it an amendment to the draft decision, which had been proposed by the Employers' group and circulated by the Office, which read:

The Governing Body decided:

- (a) to place on the agenda of the 110th Session (2022) of the Conference an item related to the role of sustainable enterprises as a principal source of full and productive employment and decent work (general discussion);
- (b) to place on the agenda of the 111th Session (2023) of the Conference an item on related to consolidation of instruments concerning occupational safety and health protection (biological hazards, chemical hazards, human factors/ergonomics and manual handling, guarding of machinery) (standard-setting);
- (c) to request the Office to take into account the guidance provided in preparing the paper for the 343rd Session (November 2021) of the Governing Body; and

- (d) in view of the deferral of the 109th Session of the International Labour Conference and its decision to confirm the inclusion of the recurrent discussion on social protection (social security) on the agenda of the Conference in 2021, to defer accordingly the remaining part of the five-year cycle for recurrent discussions adopted at its 328th Session, and confirm the following sequence:
 - (i) employment in 2022;
 - (ii) social protection (labour protection) in 2023;
 - (iii) fundamental principles and rights at work in 2024.

14. **The Worker spokesperson** emphasized the importance of identifying items for inclusion on future agendas of the International Labour Conference, and expressed the hope that the Conference could be held face-to-face again in 2022. The ILO Centenary Declaration for the Future of Work (2019) had reaffirmed that setting international labour standards was fundamental, and that should remain the focus for selecting future agenda items. The choice should be guided by recurrent discussions relating to the ILO Declaration on Social Justice for a Fair Globalization (2008) and General Surveys, and by the work of the Standards Review Mechanism Tripartite Working Group (SRM TWG). However, the process of how those mechanisms informed agenda-setting discussions should be improved.
15. Her group supported holding a general discussion on the social and solidarity economy at the 109th Session (2021) of the Conference. The importance of that topic had been confirmed by the Centenary Declaration, and a Conference discussion would provide guidance for ILO constituents on promoting an enabling environment for this type of economy, allow for the examination of that economy's contribution to formalizing the informal economy, and encourage greater coherence in relevant legislation and programmes, while enhancing the ILO's leadership role. It would also provide an opportunity to take stock of the implementation of the Promotion of Cooperatives Recommendation, 2002 (No. 193), exchange good practices and reach a universal definition of the term "social and solidarity economy". A Conference discussion had assumed even greater importance in the light of the COVID-19 pandemic, during which the social and solidarity economy had emerged as an area for creating and sustaining jobs.
16. The Workers' group expected the 2022 Conference to declare occupational safety and health as a fundamental right, considering the Governing Body was unfortunately not able to include it already this year on the Conference agenda. This agenda item should be discussed in the Selection Committee.
17. With regard to planned work, she expressed appreciation for the decision to hold a technical meeting on the protection of whistle-blowers in the public sector in the upcoming biennium, and noted the research undertaken on labour disputes, the results of which should guide the SRM TWG in its review of dispute resolution instruments.
18. It was time to hold a tripartite meeting of experts on decent work in the platform economy. The Centenary Declaration had called upon constituents to respond to the digital transformation of work, and the COVID-19 pandemic had demonstrated the relevance of platform businesses and workers. The *World Employment and Social Outlook 2021* report on the role of digital labour platforms in transforming the world of work further underlined the relevance of the topic. While the Office continued to conduct relevant research, an official discussion had become necessary. She called on the other constituents to support scheduling such a meeting in the first semester of 2022, rather

than the second semester of 2021, in the hope that the meeting could take place in person.

19. She requested the Office to prepare proposals on the possible inclusion of the care economy as the subject of a general discussion at a future session of the Conference, with particular regard to improving work–life balance and decent work. The COVID-19 pandemic had exacerbated existing gender inequalities in terms of unofficial care responsibilities and had led to many women withdrawing from the labour market. It had also highlighted the central importance of the care economy to women's opportunities in the labour market, as workers and beneficiaries of care, as well as the need for transformative policies, social dialogue and the implementation of policies that were focused on young women, women working in the informal economy and women affected by discrimination. In the context of the Centenary Declaration's call for a transformative agenda to achieve gender equality at work, a general discussion would be timely to take stock of those developments and provide guidance for the ILO and its Member States.
20. She noted that the SRM TWG's recommendations relating to occupational safety and health had not yet been followed up, despite the increasing urgency of that topic. Her group strongly supported the inclusion of a double standard-setting discussion on occupational safety and health protection against biological hazards on the agenda of the 111th Session (2023) of the Conference. That standard should address all biological hazards, including anthrax, which was currently addressed by the Anthrax Prevention Recommendation, 1919 (No. 3). Biological hazards had been the cause of devastating outcomes in the world of work in recent years, and the gaps identified by the SRM TWG had to be urgently addressed. Her group also supported the sequence set out in the draft decision to place double discussions of standard-setting items on chemical hazards, ergonomics and manual handling, and guarding of machinery on the agenda of future Conference sessions.
21. Turning to the amended draft decision proposed by the Employers' group, she expressed her surprise that the group had not selected subparagraphs (a) or (b) of the original draft decision, instead proposing a different discussion on the role of sustainable enterprises as a principal source of full and productive employment and decent work. Recalling that discussions had already taken place on that topic, her group could not support that proposal. Neither did her group support new subparagraph (b) proposed by the Employers. Her group opposed a single integrated instrument on occupational safety and health risks, which did not follow a thematic integration approach, had been rejected by the SRM and other experts, and had not previously been supported by the Government group. Each area of occupational safety and health risk required a customized regulatory approach, and she therefore reiterated her group's preference to place a discussion on biological hazards on the agenda of the 111th Session of the Conference. That said, the Workers' group supported the draft decision as contained in the document, but with subparagraph (a) and not subparagraph (b).
22. **The Employer spokesperson**, reiterating the need for strategic coherence, tripartite engagement and flexibility in agenda setting, supported the deferral of the recurrent discussions on employment, social protection (labour protection) and fundamental principles and rights at work proposed in the document and noted the importance of having a clear, robust and up-to-date body of international labour standards. The ILO should focus on the consolidation and rationalization of instruments, and consider providing detailed guidance in non-normative instruments so that the level of detail

contained in standards did not obstruct their implementation and ratification or reporting.

23. Input from General Surveys and recurrent discussions could be useful for the Standards Review Mechanism but should not define its agenda or limit or influence its recommendations. Agenda-setting discussions should remain independent from General Surveys and be guided by the work of the Standards Review Mechanism. The Governing Body was the only body that could decide on priorities for agenda setting.
24. Noting the current items on the agenda of the 110th Session (2022) of the Conference, he said that the proposed topic of “the social and solidarity economy for a human-centred future of work” was narrow in focus and did not reflect the priorities set out in the Centenary Declaration. Instead, his group proposed a general discussion on “the role of sustainable enterprises as a principal source of full and productive employment and decent work”. The COVID-19 pandemic had demonstrated the importance of the private sector but placed businesses of all sizes at risk, which threatened the private sector’s role in immediate economic recovery and long-term prosperity. Such a discussion would provide long-term solutions and guarantee a sustainable business environment.
25. Concerning the proposed discussion on the just transition of the world of work, although related guidelines had been adopted in 2015 the topic was increasingly important. A general discussion would help constituents to identify best practices in promoting just transitions, especially in critical activities and sectors, and would guide the Organization’s work in facing the industrial and economic transformations resulting from climate change.
26. Further work on individual labour disputes, decent work in the world of sport and the fight against corruption in the public service should be concluded before any Conference discussions took place. The issue of decent work in global supply chains had been discussed during the current Governing Body session and required no further comment.
27. He agreed with the importance of holding a tripartite meeting of experts on the role of digital labour platforms, in order to take advantage of the opportunities offered by the digital era and address its challenges. Such a meeting would inform constituents’ policy actions; it must take into account the rapid evolution of technologies, consider the potential impact of policy and regulation on competition, innovation and the promotion of equal and inclusive access, and address the platform economy and the use of technology in the world of work beyond the COVID-19 pandemic. Highlighting the research reported in *World Employment and Social Outlook 2021*, he called on the Office to take a balanced approach to the benefits and challenges of the digital transformation and preserve the role of the constituents in determining the way forward. Such a complex discussion would be challenging at a virtual meeting and it would not be realistic to include another meeting of experts in the calendar of meetings for the second semester of 2021. He therefore proposed deferring that meeting until the constituents had been provided with a broader and more balanced assessment of the various aspects of labour platforms and until it could be held in person. Thus, his group could not support subparagraph (g) of the draft decision.
28. The topics proposed by his group in 2019 as suitable for future sessions of the Conference – harnessing the fullest potential of technological progress; ensuring that education and training systems were responsive to the labour market needs of today and tomorrow, with an emphasis on employability; expanding choices and optimizing opportunities for all workers; and supporting the role of the public sector as a significant employer and provider of quality public services – were even more relevant in the context

of the COVID-19 pandemic. He called on the Office to prepare proposals for their inclusion in the future.

29. His group strongly supported a new integrated instrument on occupational safety and health risks in general, such as a protocol to the Occupational Safety and Health Convention, 1981 (No. 155). Such an instrument could be complemented by technical guidelines, codes of practice or other similar tools, which would consolidate, rationalize and simplify the 43 existing instruments in that area. Such an approach would enable the constituents to address occupational safety and health risks together in a timely and effective manner and allow time for discussions on other priorities identified in the Centenary Declaration. Furthermore, any recommendations on how to modernize instruments on occupational safety and health should be based on a thorough assessment of all options and approaches. He called on the Office to explore non-binding options that complemented existing standards, rather than creating new ones.
30. Lastly, he urged the Governing Body to be cautious in its approach to agenda setting, as many uncertainties remained regarding the format and number of topics to be discussed at the 109th Session of the Conference. It was for that reason that his group had submitted an amended draft decision.
31. **Speaking on behalf of the Africa group**, a Government representative of Rwanda expressed concern that insufficient information on the proposed agenda of the 111th Session (2023) of the Conference had been provided for the Governing Body to pronounce itself on the matter at its current session. Regarding the draft decision and the choice of subject for general discussion at the 110th Session (2022), the Africa group preferred the option set out in subparagraph (a), an item related to decent work and the social and solidarity economy. While a tripartite meeting of experts on decent work in the platform economy would be useful, further research might be required and the meeting should therefore be held at a later date.
32. **Speaking on behalf of the Asia and Pacific group (ASPAG)**, a Government representative of Australia said, with respect to the choice of subject for general discussion at the 110th Session (2022) of the Conference, that while ASPAG also favoured that option it would be interested to hear the views of other groups. The discussion on proposals for including safe and healthy working conditions in the framework of fundamental principles and rights at work could impact future sessions of the Conference. Furthermore, in view of the revised procedural road map proposed in paragraph 44 of document GB.341/INS/6, there was a risk of a scheduling conflict with the discussion envisioned for the 343rd Session of the Governing Body in November 2021.
33. While a strategic and coherent approach to setting the Conference agenda was welcome, the Governing Body's decisions directing the Office to prepare proposals for standard-setting items for inclusion on the Conference agenda had been taken before the adoption of the Centenary Declaration and the accompanying resolution. Standard-setting should be a flexible process, especially given the disruption to the Conference agenda caused by the COVID-19 pandemic. While the draft decision as presented by the Office was acceptable, a degree of flexibility might be needed to accommodate any possible outcomes of other relevant discussions, including on occupational safety and health.
34. Given the ongoing work by many multilateral organizations to "build back better" after the pandemic and the lack of information about the size and scope of the platform economy, a tripartite meeting of experts on the subject would provide timely insights.

While the proposed sequence of recurrent discussions was agreeable, it would be contingent on the outcome of consultations on the programme of the 109th Session (2021) of the Conference, as proposed in document GB.341/INS/3/2.

- 35. Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC),** a Government representative of Barbados noted the strategic and coherent approach to setting the Conference agenda, recognized the commitment of the constituents to creating a meaningful agenda and acknowledged the fundamental importance of standard-setting in the ILO's mandate as reaffirmed in the Centenary Declaration. The emphasis in the Centenary Declaration on the importance of a human-centred approach to the future of work was particularly important. The social and solidarity economy was central to South-South and triangular cooperation and had a key role in the human-centred approach to the future of work and in meeting the Sustainable Development Goals (SDGs). The Office should maintain and enhance its emphasis on the social and solidarity economy as a powerful tool for local economic and social development. While a tripartite meeting of experts on decent work in the platform economy would be welcome, concerns regarding its proposed timing were legitimate.
- 36. Speaking on behalf of the group of industrialized market economy countries (IMEC),** a Government representative of Greece said that a strategic and coherent approach to setting the agenda of the Conference, inspired by the Centenary Declaration, was all the more important in order to ensure a well-coordinated and sustainable response to the COVID-19 pandemic. The proposals for standard-setting items on matters related to occupational safety and health (OSH), in particular protection against biological hazards, were even more pertinent in the context of the pandemic. IMEC would welcome proposals from the Office as to how to proceed with the OSH standard-setting items in an innovative and efficient way in order to ensure the best of standard-setting results while maintaining the procedural road map as decided by Governing Body at its 337th Session.
- 37.** She noted the possible impact that the discussion on proposals for including safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work might have on the agenda of future sessions of the Conference. The consideration of process-related questions and the decision of the Conference, scheduled for November 2021, would be welcome. IMEC regretted the late submission of the proposed amendment from the Employers' group, which it was not in a position to support, and looked forward to further consultations with a view to reaching agreement on the draft decision.
- 38. Speaking on behalf of the European Union (EU) and its Member States,** a Government representative of Germany said that North Macedonia, Montenegro, Albania, Iceland and Norway aligned themselves with her statement. Reiterating support for the strategic and coherent approach to setting the Conference agenda, she said that the EU had already expressed interest in the two proposed topics for general discussion, both of which would provide a positive impetus towards achieving decent work, productive employment, social fairness and sustainable economies and help build back better after the COVID-19 pandemic. Those discussions should be held in 2022 and 2023, in the order and form decided by the Governing Body. The EU supported the recognition of the right to safe and healthy working conditions as a fundamental principle and right at work, and therefore supported its inclusion on the agenda of the 110th Session (2022) of the Conference, subject to the results of the Governing Body's discussion in November 2021.

39. The proposed order for standard-setting was welcome. The timeline was ambitious; further explanations of the practical arrangements for its implementation would be appreciated, and the Office's views were sought on whether the planning could be evaluated and adjusted as results were achieved. The EU had a strong interest in decent work in the platform economy and would support the organization of a meeting of experts in the first half of 2022. The remaining part of the five-year cycle for recurrent discussions could be deferred; the sequence suggested in the draft decision as prepared by the Office was acceptable. The late submission of the amendment by the Employers' group was regrettable; the EU could not support the proposed amendment and wished to hear the comments of the Office and other governments before pronouncing on the draft decision.
40. **A Government representative of the United Kingdom of Great Britain and Northern Ireland** said that climate change and just transitions should be at the core of the ILO's plans. Building back better from the COVID-19 pandemic meant building back greener. The United Kingdom therefore supported the proposal to hold a general discussion on a just transition of the world of work towards environmentally sustainable economies and societies for all at the 110th Session (2022) of the Conference. The remaining part of the five-year cycle for recurrent discussions should be deferred, due to the deferral of the 109th Session (2021) of the Conference. Further consideration should be given to the schedule of standard-setting items for future sessions of the Conference.
41. **A Government representative of Switzerland** said that while his Government preferred the option set out under subparagraph (a) of the draft decision for the general discussion, it could also support the amendment proposed by the Employers' group.
42. **A Government representative of the United States of America** said that his Government preferred option (b), a general discussion on a just transition. The proposed meeting of experts on decent work in the platform economy was welcome, with a view to the possible inclusion of that topic on a future Conference agenda. Decent work in the world of sport should be included on the Conference agenda as soon as possible. Sports events drew enormous revenue, little of which went to the workers or athletes involved.
43. **A representative of the Director-General** (Deputy Director-General for Management and Reform) expressed concern regarding the lack of consensus on the agenda for the 110th Session (2022) of the Conference. The matter was urgent and should be deferred for informal consultation, in the hope of finding a consensus and approving the draft decision later in the session. With regard to subparagraphs (c)–(f) of the draft decision, which were less urgent, the Office would take heed of the guidance received in preparing for the next Governing Body discussion on those items. The proposed meeting of experts on the platform economy had received broad support, albeit to be scheduled in the first half of 2022 rather than the latter half of 2021. Lastly, there appeared to be consensus on subparagraph (i) with regard to the cycle of recurrent discussions.
44. **The Worker spokesperson**, speaking on a point of order, said that subparagraph (c), concerning the decision on a standard-setting item for 2023, was indeed urgent. She had heard strong support from governments for subparagraph (c) of the draft decision, on occupational safety and health and biological hazards.

(The Governing Body resumed consideration of the item after the Office circulated a revised draft decision following consultations.)

45. **The Worker spokesperson** expressed her group's satisfaction that consensus had been found and that a standard-setting item related to occupational safety and health protection against biological hazards would be placed on the agenda of the International

Labour Conference. Further discussions would be necessary regarding the sequence of future standard-setting items.

- 46. Speaking on behalf of ASPAG**, a Government representative of Australia confirmed her group's support for the revised draft decision.

Decision

47. The Governing Body decided:

- (a) to place on the agenda of the 110th Session (2022) of the Conference an item related to decent work and the social and solidarity economy (general discussion);
- (b) to place on the agenda of the 112th and 113th Sessions (2024–25) of the Conference an item related to occupational safety and health protection against biological hazards (standard-setting – double discussion);
- (c) to request the Office to convene a tripartite meeting of experts on the issue of “decent work in the platform economy” in the course of 2022;
- (d) to request the Office to take into account the guidance provided in preparing the paper for the 343rd Session (November 2021) of the Governing Body; and
- (e) in view of the deferral of the 109th Session of the International Labour Conference and its decision to confirm the inclusion of the recurrent discussion on social protection (social security) on the agenda of the Conference in 2021, to defer accordingly the remaining part of the five-year cycle for recurrent discussions adopted at its 328th Session, and confirm the following sequence:
 - (i) employment in 2022;
 - (ii) social protection (labour protection) in 2023;
 - (iii) fundamental principles and rights at work in 2024.

(GB.341/INS/3/1(Rev.2), paragraph 37, as amended by the Governing Body)

3.2. Arrangements for the 109th Session of the Conference (2021) (GB.341/INS/3/2)

- 48.** The Governing Body had before it an amendment to the draft decision, which had been proposed by GRULAC and circulated by the Office, which read:

11. The Governing Body:

- (a) endorsed the general framework for the 109th Session of the Conference as described in paragraph 3 of document GB.341/INS/3/2;
- (b) decided to ~~retain~~/not retain the following items on the agenda of the 109th Session of the Conference in addition to those listed in paragraph 4 of document GB.341/INS/3/2:
 - ~~IV. Inequalities and the world of work (general discussion);~~
 - V. Recurrent discussion on the strategic objective of social protection (social security);
 - ~~VI. Skills and lifelong learning (general discussion);~~
- (c) requested the Office to finalize as a matter of priority, through tripartite consultations, the special procedures and arrangements applicable to the 109th Session of the Conference, including a detailed outline on the

negotiation process of the COVID-19 response and its adoption during the ILC, for decision by correspondence no later than mid-April 2021~~for adoption by correspondence no later than end of April 2021~~; and

(c-bis) requested the Office to elaborate, as a matter of priority, through tripartite consultations, alternatives for considering the following items during the intersessional period 2021-2022: Inequalities and the world of work, and Skills and lifelong learning; and

(d) in light of the exceptional circumstances that impose the realization of a virtual session as the only possible format, and the constraints implied by that format, decided to invite the Committee on the Application of Standards to consider, in its next session (June 2021), a list comprised of up to 16 country cases~~requested the Office to elaborate as a matter of priority, through the informal tripartite consultations mechanism on the working methods of the Committee on the Application of Standards, proposals for adoption by the Committee regarding its work and working methods in June 2021.~~

49. **The Worker spokesperson** said that, while a virtual session of the International Labour Conference would be necessary, it would be far from ideal and would pose many challenges. Her group agreed with the proposed duration and dates of the virtual session, as well as the suggested prior opening to constitute the Conference, elect the Officers and appoint the committees. The physical presence of the Conference and committee officers and group secretariats should be allowed if possible.
50. Regarding participation in the Conference, the Office must find ways to support workers' organizations in need of assistance, in particular to ensure access to adequate and secure connectivity, and the privacy to join group meetings. Drafting committees should be set up alongside the technical committees to support the amendment procedure and secure constituents' ownership of conclusions, which must be drafted primarily through committee discussion; it was unlikely that the use of questionnaires for drafting would lead to consensus. Frontloading preparatory work would free time for in-session social dialogue and tripartite negotiations; more concrete proposals in that regard would be welcome.
51. The work of the CAS was serious and urgent, and a year of discussions had already been lost. The Committee would require plenary sittings of three hours every day to complete the usual consideration of 24 cases. Particular efforts would be needed to ensure the security of workers' delegates participating in the work of the Committee.
52. Regarding the outcome document on a global response for a human-centred recovery from the COVID-19 crisis, while pre-Conference consultations would be useful, it was unlikely that any text prepared on that basis would achieve consensus; Conference delegates would need an opportunity to contribute to the discussion.
53. Regarding the amendment to the draft decision proposed by GRULAC, the Workers' group strongly opposed the proposals to reduce the number of cases to be considered by the CAS and to eliminate two technical committees, leaving only the committee for the recurrent discussion on social protection. The issue of inequalities, which had been scheduled for committee discussion in 2020, had only become increasingly crucial in the context of the pandemic and must be discussed. The three technical committees should therefore be retained, as should the standing items on the Conference agenda and the discussion on the COVID-19 outcome document.
54. Regarding the decision as drafted by the Office, the implication that items could be removed from the Conference agenda was surprising. The agenda had been set well in advance by the Governing Body in accordance with the requisite procedures. While the

pandemic context might be considered force majeure, the legal framework in which the Conference was organized must not be undermined. Any adaptations of the agenda must be inevitable and caused by the virtual format of the Conference.

55. **The Employer spokesperson** noted that, more than a year into the COVID-19 pandemic, it was up to the constituents of the ILO to demonstrate the value of their Organization, the significance of tripartism and social dialogue, and to deliver meaningful outcomes on the ground. It would therefore be key to ensure that delegates at the virtual 109th Session of the International Labour Conference from all constituencies and regions could effectively engage in and contribute to discussions and outcomes, given the need for ownership of the ILO by its constituents, as underlined by the Worker spokesperson. The Employers had agreed to several proposals put forward during preparatory discussions. Despite a preference for waiting until it was possible to hold a physical Conference, they accepted the fully virtual format of the session, in the interests of organizational continuity, and supported the inclusion of all time-critical items set out in paragraph 4 of document GB.341/INS/3/2.
56. Nonetheless, agenda setting needed to be realistic, given that the Conference would have only three hours of plenary each day and bearing in mind the complexities of running such a large meeting in a virtual format. Problems included the issue of inclusivity and the digital divide – any country could suffer connectivity issues, which hampered the ability to participate and would discourage and exclude participants – and the issue of decent work and working hours. The Governing Body had observed the stress placed on participants in time zones where the meetings were taking place in the early hours of the morning. Such working hours were not sustainable; the quality of the Conference would suffer and it would become an event driven by full-time officials based in Geneva, thus jeopardizing Members' ownership of the event and the ILO's focus on the people on the ground around the world.
57. The 109th Session could not be business as usual; business continuity should not come at the expense of quality engagement or outcomes. Three technical committees could not be squeezed into one virtual session, in addition to the CAS, an item on the ILO's response to COVID-19, and the conduct of elections for the Governing Body. The proposals set out provided far fewer hours in which the technical committees could conduct their work compared to 2019 and the agenda as it stood was overloaded. Consequently, only one technical committee should be retained. The item to be retained should be the recurrent discussion on the strategic objective of social protection (social security), as that was the most relevant to the COVID-19 pandemic. Nonetheless, the discussions on inequalities and the world of work, and on skills and lifelong learning were important and necessary, and she therefore supported GRULAC's proposal to organize tripartite consultations on alternative proposals to allow those discussions to take place during the intersessional period. The CAS needed a prioritized programme of work with adjusted procedures and working methods. During the first week, there should be a general discussion, the General Survey and the consideration of automatically registered cases and four cases in which the Committee of Experts on the Application of Conventions and Recommendations (CEACR) had asked governments to provide full information to the Conference, while during the second week, 12 individual cases should be discussed, making a total of 16. The Employers stood ready to consider all proposals to overcome the constraints of a virtual format that were faithful to the principles of social dialogue and ownership by the constituents. Reports and draft conclusions must reflect input from all constituents; time could be saved by ensuring the starting points for discussion were balanced and integrated the groups' different perspectives. The Employers supported the draft decision as amended by GRULAC.

- 58. Speaking on behalf of ASPAG**, a Government representative of Australia acknowledged the efforts that had been made to ensure the ILO's adherence to its constitutional obligations and to adapt to the new global environment. The Office should continue to identify innovative adjustments to procedures and working methods to ensure the smooth running of the virtual session of the Conference. He emphasized the need for Office support for constituents to ensure adequate connectivity, for front-loading preparatory work prior to the session, and for strict time management that included shorter speaking times in plenary.
- 59.** All possible steps should be taken to ensure that virtual participation was as equitable as possible. Differences in connectivity standards and time zones could compromise the ability of those from his region to participate fully in virtual sessions, and the Office should ensure that such factors were taken into consideration in all proposals for procedural and logistical adjustments; in that regard, he called on participants to demonstrate flexibility in discussions on the customized programme of work. Test runs should be conducted of voting and other integral procedures of the Conference. The Office must prepare a draft outcome document on a global response for a human-centred recovery from the COVID-19 crisis as early as possible before the session. It should also put forward proposals on how the CAS could manage its work. Given the desire to make progress on all of the possible agenda items, alongside concerns about the workload required to achieve that, the Office should facilitate tripartite consultations so that the views of all groups could be heard prior to a decision being reached.
- 60. Speaking on behalf of the Africa group**, a Government representative of Ethiopia highlighted the challenges associated with virtual meetings, particularly with regard to connectivity. Given the limited technical and logistical capacity of some countries to effectively participate in three parallel sittings of the technical committees, her group would prefer to retain only one technical item on the agenda for the upcoming session of the Conference: the item on a recurrent discussion on social protection (social security). While the number of cases to be examined by the CAS should be reduced to take into account the limitations of virtual discussions, that decision should be made by the Committee's officers; the Tripartite Working Group on the Working Methods of the Committee on the Application of Standards, which would meet following the current Governing Body session, could advise the officers of the Committee in that regard. The Africa group supported the draft decision, provided that the references to the items on inequalities and on skills and lifelong learning were removed.
- 61. Speaking on behalf of GRULAC**, a Government representative of Barbados recalled that consensus had already emerged on certain arrangements. Given that adequate time was needed to hold comprehensive discussions and that the number of plenary sittings would be limited, a pragmatic approach was called for when considering the remaining arrangements. The work of the CAS and the work of technical committees were of equal importance. GRULAC was therefore in favour of adjusting the Committee's agenda to include the discussion of up to 16 country cases. The proposal to retain one technical committee – on a recurrent discussion on social protection – would render the number of concurrent meetings that would be needed more manageable.
- 62.** He reiterated the request that had been made previously for the Office to present a concrete proposal on the negotiation process for the draft COVID-19 outcome document before the session and on the process for its adoption during the session. His group was not in a position to accept that inputs from the technical committees would feed into that outcome document. In order to address its concerns, GRULAC had proposed an

amendment to the draft decision. That proposal should not set any precedent for future sessions and was linked strictly to the constraints of a fully virtual session.

63. **Speaking on behalf of IMEC**, a Government representative of Greece said that IMEC appreciated the active engagement of the Office and the constituents in the consultations on the arrangements for the Conference and stood by the tripartite consensus that had already been reached on certain aspects. The Office should set the date of the formal opening sitting and the deadline for the submission of credentials without delay. The three technical committees should meet virtually during the two-and-a-half week session, in order to ensure business continuity.
64. Despite the difficulties of virtual technical discussions, all parties should remain flexible and maintain momentum in order to produce constructive conclusions that would complement the COVID-19 outcome document. She reiterated IMEC's concerns regarding accessibility and connectivity, and the difficulties presented by time zones, welcomed the Office's plan to identify tripartite constituents in need of assistance, and underlined the essential role played by the Credentials Committee of the Conference in the present circumstances. The confidentiality and security of all communications must be ensured. Innovative proposals, such as the submission of written responses to targeted questionnaires for the technical committees, and constructive approaches to negotiating conclusions would enable fruitful discussions during the session. Innovative proposals could also contribute to finalizing the required special procedures and arrangements by the end of April 2021.
65. IMEC welcomed the discussion of necessary adjustments to the working methods of the CAS, including the earlier publication of the shortlist of cases and innovative proposals for dealing with the General Survey; the Office should provide, in advance, a detailed working document with a timeline for the consultation process. Sufficient time would be needed for the Committee to examine each case properly, taking into account the fact that the virtual format complicated substantive discussions. IMEC supported the draft decision with the retention on the agenda of all three technical items.
66. **Speaking on behalf of the Eastern European group**, a Government representative of Azerbaijan said that, given the obstacles posed by the pandemic, his group had supported the proposal to hold the 109th Session of the Conference in a virtual format over a two-and-a-half week period and with a full agenda, as an exceptional measure. His group supported the draft decision with the retention of the three technical committees on the agenda.
67. **Speaking on behalf of the EU and its Member States**, a Government representative of Germany said that North Macedonia, Montenegro, Serbia, Albania, Iceland, Norway and Georgia aligned themselves with the statement. The EU and its Member States aligned themselves with IMEC's statement. The Office's commendable work to ensure business continuity must extend to the arrangements for the Conference, which was the ILO's main decision-making body, and its previous effective management of large-scale virtual events augured well for the upcoming session.
68. The items selected for the 2020 agenda, including skills, inequalities and social protection, had proven particularly relevant against the backdrop of the pandemic. The Conference's proposed duration of two and half weeks would facilitate a full agenda and sustain momentum on those crucial items. The Office's willingness to deliver a full agenda, with full participation by all constituents and across all geographical regions, was welcome, as were the innovative solutions proposed; her group looked forward to more detailed information in that connection. Concerns relating to security and

confidentiality must be addressed, particularly in relation to meetings of the CAS. Her group joined the calls for the early publication of the shortlist of that Committee and supported the original draft decision, with the retention of the three technical committees.

- 69. A Government representative of Cuba** highlighted the importance of enabling the Conference to conduct its work effectively and efficiently with arrangements adapted to the current context. She reiterated her Government's objection to the use of Zoom, access to which was restricted in Cuba owing to the blockade against the country by the United States. The restricted use of the Zoom platform did not affect Cuba alone, and a solution must be sought as a matter of priority to enable equal participation in the Conference by all Members of the Organization.
- 70. A representative of the Director-General** (Deputy Director-General for Management and Reform), recalling that the question of arrangements for the Conference had been the subject of very comprehensive consultations over the previous three months and the subject of three consultation papers prepared by the Office, said that the Office was keenly aware of the need for urgent decisions given the requirement to provide four months' notice of the Conference arrangements. Preliminary advice had already been sent out indicating that the final decisions would be taken by the Governing Body at its current session. The Office's first proposal had been for a two-week, virtual session that would not include any of the three technical committees, whose work would instead be completed through other mechanisms. In response to the feedback received, the Office had then proposed a three-week session that included all three technical committees. Lastly, in response to concerns, it had proposed a session lasting two and a half weeks, with a brief opening sitting at an earlier date, which would include any or all of the technical committees. Following consultation, agreement had been reached on almost all arrangements, with the exception of the number of technical items.
- 71.** The Office had the capacity, technology and resources to conduct a full, virtual session of the Conference, although it recognized the challenges that such a session would pose for constituents. The issue of time zones could not be fully resolved, hence there would be a need to conduct proceedings within a restricted time frame to facilitate participation by those in the east and west. Internet connectivity also represented a challenge that could not be fully resolved by the Office, although it would certainly examine possible solutions, particularly for the social partners, including the use of ILO field offices and other United Nations offices. Nevertheless, potentially providing facilities for all Conference events for the Workers and the Employers could pose a significant challenge. The Office was able to cope with the increased workload created by the proposals, particularly if the proposed two-week preparatory period were to go ahead, and constituents should provide feedback regarding their own capacity. Should the Governing Body decide against retaining one or more of the technical committees, proposals for the completion of their work during the intersessional period could be made.
- 72.** The format for discussing the outcome document on a global response for a human-centred recovery from the COVID-19 crisis would depend on the final Conference arrangements. While an initial proposal had been that the technical committees would contribute to the outcome document, consideration was now being given to presenting that outcome document to the committees so that they could refer to it in their conclusions. There seemed to be agreement that as much progress as possible must be made on the outcome document in advance of the session, and the Office had planned

the necessary consultations. That work could also take place during the two-week preparatory period, if approved.

- 73.** A meeting of the Tripartite Working Group on the Working Methods of the Committee on the Application of Standards was planned, and only the Committee itself could make final decisions on its working methods. He noted that GRULAC's amendment was intended as an invitation to the Committee, rather than an instruction.
- 74. The Worker spokesperson** observed that although different groups shared similar concerns, they would not automatically support the same outcome. Although her group shared the Employers' concerns regarding the issue of time zones, it was committed to ensuring that the ILO played its pivotal role in the response to the COVID-19 pandemic; it was therefore ready to commit to a full Conference agenda, and would not accept the removal of important items, including any of the three technical items or the work of the CAS.
- 75. The Employer spokesperson** reiterated her group's commitment to finding a working method that guaranteed the ILO's organizational continuity while upholding the principles of inclusiveness and ownership by the constituents. It was important to maintain the Organization's integrity to ensure its longevity. The Office must ensure that the technology used for sessions of the Conference was both accessible and acceptable to all constituents; some organizations, including her own, prohibited the use of Zoom for data protection reasons. The Office's proposal that some work be undertaken between sessions of the Conference and submitted to the next in-person session should be explored further.

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

- 76.** The Governing Body had before it a revised draft decision, which had been prepared and circulated by the Office following consultations, and which read:

The Governing Body:

- (a) endorsed the general framework for the 109th Session of the Conference as described in paragraph 3 of document GB.341/INS/3/2, noting in particular the need to have, to the extent possible, similar and decent participation conditions, taking into account different connectivity standards and time zones;
- (b) decided to retain the following items on the agenda of the 109th Session of the Conference in addition to those listed in paragraph 4 of document GB.341/INS/3/2:
 - IV. Inequalities and the world of work (general discussion);
 - V. Recurrent discussion on the strategic objective of social protection (social security);
 - VI. Skills and lifelong learning (general discussion);
- (c) decided to convene the 109th Session of the Conference over three separate periods as follows:
 - (i) A one-day opening sitting will be held on Thursday, 20 May 2021 to elect the Officers of the Conference, appoint its standing and technical committees and approve any adjustments to its Standing Orders and working methods, as may be necessary in view of the virtual format of the Conference.
 - (ii) The Conference will be reconvened from 3 to 19 June 2021 to deal with all agenda items except items IV and VI. During this period, the Conference will establish two working parties to deal with items IV and

VI of the Conference agenda over a two and a half week period, on dates to be determined by a Governing Body ballot by correspondence;

- (iii) The Conference shall be reconvened for a sitting of the plenary to adopt the reports and conclusions of the working parties responsible for items IV and VI and close the 109th Session.
- (d) noted that group meetings and preparatory committee meetings may be held between the opening of the Conference on 20 May 2021 and the formal commencement of its work on 3 June 2021;
- (e) decided that the 342nd Session of the Governing Body would be held on Friday, 25 June 2021, including for the election of the Governing Body officers for the period June 2021–June 2022, and to this effect decided to suspend the provisions of paragraph 2.1.3 of the Standing Orders of the Governing Body to the extent necessary to permit the election at the 342nd Session of the Officers of the Governing Body to take place before the close of the 109th Session of the Conference;
- (f) requested the Office to finalize as a matter of priority, through tripartite consultations, the special procedures, programme and arrangements for the 109th Session of the Conference, including a detailed outline on the drafting process of the COVID-19 response and its adoption during the ILC, for adoption by correspondence by the Governing Body no later than April 2021; and
- (g) invited all parties concerned to examine as a matter of priority, through the informal tripartite consultations on the working methods of the Committee on the Application of Standards, for adoption by the Committee, the prioritization of its work and adjustments of its workload, taking into account the discussions that took place in the Governing Body.

77. Speaking on behalf of ASPAG, a Government representative of Australia thanked the Office for its efforts to present the Governing Body with practical options that reflected the tripartite consultations over the course of the session, and expressed support for the revised draft decision.

78. A Government representative of Cuba said that he was speaking also on behalf of the Plurinational State of Bolivia, Nicaragua and the Bolivarian Republic of Venezuela. He reiterated the need to use an inclusive digital platform to ensure that all participants were able to engage with each other on an equal footing at the virtual session of the Conference, given that certain platforms were not available in all countries. The Office should provide specific information without delay on the alternatives that were being considered to overcome that issue. He did not agree with the proposal to allow the Governing Body to include new items on the agenda of the Conference, particularly if those items were politically motivated and applied to specific countries. Decisions on Conference agenda items should be taken two years before the opening of the session, in accordance with due process. Specifically, any decision to include an item on the Bolivarian Republic of Venezuela on the agenda of the 109th Session of the Conference was unacceptable. Regrettably, therefore, he could not agree with the draft decision and was obliged to block consensus on it.

79. A Government representative of China asked the Office to clarify the linkage between the proposed draft decision and the draft decision in respect of document GB.341/INS/10 on the Bolivarian Republic of Venezuela, and between the inclusion of the words “in addition to those listed in paragraph 4 of document GB.341/INS/3/2” in subparagraph (b) of the proposed draft decision and the reference in paragraph 4 of that document to item VIII, “Any additional item that the Governing Body may decide to place on the agenda of the Conference”.

- 80. A Government representative of the United States** requested the opinion of the Legal Adviser regarding the submission of items for the agenda of the Conference, and his guidance on how to proceed.
- 81. A Government representative of the Russian Federation** said that it was not advisable to place additional items on the Conference agenda, which was already considered too heavy by some of the social partners.
- 82. A representative of the Director-General** (Deputy Director-General for Management and Reform) said that he could not provide a definitive answer regarding the available alternative platforms for the Conference. However, the Office would address the issue as quickly as possible with the countries directly affected to ascertain what measures could be implemented to ensure connectivity and access. The document under discussion and the draft decision did not, in themselves, propose any additional items for the Conference agenda. The inclusion of the three items referred to in subparagraph (b) of the draft decision (items IV, V and VI) and item VII had already been agreed on by the Governing Body, while item VIII was a facilitative clause, or placeholder, included to take into account the fact that the Governing Body had the authority to include additional items on the agenda.
- 83. A Government representative of Cuba** looked forward to hearing from the Office with a solution to the issue of connectivity. The facilitative clause in question was precisely the one that, if adopted, would open the door to a vote on the draft decision in respect of document GB.341/INS/10 and thereby the approval of placing an item on the Bolivarian Republic of Venezuela on the Conference agenda. Because of the inclusion of that clause, there could be no consensus on the draft decision as a whole.
- 84. The Chairperson** observed that, of the four countries on whose behalf the representative of Cuba had spoken in opposition of the draft decision, only Cuba was a Governing Body member. Accordingly, he took it that the Governing Body could proceed with the adoption of the draft decision, as amended.
- 85. A Government representative of Cuba** said that, according to paragraph 46 of the rules applicable to the Governing Body, consensus was characterized by the absence of any objection presented by a Governing Body member as an impediment to the adoption of the decision in question. Even though Cuba was only a deputy member of the Governing Body, its objection was sufficient to block the consensus. The Government representative of the Russian Federation had expressed support for Cuba's position and the question posed by the Government representative of China had not been answered. Therefore, there was no consensus and the draft decision could not be adopted. He asked for examples of other Governing Body documents that included similar clauses allowing the Governing Body to place additional items on the agenda in such circumstances.
- 86. A Government representative of the United States** asked whether the representative of the Director-General or the Legal Adviser could provide clarification on the rules applicable for the current Governing Body session for resolving questions relating to consensus. He reiterated his request for information on the submission of new items for the Conference agenda. His understanding was that the time limit was not two years for all items.
- 87. The Worker spokesperson**, emphasizing the importance of deciding on the agenda for the forthcoming session of the Conference, said that she supported the revised draft decision. However, it might be beneficial to conclude the discussion on document GB.341/INS/10 first, to determine whether there was an issue that still needed to be

resolved in respect of the Bolivarian Republic of Venezuela, and then to come back to the present agenda item.

88. **A representative of the Director-General** (Deputy Director-General for Management and Reform) said that, according to the special arrangements and rules of procedure applicable to the 341st Session of the Governing Body set out in paragraph 32(g) document GB.341/INS/1, it was the role of the Chairperson to determine the existence of an agreement that was generally accepted, and in the absence of such an agreement, the Chairperson could ultimately put the decision to a vote by a show of hands, roll call or by correspondence after the final plenary sitting.
89. **A Government representative of Cuba** expressed support for the Workers' proposal to conclude the discussions on document GB.341/INS/10 before proceeding further with the discussions on the current item.
90. **A Government representative of Barbados** reiterated that his Government disagreed with the proposal to expand the Conference agenda. He strongly supported the Workers' proposal to conclude the discussion on document GB.341/INS/10 before proceeding any further with the discussion on the current item.
91. **The Employer spokesperson** said that there was general language in the draft decision, which was a matter of regular governance, allowing for the inclusion of any additional items that the Governing Body might wish to place on the agenda of the Conference. The decision on the current item should be taken before moving any further through the agreed order of business. If consensus could not be reached, a vote must be held immediately.
92. **The Worker spokesperson** acknowledged that the language used in the draft decision was a standard formulation. However, there was no reason to oppose a postponement of the discussion pending a decision in respect of document GB.341/INS/10. If still required, a vote on the revised draft decision currently under consideration could be taken after the conclusion of the discussions on the Bolivarian Republic of Venezuela.
(The Governing Body resumed consideration of the item following a brief suspension of the sitting.)
93. **The Director-General** informed the Governing Body that the Employers' group had withdrawn its proposed subamendment to the draft decision in respect of document GB.341/INS/10; there was therefore no longer any possibility of adding an item to the agenda of the 109th Session of the Conference on the subject of the Bolivarian Republic of Venezuela.
94. **A Government representative of Cuba** said that he remained concerned that the wording in the revised draft decision left open the possibility of a request for the inclusion of such an item on the Conference agenda.
95. **The Worker spokesperson** said that there was a sufficiently clear understanding that a specific request for an additional agenda item on the Bolivarian Republic of Venezuela was no longer a possibility. A resolution could still be requested under article 17 of the Standing Orders of the Conference, but that would be a matter for the Officers of the Conference, not for the Governing Body.
96. **The Employer spokesperson** confirmed that his group had withdrawn its proposal with regard to the request for an inclusion on the agenda of the 109th Session of the Conference of an item on the Bolivarian Republic of Venezuela.

- 97. The Legal Adviser of the ILO** explained that the possibility of tabling a resolution to the Conference remained open, in line with article 17, paragraph 2, of the Standing Orders of the Conference. In a programme and budget adoption year, such resolutions could relate only to urgent matters or matters of an entirely formal nature and would require permission by the President of the Conference and approval by the three Vice-Presidents.
- 98. A Government representative of Cuba** said that he would take the assurances of the social partners in good faith, despite having reservations about setting a negative precedent. On the understanding that there would be no request for the inclusion of an item on the Bolivarian Republic of Venezuela on the agenda of the 109th Session, he would not block consensus.

Decision

99. The Governing Body:

- (a) **endorsed the general framework for the 109th Session of the Conference as described in paragraph 3 of document GB.341/INS/3/2, noting in particular the need to have, to the extent possible, similar and decent participation conditions, taking into account different connectivity standards and time zones;**
- (b) **decided to retain the following items on the agenda of the 109th Session of the Conference in addition to those listed in paragraph 4 of document GB.341/INS/3/2:**
 - IV. Inequalities and the world of work (general discussion);**
 - V. Recurrent discussion on the strategic objective of social protection (social security);**
 - VI. Skills and lifelong learning (general discussion);**
- (c) **decided to convene the 109th Session of the Conference over three separate periods as follows:**
 - (i) **A one-day opening sitting will be held on Thursday, 20 May 2021 to elect the Officers of the Conference, appoint its standing and technical committees and approve any adjustments to its Standing Orders and working methods, as may be necessary in view of the virtual format of the Conference;**
 - (ii) **The Conference will be reconvened from 3 to 19 June 2021 to deal with all agenda items except items IV and VI. During this period, the Conference will establish two working parties to deal with items IV and VI of the Conference agenda over a two- and-a-half week period, on dates to be determined by a Governing Body ballot by correspondence;**
 - (iii) **The Conference shall be reconvened for a sitting of the plenary to adopt the reports and conclusions of the working parties responsible for items IV and VI and close the 109th Session;**
- (d) **noted that group meetings and preparatory committee meetings may be held between the opening sitting of the Conference on 20 May 2021 and the formal commencement of its work on 3 June 2021;**

- (e) decided that the 342nd Session of the Governing Body would be held on Friday, 25 June 2021, including for the election of the Governing Body officers for the period June 2021–June 2022, and to this effect decided to suspend the provisions of paragraph 2.1.3 of the Standing Orders of the Governing Body to the extent necessary to permit the election at the 342nd Session of the Officers of the Governing Body to take place before the close of the 109th Session of the Conference;
- (f) requested the Office to finalize as a matter of priority, through tripartite consultations, the special procedures, programme and arrangements for the 109th Session of the Conference, including a detailed outline on the drafting process of the COVID-19 response and its adoption during the session, for adoption by correspondence by the Governing Body no later than April 2021; and
- (g) invited all parties concerned to examine as a matter of priority, through the informal tripartite consultations on the working methods of the Committee on the Application of Standards, for adoption by the Committee, the prioritization of its work and adjustments of its workload, taking into account the discussions that took place in the Governing Body.

(GB.341/INS/3/2, paragraph 11, as amended by the Governing Body)

Addendum: Special arrangements and rules of procedure for the 109th Session of the International Labour Conference (GB.341/INS/3/2(Add.1))

- 100.** Following intensive consultations between 25 March and 7 May, the Screening Group agreed to put the item forward for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members by a communication of 13 May 2021.

Decision

101. The Governing Body decided by correspondence:

- (a) that the two working parties to deal with items IV and VI of the Conference agenda be held from Thursday, 25 November to Friday, 10 December 2021;
- (b) that the closing sitting of the Conference be held on Saturday, 11 December 2021; and
- (c) to propose to the Conference that it implement at its 109th Session the special arrangements and rules of procedures set out in the appendix to document GB.341/INS/3/2(Add.1) in order to facilitate the conduct of the session.

(GB.341/INS/3/2(Add.1), paragraph 5)

4. COVID-19 and the world of work: Elements of a potential International Labour Conference (109th Session) outcome document on a global response for a human-centred recovery from the COVID-19 crisis (GB.341/INS/4)

- 102. The Worker spokesperson,** recalling the views expressed by her group during the discussion on COVID-19 and the world of work at the 340th Session, reiterated that the

agenda set by the ILO Centenary Declaration for the Future of Work (Centenary Declaration) was more relevant than ever. The commitment to universal social protection and decent work expressed in the Centenary Declaration must be put into action as a matter of urgency. The ILO's mandate for social justice and its normative framework would be essential in addressing the challenges posed by the COVID-19 pandemic, yet they did not feature prominently in the document prepared by the Office. A human-centred recovery, rooted in social justice, would be possible only with a rights-based approach, and the relevance of standards to such a recovery must therefore be recognized. The language on those matters contained in the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), should be reflected in the outcome document.

- 103.** The outcome document should be concise, avoiding the dilution of important concepts, and take the form of a call to action for all constituents and relevant actors in the multilateral system and beyond. It should reflect several of the policy coherence matters addressed in GB.341/INS/8. The urgent action listed in building block C must involve the ILO and all groups of constituents, and reference must be made to the most important actions in the main body of the outcome document. The document should convey a sense of urgency and be couched in inspirational language. Her group was concerned that, by repeatedly mentioning the human-centred approach, it was becoming an empty concept.
- 104.** The call to action should build on the Centenary Declaration and be centred around ten key issues, the first, and most important, of which was employment, guided by the principle of decent work. The second was business continuity through sustainable enterprises, with government support linked to decent work and social and environmental responsibility as well as due diligence along supply chains. The third was investment in key sectors that had suffered most, with a recognition that strong public sectors were key to recovery, while those that had benefited during the pandemic must contribute to the recovery. The fourth was universal social protection.
- 105.** Fifth was labour protection, including the four elements of the labour protection floor addressed in the Centenary Declaration. The matter of living wages, and wages more broadly, was absent from the document. Workers' safety and health must be central to recovery policies, and the pandemic had highlighted the urgent need to declare occupational safety and health a fundamental right. Universal access to the COVID-19 vaccine was far from a reality, and wealthier countries should help poorer nations access properly tested vaccines, while vaccine licences should be suspended.
- 106.** The sixth key issue was gender inclusivity. Women had played a key role during the pandemic and must now be central to the recovery, with particular attention paid to the care economy. The seventh was a just transition, and the need to consider the environment in every stage of the recovery. Eighth was digitalization and technological evolution, given the urgent need to address the digital divide and to consider the matter in the context of a sustainable and green recovery. The increase in remote working had given rise to both concerns and opportunities. The ninth issue was the importance of social dialogue in designing and implementing the necessary policies, and the tenth key issue was coherence in the multilateral system.
- 107.** There were three particularly urgent issues. First, reversing inequality must be a key objective, and the outcome document must state clearly that a human-centred recovery must reverse the dramatic inequalities exposed and exacerbated by the pandemic. Those inequalities particularly affected workers in the informal economy and in precarious jobs, and women, who had been disproportionately affected by the pandemic

and whose struggle for gender equality risked being set back many years. Her group was concerned that the item on inequality would not be included on the agenda of the 109th Session of the International Labour Conference and would therefore not feature in the outcome document. The necessary measures must span a range of policy areas, including minimum wages. The outcome document should include explicit and inspiring language on the importance of strong and coherent policies to reduce inequalities in the recovery.

108. The second urgent issue was precarious work, which would lead to a precarious recovery if not addressed. The outcome document must clearly acknowledge the risks brought about by the proliferation of precarious jobs and highlight the importance of building back better with jobs that offered adequate protection for workers. The pandemic had exposed the extreme financial vulnerability of workers in precarious jobs, most of whom did not enjoy social protection, often lacked adequate protective equipment and could not afford to stop working when sick. A human-centred recovery must entail adequate labour and social protection for all workers. The outcome document must recognize the pandemic's particular impact on certain categories of workers, including young people, migrants, ethnic minorities and indigenous peoples.
109. The third issue that should be prioritized was the need for a gender-inclusive recovery. The outcome document must call for the urgent implementation of the Centenary Declaration's provisions on the transformative agenda required for gender equality, while reflecting on how racism and other forms of discrimination, exacerbated by the pandemic, should be addressed. Her group supported the draft decision, although it objected to finalizing negotiations on the outcome document prior to the session of the Conference as, in order to get wide support, the outcome document had to be understood to reflect a joint effort, incorporating input from delegations at the Conference itself.
110. **The Employer spokesperson** repeated his group's call for strong leadership by the ILO towards a sustainable recovery from the pandemic, recalling that the accelerated, focused implementation of the Centenary Declaration as the path to recovery was the driver of the outcome document. Despite rich consultations, the document under discussion fell short of his group's expectations. It was long, and crucial language from the Centenary Declaration was missing or had been altered. It neither referred to the ILO's leadership and involvement in key areas of the recovery – such as skills, productivity and enabling enterprises – nor recognized the important role of the private sector and the social partners. The outcome document should go beyond setting out the commitments of Member States and focus instead on the crucial elements that the ILO should work on. It must not reinterpret or expand on the Centenary Declaration, which must form the basis for the recovery. While some of the aspects included in the document, such as the strengthening of social contracts, wage transparency and the categorization of workers, were interesting points for debate, they were not relevant to the desired outcome document.
111. Building block D, on the role of the ILO in the human-centred recovery, should include a specific reference to the need for enabling business environments and propose a comprehensive and coherent Office-wide strategy for the promotion of productivity growth. That strategy should encompass a range of aspects, including knowledge-sharing and research on drivers of productivity and growth for decent job creation. The section should include proposals on enhancing support for constituents in the areas of digital and other technologies, skills and lifelong learning. Specifically, it should propose a skills strategy that addressed key aspects of the recovery and, inter alia, ensured more

equitable access to high-quality education, reduced skills gaps and fostered digital learning. Building block D should also request targeted and integrated capacity-building policy measures aimed at employers' and workers' organizations. The omission of social dialogue from that section was surprising given that it was a vital, distinguishing part of the ILO's work.

112. Building block D should express the need for a coherent approach to prioritizing and mainstreaming informality strategies, and address how such an approach would be taken; the ILO could make a significant contribution in that regard, including by partnering with other stakeholders. Lastly, the section should include a strategy to promote transitions to formality in line with the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), including through an innovative ILO multi-stakeholder development cooperation initiative. The considerations and commitments set out in building blocks B and C should align with the Centenary Declaration to produce an impactful outcome document that conveyed the leading role that the ILO should and would continue to play on the path to recovery, as set out in building block D.
113. **Speaking on behalf of the Africa group**, a Government representative of Morocco noted that the COVID-19 pandemic had exposed existing shortcomings, raised questions regarding the resilience and inclusivity of public policies and systems of growth and highlighted inequality. It had revealed the need for a practical, operational road map that enabled national priorities to be defined and pandemic responses to be made sustainable. Greater emphasis on practical aspects was therefore required; some measures contained in the document exceeded the scope of the post-pandemic recovery.
114. The outcome document would be rendered more relevant by the inclusion of the ILO's own data on the world of work. His group noted with interest the emphasis placed on cooperation in ensuring that all countries could access resources to assist them in their post-pandemic recoveries and in implementing the 2030 Agenda for Sustainable Development (2030 Agenda). He urged the ILO to provide assistance to countries whose economies had been particularly affected, including by incorporating in the outcome document specific, practical measures to develop social protection systems and promote jobs and the transition to the formal economy.
115. His group called on the ILO to work with the relevant UN agencies, particularly the World Health Organization, to mitigate the impact of the pandemic on occupational safety and health and promote economic recovery. His group supported the draft decision.
116. **Speaking on behalf of GRULAC**, a Government representative of Barbados called for a new shorter and more concise draft document. The list of impacts in section A of the annex could include the deepening of inequalities and social injustice, and the disproportionate effect on the most vulnerable, particularly women. Section B should be a brief synthesis about the centrality and relevance of the Centenary Declaration, while section C should be restructured as a concise and easy-to-communicate set of policies and actions based on the careful balance of the Declaration. It was of utmost importance for such actions to be relevant for the social partners as agents for recovery alongside governments. Section C should also contain an emphasis on international and regional cooperation, policy coherence, the need to address all dimensions of development, and a strong gender perspective. Section D should briefly describe the ILO's comparative advantages and its specific role in promoting a global response in the world of work through cooperation, support by the constituents and the promotion of policy coherence at the international level, based on the road map and the Centenary Declaration.

- 117. Speaking on behalf of ASPAG**, a Government representative of Bangladesh said that in order to move forward with a human-centred recovery from the COVID-19 crisis, it was necessary to: strengthen international collaboration to assist developing countries in pursuing their efforts of ensuring social justice; encourage governments and the private sector to safeguard employment-intensive industries, and ensure the protection of jobs of those most affected by the crisis and workers' rights; redouble efforts to facilitate cooperation among Member States to extend affordable technological support for productive employment, and close skills gaps; and tailor the ILO's efforts to address the socio-economic divergence, work culture and macroeconomic strength of countries for a swift recovery. All ILO constituents should make concerted efforts in the consultations on the draft outcome document to reach consensus before the 109th Session of the Conference. It would be interesting to hear the views of other groups on not only the content of the document, but also on the specific modalities proposed for achieving consensus.
- 118.** Regarding the document structure, a chapeau paragraph should be added before the first part as an introduction to the purpose and objective of the document and an umbrella for the four building blocks. It was essential to promote greater commitment through active roles by the social partners and to include local communities in the list of vulnerable workers in section C. A clearer reference to the ILO's role in supporting the social partners should be included in section D. He underscored the importance of multilateral work at the international, national and regional levels when discussing the ILO's role in the achievement of the 2030 Agenda. The outcome document should include clear and tangible actions, and guidance on how the ILO and Member States could carry them out. His group supported the draft decision.
- 119. Speaking on behalf of IMEC**, a Government representative of the United States said that it was important for the introduction of the document to reflect the lessons learned from the pandemic and the opportunities for building back better. The document should be practical and add value. To ensure maximum impact, the Office needed to develop a clear and concise policy statement with an action-focused appendix, including a menu of specific policy options taking into consideration the language used in the Global Jobs Pact. Setting out the options in a response, recovery and resilience framework would help ensure that the document was relevant in the different responses to the pandemic. The policy options should be considered within the framework of the four pillars of the Decent Work Agenda. The elimination of child labour and forced labour, including in global supply chains, and the promotion of fundamental principles and rights at work should be explicitly referred to in the building blocks and policy options. Further work would be necessary to consider the impact of the arrangements for the upcoming session of the Conference on the adoption of the outcome document.
- 120. Speaking on behalf of the Eastern European group**, a Government representative of Poland said that while her group welcomed the proposed structure of the document, clearer and more action-oriented policy messages that were understandable and applicable to all ILO constituents and to people outside the Organization were needed. The ILO should show robust leadership in the international community by providing policy guidance for a post-COVID-19 human-centred recovery. The document should include a stronger emphasis on and targeted actions relating to young people affected by the pandemic with limited access to the labour market, and on reskilling, upskilling and social security protection schemes. There should be stronger emphasis on job creation, including in the digital and the green economy, and on the protection of workers in emergent new forms of work, such as the platform economy. The promotion and maintenance of the physical, mental and social well-being of workers in all

occupations and types of employment, preventive action, social dialogue and workers' rights regarding such matters should be prioritized both during and after the pandemic. Her group supported the draft decision.

121. **Speaking on behalf of the EU and its Member States**, a Government representative of Germany said that North Macedonia, Montenegro, Serbia, Albania, Norway and Georgia aligned themselves with her statement. The outcome document insufficiently addressed, or, in some cases, failed to address critical issues such as global supply chains, cross-border social dialogue, the digital transition and digital gaps, and the ILO's normative and supervisory role. The specific issues of forced labour, child labour, labour conditions in global supply chains, the precarity of jobs in the platform and informal economies and the disproportionate impact of the pandemic on women and youth in the world of work required a tailored and timely response. It would be helpful to know how the Office and its constituents foresaw the links between the outcome document and the outcomes of the Conference technical committees, and how the ILO would engage globally and in the field with the UN system to promote the action-oriented agenda. It would be useful to know how the Office would ensure that the document gave the ILO the necessary visibility at the international level. Her group supported the draft decision.
122. **Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)**, a Government representative of Thailand said that regional responses were key to recovery, as Member States were attempting to reopen borders and reinvigorate global supply chains. His group therefore encouraged the ILO to advance its work at the regional level through the regional offices and through proactive engagement with regional organizations to move forward with responses to the crisis. The regional dimension mentioned in the elements of the potential outcome document, and in the building blocks, should be strengthened. He endorsed the draft decision.
123. **Speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden)**, a Government representative of Finland emphasized the crucial role of gender equality in the different actions and policies implemented during the crisis and the recovery. The work to incorporate occupational safety and health as a fundamental principle and right at work was appreciated. Policy measures, including upskilling and reskilling would need to be targeted at young people, women, low-paid and low-skilled workers, workers in precarious and informal jobs and other vulnerable groups. Tripartite cooperation at the national level and social dialogue were useful tools when deciding and implementing policies aimed at addressing the repercussions of the pandemic. The implementation of the Centenary Declaration was as urgent as ever.
124. **A Government representative of Ethiopia** welcomed the proposed outcome document, which would enable the ILO to harness the full potential of the Centenary Declaration. Measures taken by her Government in response to the COVID-19 pandemic included workplace protocols, wage subsidies and food banks and distribution of personal protective equipment. However, resources and institutional capacity in many countries were limited, which must be taken into account in the outcome document. The COVID-19 pandemic threatened gains made towards decent work and social justice and achieving the SDGs. The ILO must step up its collaboration with the multilateral system to mobilize resources for constituents' recovery efforts. She supported the draft decision.
125. **A Government representative of Barbados** said that his country was experiencing higher unemployment, closing enterprises and growing informality, and increasing numbers of people were on the brink of poverty. Small island developing States had been particularly affected by the pandemic, and any global response must meet the needs of

all countries. Social dialogue had been a key component of his Government's national response and recovery policies, and measures had been introduced to mitigate the impact of the pandemic, particularly in the tourism sector. Despite support provided by the national social protection system, the informal economy was growing, which could lead to decent work deficits. That must not be overlooked, and resources must be dedicated to formalization initiatives. He thanked the Office for including the priorities of small island developing States in the building blocks. He encouraged Member States to commit to the actions required to advance a human-centred recovery, based on the Centenary Declaration.

- 126. A Government representative of China** said that, in response to COVID-19, her Government had introduced measures, such as reducing taxes and fees, prioritizing employment and increasing social protection, in order to maintain stable employment and protect workers' rights. She welcomed the *ILO Monitor: COVID-19 and the world of work* series and other elements of the ILO's response to COVID-19, which had helped her Government to develop appropriate policies. The Office should continue to play an important role in COVID-19 recovery, and she welcomed the proposed outcome document. The outcome document should focus equally on existing issues that had been exacerbated by the pandemic and on emergent issues, and should make actionable recommendations. It should take into account that recovery was not uniform across Member States and focus on sustainability to protect the future of work. It should emphasize the need for multilateral tripartite cooperation if recovery were to be successful. She encouraged the Office to take Member States' comments into account when preparing the draft outcome document. She supported the draft decision.
- 127. A Government representative of Chile** said that the ILO must continue to play a leading role in promoting coordination among international organizations and policy coherence on a human-centred future of work. Knowledge generation, such as the *ILO Monitor*, was particularly important in the context of the COVID-19 pandemic. The ILO's response must be succinct, inspirational and add value in the world of work; focus on a human-centred future of work; be well structured, based on the Centenary Declaration; include a clear and transparent consultation process; and ideally be agreed on prior to the 109th Session of the Conference.
- 128.** The world would potentially continue to be affected by pandemics in the future, affecting multiple aspects of society, including health, education and work. His Government was involved in the development of a global pandemic preparedness and response instrument, which aimed to strengthen multilateral collaboration among States in all elements of pandemic preparedness and response. At the national level, his Government had implemented measures to address the effects of COVID-19, which included legislation on employment protection, teleworking and employment subsidies.
- 129. A Government representative of the Republic of Korea** commended the *ILO Monitor* series, which had facilitated a systematic response to the unprecedented global employment crisis. The proposed outcome document should provide guidance for countries to overcome the crisis. Social dialogue was vital in implementing international guidance at the national level, and should thus be a key component of the outcome document. The COVID-19 response in the Republic of Korea had been developed through tripartite dialogue and agreement. The National Assembly had passed bills to ratify the fundamental Conventions on the right to organize and collective bargaining, which would continue to strengthen social dialogue. His country stood ready to share its experience and knowledge. He supported the draft decision.

- 130. A Government representative of the United Kingdom** highlighted the opportunity to work together to demonstrate ILO tripartite and multilateral leadership on the world stage. His Government would use its presidency of the G7 to develop an agenda for international recovery that delivered jobs, prosperity and well-being for all. It was critical to have a response, recovery and resilience framework in which policy actions could be categorized according to a country's stage of response to the pandemic. The outcome document must add value, and should contain a short declaratory statement of commitments, followed by an action-oriented annex. The document provided an opportunity for the ILO and constituents to work together and learn from each other in developing effective global economic responses to the pandemic.
- 131. A Government representative of Brazil** said that his Government was working hard to overcome the diverse impacts of the COVID-19 pandemic, including through emergency cash transfer programmes, adopting a short-time work scheme to preserve jobs, easing teleworking rules, digital payment of unemployment insurance and disseminating guidance for employers and workers. He welcomed the proposed outcome document, in particular the references to addressing gender inequality, youth unemployment, informality and access to social protection systems. He emphasized the role of the private sector in promoting employment and economic recovery, and the need for support for small and medium-sized enterprises. However, the outcome document must be more concise, and focused on the ILO's core mandate and comparative advantage to implement the Centenary Declaration.
- 132. A Government representative of Switzerland** welcomed the emphasis in the proposed outcome document on resilience, business continuity and income security, and the reference to global and domestic supply chains. However, some references concerning entrepreneurship, productivity, digitalization and the development of value chains were still missing. The global impact of COVID-19 required a global response, and the ILO had a leading role to play in building back better. However, collaboration with other international organizations was essential, and the ILO must identify synergies with other stakeholders. The Governing Body's discussion on coherence within the multilateral system could provide useful guidance and translate into concrete actions under block D. The document should be worded so as to rally support among other international organizations. The Office must rapidly define the process for consultations, as constituents would require preparation time to facilitate the adoption by the Conference of a robust and decisive joint response.
- 133. A representative of the Director-General** (Deputy Director-General for Policy) noted with appreciation the Governing Body's guidance on the building blocks for the outcome document and looked forward to working with constituents to meet their expectations and deliver a global response that was human-centred, sustainable, inclusive and resilient, in the framework of the Centenary Declaration.
- 134.** Consultations on the outcome document would continue so that the 109th Session of the Conference would be able to adopt a compelling document that was practical, concrete, succinct and action-oriented to galvanize global recovery efforts. She noted that the discussion reflected the importance the Governing Body attached to the issues of supply chains, child labour, forced labour, gender, productivity, skills, informality, occupational safety and health, social protection and transitions to digital and green economies, among others. The Office was committed to including as many priorities of the groups as possible, while ensuring that the outcome document remained concise and actionable. She recognized the need for specific action-oriented policy messages that were understandable and applicable also for people outside the ILO world.

Collaboration with other international organizations to ensure policy coherence and promote the recovery agenda was critical, and linked to the discussion on coherence within the multilateral system. It was indeed important to highlight the role of the ILO and to support its constituents in meeting the challenges they faced.

- 135.** As to next steps, the Office would prepare a draft text to form the basis for tripartite consultations. Further informal consultations would be held during the current session to discuss how to achieve consensus and develop a process for the discussion of the document at the Conference. The Office stood ready to expedite work to create the time and space for meaningful consultations.
- 136. The Worker spokesperson** recognized that expectations regarding the outcome document were high, but the message of the meeting was hopeful. The support for a clearer recognition of social dialogue was particularly welcome. There was agreement between the social partners on the need for a more ambitious agenda for the ILO to act. Her group was keen to cooperate with the Office and constituents to develop a very sound outcome document.
- 137. The Employer spokesperson** welcomed the rich discussion, which showed that much remained to be done to meet expectations. He reiterated the importance of including social dialogue, the role of the ILO, support for constituents and relevant action-oriented messages.

Decision

- 138. The Governing Body provided guidance on the building blocks for a potential outcome document on a global response for a human-centred recovery as detailed in the appendix of document GB.341/INS/4, and requested the Office to prepare a draft outcome document for consultations.**

(GB.341/INS/4, paragraph 12)

5. Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.341/INS/5(Rev.2))

- 139.** In preparation for the adoption of a decision by correspondence, the Office held a briefing session for Governing Body members on this item on 25 February 2021. The Office provided clarifications and additional information in response to the questions raised during the briefing session.
- 140. A representative of the Director-General** (Director, International Labour Standards Department), explained that the data included in the document had been updated as at 31 January 2021. Concerning the latest ratifications of fundamental Conventions, with Tonga's ratification, the Worst Forms of Child Labour Convention, 1999 (No. 182), had become the first ILO Convention to reach universal ratification.
- 141.** In response to a question from the Workers' group, she said that the Office was continuing its campaign to promote the ratification of all the fundamental Conventions. The reason for mentioning forced labour in the draft decision was that as the Protocol of 2014 to the Forced Labour Convention, 1930 (the Protocol), was the most recent instrument, it had fewer ratifications than other fundamental Conventions and there was a need to further promote it. However, that should not be understood as weakening the efforts to achieve ratification of the other fundamental Conventions. The Protocol had been ratified by 49 Member States and therefore only one ratification was missing to

reach the target of the “50 For Freedom” campaign. That additional ratification might be reached before the next session of the International Labour Conference.

142. To address the difficulties encountered by Member States when submitting annual reports and help them fulfil their reporting obligations, the Office was developing a new online reporting format and an IT application, which would maximize the benefits of accessing information by Member States and sharing good practices. Requests for technical assistance by Member States should be more specific and provide the Office with sufficient information to be able to provide adequate follow-up.
143. She indicated that a revised version of the document would be provided for the ballot vote.
144. Replying to a question concerning the possible need to modify the text in subparagraph (b) of the draft decision to reflect the fact that the document had been updated since March 2020, she said that that was not necessary because the reporting period had not changed even if some updated information had been included.
145. The Screening Group agreed to put the item forward for a decision by correspondence on the understanding that the Office would publish a revised version of the document in which an error in paragraph 56 concerning Belarus would be corrected and the draft decision reviewed to reflect the guidance provided by Governing Body members during the briefing session.
146. The decision contained in document GB.341/INS/5(Rev.1) was adopted by consensus and announced to all Governing Body members by a communication of 14 April 2021.

Decision

147. The Governing Body, by correspondence:

- (a) **took note of the information presented in the Annual Review under the follow up to the ILO Declaration on Fundamental Principles and Rights at Work for the period from January to December 2019;**
- (b) **invited the Office to intensify its support to Member States to ensure timely reporting on all unratified fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930, and to provide technical assistance to address obstacles to ratification; and**
- (c) **reiterated its support for the mobilization of resources with regard to further assisting Member States in their efforts to respect, promote and realize fundamental principles and rights at work, including through universal ratification of all fundamental Conventions and of the Protocol of 2014 to the Forced Labour Convention, 1930.**

(GB.341/INS/5(Rev.2), paragraph 143)

Summary of the written comments received during the consideration of the item by correspondence ²

148. **The Workers' group** noted with concern that the reporting rate had decreased by 31 per cent for the period under review in comparison with 2018 and urged the Office to

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

redouble its efforts to improve the rate and provide technical assistance on the new online reporting system. The reporting rate for Conventions Nos 87 and 98 had decreased by 16 per cent and 3 per cent, respectively, and the fact that those Conventions remained the least ratified of the fundamental Conventions, despite being enabling rights, should be urgently addressed. Governments were urged to submit their annual reports on all the fundamental Conventions and to overcome obstacles to ratification.

- 149.** The universal ratification of Convention No. 182, the 22 ratifications of the Protocol between 15 January 2019 and 31 January 2021, and the recent ratification by Sudan of the Protocol that achieved the initial target set by the “50 for Freedom” campaign demonstrated that the ratification campaign could yield significant results. It was, however, a matter of concern that, apart from the Protocol, 114 ratifications covering 41 Member States would be needed to attain the goal of universal ratification of all fundamental Conventions. The commitment to achieving the universal ratification and implementation of the fundamental principles and rights at work made at the International Labour Conference in the conclusions concerning the second recurrent discussion on fundamental principles and rights at work (2017), the conclusions concerning the second recurrent discussion on social dialogue and tripartism (2018,) and the ILO Centenary Declaration for the Future of Work, 2019 (Centenary Declaration), should be taken seriously. Member States that had not yet ratified Conventions Nos 87 and 98, particularly those that had indicated that ratification was unlikely or that had not reported their intentions, were urged to respect their renewed commitment under the Centenary Declaration. The Office should intensify its support and technical assistance to realize the goal of universal ratification as soon as possible. The group supported the draft decision.
- 150. The Government of Italy** highlighted the essential relevance of Conventions Nos 87 and 98, both of which required specific attention by the ILO for effective action with regard to their ratification.
- 151. On behalf of Canada, New Zealand and the United Kingdom,** the Government of the United States noted that while the document captured government efforts to give effect to the fundamental principles and rights at work, it did not reflect information on persistent or systemic labour rights deficits globally. Information on serious failures to afford fundamental labour rights was equally critical to evaluating trends concerning the fundamental principles and rights at work.
- 152.** Forced labour was a serious issue everywhere. Certain ILO Member States currently engaged in systemic, state-sponsored forced labour, which represented a grave departure from the commitment of all ILO Member States to realize the elimination of all forms of forced labour.
- 153.** The ILO must continue to be a leader in addressing major labour rights issues around the world. The Office should identify ways to highlight and address serious and persistent labour rights deficits in situations not otherwise covered by the document or the ILO supervisory system, whether through the follow-up to the 1998 Declaration, joining forces with other organizations within the UN system, the work of Alliance 8.7, or another modality, and present options to the Governing Body for its consideration. The valuable contribution of the social partners was appreciated in that regard, and the Office was requested to assess the degree of reporting by social partner organizations on the implementation of the Declaration.

154. State-sponsored forced labour of vulnerable groups and minorities, rural workers being particularly vulnerable, including in the agricultural and garment sectors, as well as mass transfers of forced labourers were matters for serious concern. The same was true for the link between forced labour and other human rights violations and abuses, including mass arbitrary detention in some regions.
155. Forced labour required international attention and the ILO's leadership and expertise to eliminate it. Under the 1998 Declaration, it was incumbent on all Members to promote and to realize the elimination of forced and compulsory labour. That must be a priority for the ILO. Further discussions of that issue in the Governing Body, including specific cases, would be welcome.
156. In the statement on behalf of **the EU and its Member States**, it was noted that the Republic of North Macedonia, Montenegro, Albania, Iceland, Norway and Japan aligned themselves with the statement. In view of the alarmingly slow progress of ratifications in the previous year, the ILO was encouraged to strengthen its efforts to achieve universal ratification and implementation of the fundamental Conventions, including with the aim of achieving the Sustainable Development Goals (SDGs). In 2017, the region of Europe and Central Asia had been the first to achieve universal ratification. The EU supported increased ratification efforts in other regions, in line with commitments made under the Centenary Declaration, and looked forward to increased efforts to promote, respect and realize fundamental principles and rights at work in States that had not yet ratified some fundamental Conventions
157. With 2021 being the International Year for the Elimination of Child Labour, the universal ratification of Convention No 182 was timely and constituted a significant step forward, highlighting the crucial role of the ILO in global efforts to achieve the SDGs. It was imperative to work towards the full implementation of Convention No. 182 and the wider ratification of Convention No. 138.
158. Like child labour, forced labour remained an outstanding and grave concern, exacerbated further by the COVID-19 pandemic, in particular among vulnerable groups and minorities. The prevalence of forced labour constituted a grave violation of human rights. Eradicating that scourge required renewed mobilization and must be a priority for the ILO and its Member States, which had all committed to eliminating forced and compulsory labour under the ILO Declaration on Fundamental Principles and Rights at Work (1998 Declaration). Supported by its normative, supervisory and development roles, the ILO must intensify its efforts to contribute to the eradication of forced labour by 2030, a major milestone towards implementing the 2030 Agenda, including through the promotion of universal ratification and full and effective implementation of fundamental Conventions Nos 29 and 105, and the Protocol. The EU gave particular priority to the commitments made to implement those Conventions in the framework of its multilateral relations. While welcoming the achievement of the "50 for Freedom" campaign target, faster progress was needed. The goal should be set higher; all countries were called on to ratify and implement the Protocol and to join forces in the pursuit of a world free from forced labour.
159. Partnerships of the ILO in support of fundamental principles and rights at work, such as actions undertaken by Alliance 8.7 to maximize results on the elimination of child labour and forced labour, were welcome. The EU expressed concern about Conventions Nos 87 and 98 continuing to be the least ratified fundamental Conventions and the resulting lack of meaningful and effective social dialogue. It welcomed the promotional activities and technical assistance provided to governments and social partners, and encouraged

further activities to that end. Social dialogue was key to achieving a sustained, fair and resilient recovery from the COVID-19 crisis.

- 160.** The EU expressed regret about the 31 per cent decrease in the response rate reported by the Office; annual reports by the Member States constituted an essential tool to assess compliance with the obligation for ILO Members to promote, respect and realize fundamental principles and rights at work. It requested increased visibility for the information contained in the country baselines established on the basis of the annual reports, and would welcome an assessment by the Office of the degree of reporting by social partner organizations. It supported the draft decision.

6. Follow-up to the resolution on the ILO Centenary Declaration for the Future of Work: Proposals for including safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work (GB.341/INS/6)

- 161.** The Governing Body had before it an amendment to subparagraph (a) of the draft decision, which had been proposed by the Employers' group and circulated by the Office, to add " – as a planning tool which can be reviewed and modified by the Governing Body based on the progress made –" after the words "revised procedural road map".
- 162. The Employer spokesperson,** recalling that her group had played an instrumental role in the development and establishment of the ILO Declaration on Fundamental Principles and Rights at Work (1998 Declaration) and considered it to be a very important tool, said that she would not accept any suggestions that occupational safety and health (OSH) was not an essential issue for employers or that they were not committed to providing safe and healthy workplaces. Her group took the issue very seriously and recognized that improving OSH was in the interests of governments, workers and employers.
- 163.** The deferral of the discussion on the road map owing to the cancellation of the 338th Session of the Governing Body and the decision not to discuss it at the 340th Session had not diminished the importance of the item. In the light of the COVID-19 pandemic, and given the complexity and significant implications of the road map within and outside the ILO, it was even more important to hold a comprehensive discussion to identify possible building blocks and to seek strong tripartite consensus on a way forward. In the document, the Office appeared to suggest that a broad consensus had been already reached, which was not the case.
- 164.** The document contained inaccurate information on the references to precedents in international, regional and national constitutional instruments. Although her group endorsed the references to the right to life and the right to health in such texts, they were different concepts from that of OSH. She noted that the document provided only two options and did not present a proper analysis of the opportunities and risks of those options. Furthermore, it focused on the proposal to consider OSH as a fundamental principle and right at work. She requested the Office to develop other alternative proposals in a future document, namely the consideration of OSH in the framework of fundamental principles and rights at work. Any consensus achieved on the matter would require express recognition that OSH entailed joint commitment and responsibility from all tripartite constituents.
- 165.** Her group considered that the formulation of a possible fundamental principle and right at work on safe and healthy working conditions was premature. The discussion should focus rather on clarifying substantive questions and obtaining a better understanding of

the implications of the inclusion of safe and healthy working conditions in the existing framework or in any other proposal. She rejected the Office's argument that the Conventions on OSH could not be recognized as "priority Conventions" in the current institutional framework, as the term had been used specifically for "governance Conventions" in the ILO Declaration on Social Justice for a Fair Globalization (Social Justice Declaration). The possibility of identifying OSH or any other area as a priority governance Convention was not excluded by the Social Justice Declaration.

- 166. The Worker spokesperson** recalled the clear mandate provided by the Centenary Declaration and its accompanying resolution and said that, in the light of the pandemic, the Governing Body should have placed on the agenda of the 109th Session (2021) of the International Labour Conference an item to include safe and healthy working conditions in the framework of fundamental principles and rights at work. It was deeply regrettable that the document ignored the urgency of the matter and merely proposed an adjustment of the road map, with a decision to be taken by the Conference in 2022. The right to safe and healthy working conditions had already been recognized as a fundamental right within and outside the ILO. It was also considered to be an enabling right. Her group supported an amendment to the 1998 Declaration by inserting an additional principle and right, to ensure that the new right would have the weight and influence of the 1998 Declaration behind it.
- 167.** Regarding a possible formulation of safe and healthy working conditions as a fundamental principle and right at work, her group preferred the wording "the right to a safe and healthy working environment", which placed emphasis on the protection dimension contained in the ILO Constitution. However, priority should also be given to prevention. The participation and representation of workers and their representatives in the area of OSH at all relevant levels should be acknowledged as key to ensuring safe and healthy working conditions. The rights of workers and the responsibilities and duties of employers and governments also needed to be defined at the national and enterprise levels. Although those elements could not be integrated into a short formulation, they should be properly addressed. Consequently, there was a strong case for the consideration of the Occupational Safety and Health Convention, 1981 (No. 155), as the key standard giving expression and content to the fundamental right. Her group also supported the Occupational Health Services Convention, 1985 (No. 161). Member States should avail themselves of the technical assistance that would be provided to help them implement the new fundamental right once its inclusion was complete. The integration of a revised 1998 Declaration into existing free trade agreements would depend on the States parties to those agreements. Similarly, countries offering generalized preference schemes including references to the fundamental principles and rights at work would also need to take specific action to include a new fundamental right.
- 168.** The road map should be reconsidered taking into account that decent work could be achieved only if work was safe and did not put the health of workers at risk. In that regard, she underscored the importance of addressing as soon as possible at the international level, including at the ILO, the need to ensure universal access to high-quality and tested vaccines as part of the fundamental right to OSH. At its 343rd Session (November 2021), the Governing Body should consider not only process-related questions, but also the elements of a possible draft outcome document on the item for consideration at the 110th Session (2022) of the Conference and arrangements for the Conference discussion. That would allow the preparatory work for the 110th Session of the Conference to be completed in 2021, in order to give effect to the commitments taken in 2019 and rendered more urgent by the impact of the COVID-19 pandemic.

- 169.** She noted with satisfaction that several global companies, the names of which she listed, had urged the Governing Body to implement the proposals for including safe and healthy working conditions in the framework of fundamental principles and rights at work in June 2021. She trusted that the Employers' group saw the importance of such a message. Her group supported the draft decision prepared by the Office and rejected the amendment proposed by the Employers. Emphasizing the need to move towards a Conference decision in 2022, she said that the current discussion had been called not to determine whether or not to have a fundamental right, but to determine whether it could be given the same form as the other fundamental rights. The Employers had not provided any alternatives to the two pathways provided by the Office.
- 170. The Employer spokesperson,** speaking on a point of order, said that the Worker spokesperson had not respected the principle whereby the names of organizations allowing for the identification of individual companies in Governing Body discussions were not disclosed.
- 171. The Worker spokesperson** took note of the point of order.
- 172. Speaking on behalf of the Africa group,** a Government representative of Senegal recalled his group's support for the Centenary Declaration and the related resolution. His group welcomed the opportunity to make progress in terms of social justice and decent work and could support any proposal aimed at including safe and healthy working conditions in the fundamental principles and rights at work, provided it was coherent with key international and regional instruments. The issue of OSH was particularly pressing as workers faced increasing occupational risks and workplaces continued to suffer the impact of occupational accidents and diseases. The Africa group therefore requested the assistance of the Office for technical capacity-building for labour market institutions with regard to safety and health at work, including by supporting training institutes. The modalities for adopting a decision should be determined with respect to the principles of social dialogue and tripartism. Expressing a preference to amend the 1998 Declaration by a decision of the Conference, he said that the Africa group supported the draft decision as set out in the document.
- 173. Speaking on behalf of ASPAG,** a Government representative of Australia noted the need for work to advance without further delay and said that ASPAG was open to holding intersessional consultations and using other constructive and innovative ways of moving forward to achieve consensus. The revised procedural road map represented a sensible way forward. Given that the Conference could not consider the matter before 2022, the Office should clarify the implications for the agenda of the 110th Session (2022) of the Conference and the decision that the Governing Body would take in respect of the agenda of future sessions of the Conference (GB.341/INS/3/1).
- 174.** Careful consideration should be given to questions and issues raised by constituents, including the implications for free trade agreements and the identification of relevant labour standards. More details would be appreciated regarding the indication that formally recognizing OSH as a fundamental principle and right at work, if that option was approved, did not need to occur simultaneously with the identification of corresponding Conventions. Further information would also be appreciated on the available options and their implications. The Office should explain how the work of the Standards Review Mechanism could affect any future recognition of Conventions relating to OSH as fundamental. ASPAG stood ready to discuss issues of substance in more detail, and supported the draft decision.

- 175. Speaking on behalf of IMEC**, a Government representative of Ireland, noting that the discussion was still at an early stage, said that the most efficient and effective route to including safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work was through an amendment to the 1998 Declaration, since that approach would highlight links to the four fundamental principles and lend the initiative added weight and coherence. IMEC agreed that there would be no need to formally recognize a fundamental principle or right and identify the corresponding Convention or Conventions simultaneously. The procedural road map should not affect implementation of the recommendations by the Standards Review Mechanism Tripartite Working Group (SRM TWG) regarding the modernization and updating of OSH standards.
- 176.** In the light of the impact of the COVID-19 pandemic on the implementation of the road map, a good framework for the next steps was provided by the adjusted procedural road map and its revised timetable. IMEC supported the inclusion of the item on the agenda of the 110th Session (2022) of the Conference and looked forward to considering the process and options for the Conference decision at the 343rd Session of the Governing Body, cognizant of the possible impact on the agenda of future sessions of the Conference, as outlined in document GB.341/INS/3/1. IMEC supported the draft decision, as set out in the document.
- 177. Speaking on behalf of the EU and its Member States**, a Government representative of Germany said that North Macedonia, Montenegro, Serbia, Albania, Iceland, Norway and Georgia aligned themselves with her statement. The EU and its Member States supported the endeavour to recognize safe and healthy working conditions as a fundamental principle and right at work and would prefer to achieve that aim through a Conference decision to amend the 1998 Declaration, which would place all principles on an equal footing. The amendment should be limited to paragraph 2 of the Declaration. The Governing Body could then determine the corresponding fundamental Conventions.
- 178.** Given the wording used in the ILO Constitution and the Philadelphia Declaration, the phrase "safe and healthy working conditions" was preferred, as expressed in the Social Justice Declaration, the Centenary Declaration and the International Covenant on Economic, Social and Cultural Rights. Although no decision on the core Conventions needed to be taken at the current stage, the EU and its Member States considered the key Conventions to be Convention No. 155 and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).
- 179.** The addition of a new principle would entail assisting Member States with its observance, promotion and realization. She expressed regret at the late submission of the proposed amendment by the Employers' group. The EU and its Member States supported the adjusted procedural road map, and the draft decision as set out in the document.
- 180. Speaking on behalf of ASEAN**, a Government representative of Thailand, expressing support for the implementation of the resolution on the Centenary Declaration, noted with interest that the inclusion of safe and healthy working conditions in the framework fundamental principles and rights at work would not affect the scope or content of existing free trade agreements and generalized schemes of preferences. ASEAN acknowledged the impact of the COVID-19 pandemic on the implementation of the road map, and had no objection to the adjusted procedural road map. To assist substantive discussion at the 343rd Session, the Office should explicitly set out the positive and negative implications of the inclusion of safe and healthy working conditions in the 1998 Declaration, and of the adoption of a separate declaration. More details should be provided on the possible separate follow-up mechanism.

- 181. A Government representative of Barbados** noted that references in a number of international instruments, including the ILO Constitution, to OSH demonstrated that it was a matter of right. Elevating that right to the status of a fundamental principle and right at work would give additional impetus to efforts to achieve SDG target 8.8 on labour rights and safe working environments. Member States must ensure that trade agreements, trading activity and supply chains adhered to standards acknowledging the requirement for safe and healthy work environments.
- 182.** Any discussion of OSH should consider emerging challenges faced by workers in the light of teleworking, flexible working arrangements and transnational employment. The inextricable link between OSH and public health had been highlighted by the COVID-19 pandemic, and it was clear that OSH systems needed sufficient resilience to respond to current and future challenges. Not all Member States would be able to fully implement measures for safe and healthy working conditions; small island developing States would need access to technical and other assistance in that regard and the ILO must be in a position to facilitate that work. His Government supported the draft decision.
- 183. A Government representative of Bangladesh** noted the challenge to OSH presented by the COVID-19 pandemic and expressed support for the Centenary Declaration.
- 184. A Government representative of the United Kingdom** welcomed the focus on OSH, particularly in the context of the COVID-19 pandemic, and expressed support for the adjusted procedural road map. If agreed, OSH should be included in the Organization's framework of fundamental principles and rights at work through a revision to the 1998 Declaration. The corresponding Convention or Conventions would not need to be identified simultaneously. His Government supported the original draft decision.
- 185. A Government representative of Brazil**, after highlighting the great importance attached to OSH by his Government, noted that it must be promoted at all levels of the ILO in various ways, with the involvement of all constituents. The document did not fully reflect the current status of the debate within the Governing Body, which had yet to reach consensus. The inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work was not the only means of addressing the matter. The rate of ratification of the related Conventions was much lower than that of the current fundamental Conventions at the same point in the process, suggesting that the proposal was not the most effective course of action. Discussions of the proposal should continue, although a final decision would be premature. He would welcome more information on its ramifications and the exploration of alternatives. He supported the draft decision as amended by the Employers' group.
- 186. A Government representative of the United States** said that his Government strongly supported the inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work; the urgent need for such action had been highlighted by the COVID-19 pandemic. All workers should enjoy the right to a safe and healthy workplace and be able to report hazards without fear of retaliation. He supported the option of amending paragraph 2 of the 1998 Declaration, which would ensure the equal treatment of OSH in the framework. He requested information on how the Office planned to ensure that it could respond to increased demands for technical support on OSH, including in terms of budget. He supported the original draft decision.
- 187. A Government representative of Mexico**, after reiterating her Government's commitment to OSH, said that the phased approach proposed by the Office would enable analysis of all the implications of including safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work, given its potentially

significant implications for national normative frameworks and international trade and labour commitments. Future discussions should examine how that right could be realized beyond standards, as well as the relationship between the debate at hand and the process of reviewing and updating international OSH standards at future sessions of the International Labour Conference. She supported the draft decision in its original form.

- 188. A representative of the Director-General** (Deputy Director-General for Policy) said that the pandemic had reaffirmed the fundamental importance of OSH in protecting workers, but also in ensuring business continuity and country preparedness. The tripartite constituents had the authority to recognize OSH as a fundamental principle or right through the International Labour Conference or the Governing Body. There was no requirement for corresponding Conventions to be identified simultaneously, a measure that, while important, was not the only means of realizing fundamental principles and rights.
- 189.** Although determining whether existing standards should be declared fundamental fell outside the mandate of the SRM TWG, the Governing Body could request that it address any standard-setting or standards policy matter. If the Governing Body decided to amend the 1998 Declaration, Member States would be required to report annually on progress made towards the fundamental principle of OSH. A separate declaration on OSH would allow for its own follow-up mechanism, which, it appeared, should be annual. However, that would create differences among the fundamental principles. The OSH standard-setting road map proposed by the SRM TWG dealt with specific risks, and would be complemented by the inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work, which would address Conventions that deal with OSH more broadly.
- 190.** The Office could respond to the increased demand for technical support thanks to the Safety + Health For All Flagship Programme, which included the Vision Zero Fund. It would also work with the Governing Body to ensure appropriate resource allocation and was increasingly integrating action at the country and programmatic levels through the "One ILO" approach. The Universal Declaration of Human Rights provided for the right to life and integrity, and the International Covenant on Economic, Social and Cultural Rights provided specifically for the right to safe and healthy working conditions, and regional instruments also recognized the right to safety and health.
- 191.** Turning to the question of whether OSH differed from the fundamental principles and rights at work because responsibility for it was shared between workers and employers, she noted that although the fundamental principles and rights required governments to establish legislation and mechanisms to render them effective, their realization depended on action by all constituents. The only two routes to including safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work were those set out in the document.
- 192. Another representative of the Director-General** (Chief, Labour Administration, Labour Inspection and Occupational Safety and Health Branch) said that the governance Conventions aimed to regulate State labour market governance. They did not relate to safety and health at work. Furthermore, the 1998 Declaration was not limited to Member States that had ratified the fundamental Conventions; and its follow-up mechanism required annual reports from non-ratifying Member States.
- 193. The Employer spokesperson** reiterated that the fundamental principles and rights at work differed from OSH. The former must be addressed via legislation by States and

guaranteed by employers, while the latter was a joint responsibility between all the constituents and depended to a large extent on action taken on the ground. The fundamental principles and rights were not merely recommendations; they informed many agreements and international instruments. The 1998 Declaration was therefore of great importance, and careful consideration must be given to how OSH was discussed in relation to the framework of fundamental principles and rights at work. Her group was willing to withdraw its amendment and adopt the original draft decision. The procedural road map must be adapted as discussions progressed.

- 194. The Worker spokesperson** said that OSH was similar to some fundamental principles and rights, such as collective bargaining, in that they required the involvement of all constituents. She welcomed the broad support for the issue by the governments and the Employers' group. The debate must take into account the increasing cooperation between the social partners and governments seen in many countries, and the social partners must be involved in work on the issue at all levels.

Decision

195. The Governing Body:

- (a) **decided to approve the revised procedural road map for the consideration of including safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work set out in paragraph 44 of document GB.341/INS/6; and**
- (b) **requested the Director-General to take into account the guidance provided during the discussion in preparing the paper for the 343rd Session (November 2021).**

(GB.341/INS/6, paragraph 45)

7. Update on United Nations reform (GB.341/INS/7)

- 196.** The Governing Body had before it a number of proposed amendments to the draft decision in paragraph 53 of document. The Employers' and Workers' groups had submitted a joint proposal to insert wording at the end of subparagraph (b) that would read: "and in supporting social partners to engage in UN Cooperation Frameworks and common country analysis; and". A new subparagraph (c) would be introduced, to read: "requested the Director-General to report on the UN reform process and the measures taken by the Office to the 346th Session of the Governing Body."
- 197.** ASPAG had presented a subamendment to subparagraph (b) to insert, after the phrase, "supporting social partners", the words "in close coordination with the Government". At the end of subparagraph (c), the addition of the words "and in November 2023" was proposed. The group had then further amended its subamendment, so that the words "tripartite constituents" were inserted after the word "supporting", and the words "social partners, in close coordination with the Government," were deleted.
- 198. The Employer spokesperson** noted that the COVID-19 pandemic had increased the need for cooperation within the UN and welcomed the ILO's role as a key player in the pandemic response and the UNDP-ILO Framework for Action. Cooperation with the Bretton Woods institutions was needed to ensure that support reached the real economy. Noting the importance of the UN Sustainable Development Cooperation Framework and common country analysis (CCA) processes, he said that ensuring the engagement of the social partners in those processes continued to pose a significant

challenge. The time needed to transfer to resident coordinators the skills and knowledge to take into account the need for tripartism and social dialogue in their work should not be underestimated. Highlighting action taken by the International Organisation of Employers (IOE) to strengthen engagement between resident coordinators and employers' federations, he noted that more needed to be done to ensure that UN country planning processes were inclusive and consultative, and effectively addressed challenges at the national level. The update should have included detailed information on how the Office intended to address the insufficient engagement of employers in the country planning process. Furthermore, support from the Office and Governments to strengthen the social partners' role in the voluntary national review process of the high-level political forum on sustainable development in New York would be appreciated.

- 199.** The significant gap in funding for the resident coordinator system and the failure of efficiency savings to yield readily available funds had confirmed the Employers' concerns about its funding model; the Governing Body must be kept updated of any changes to the funding of that system. The ILO's contribution must be translated into more effective involvement in UN country teams and the meaningful engagement of ILO constituents in the country-level planning process. The increase in funding from UN sources in 2020 could probably be attributed to the establishment of funds to mitigate the impact of the COVID-19 pandemic. The Office should conduct an assessment of funds raised to date, with a view to strengthening resource mobilization and fully harnessing the potential of those funds, and should report its findings to the Governing Body.
- 200.** The increased workload on ILO staff in the field resulting from participation in country team processes also confirmed the concerns previously raised by the Employers. The bureaucratic burden on staff should be reduced and double reporting requirements tackled; UN integration should not create multiple centres of power, nor reduce services provided to constituents.
- 201.** The Employers agreed with the approach of deciding on a case-by-case basis whether using common UN premises made sense or not. It would be interesting to hear whether any concerns had been raised by ILO staff in the field in respect of difficulties of constituent access to ILO colleagues or meetings associated with using common UN premises. Efforts to advance UN integration, including the mutual recognition of rules and systems, must not undermine the role of the Governing Body to govern all matters related to the ILO, and the Office must fully inform the Governing Body of any decisions taken in that regard, and involve it as appropriate. The ongoing challenges of the UN reform process required enhanced, targeted and concerted action by the Office to support the social partners in engaging in Cooperation Frameworks and CCAs at the national level. The ILO regional offices should develop clear strategies to support constituents. The Office should provide the Governing Body with an update on the UN reform process and the measures taken to maximize the opportunities of the UN development system reform for the ILO and the tripartite constituents in November 2022. The Employers' and Workers' groups had therefore submitted a joint amendment to the draft decision.
- 202. The Worker spokesperson** called for the ILO to take a proactive role in ensuring that its tripartite governance structure and normative mandate, including its supervisory system, was acknowledged as intrinsic to the UN reform process and partnerships with other UN organizations, and was adequately reflected in country-level activities. The Staff Union should be consulted on aspects of the UN reform that had an impact on the ILO staff, particularly in the field. Contrary to the information provided in the update,

trade unions had been excluded from consultations on Cooperation Frameworks and CCAs in India and Indonesia, and the problem was not limited to those countries. Invitations to trade unions to provide comments on draft CCAs and Cooperation Frameworks were issued too late in the process and their priorities were not incorporated in the final document. The classification of trade unions as part of civil society led to an assumption that they were consulted alongside other civil society groups, whereas trade unions must be consulted in their own right, in keeping with the tripartite nature of the ILO. A lack of understanding of the ILO's tripartite governance structure among some resident coordinators and country team members had led to total exclusion of unions from UN processes in certain countries. The consultation of workers must be improved.

- 203.** Her group appreciated the efforts of the Bureau for Workers' Activities to strengthen the capacities of trade unions to influence UN consultations at the country level. Such work should be continued, with the allocation of sufficient resources. She welcomed the training provided in that regard by regional offices and by the International Training Centre of the ILO. Decent Work Country Programmes (DWCP) should remain the key accountability framework of the ILO and should influence the priorities identified in Cooperation Frameworks to ensure that they adequately incorporated the four strategic objectives of the Decent Work Agenda and international labour standards. The Office's efforts to build the capacity of the social partners were key and should be continued. Proposals for common UN premises should be addressed on a case-by-case basis, given the mixed experience in terms of cost savings. Trade unions must enjoy open access to UN buildings.
- 204.** The sustainability of the voluntary funding arrangements for the resident coordinator system was a cause of concern; it was not clear whether the ILO's contribution would increase if the levy and voluntary contributions remained insufficient. The Office should report to the Governing Body on the 2021 review of the system's hybrid funding model. Her group supported efforts to prepare ILO officials for the assessment centre for resident coordinators and ILO involvement in the development of induction training for resident coordinators. Future resident coordinator appointments should come from the ILO's ranks. Her group endorsed the proposed structured dialogues with funding partners to mobilize funding for ILO policy outcomes. The Workers' position on private sector and innovative financing within development cooperation and partnerships had not changed, and she referred the Office to the Workers' comments on those issues during discussion in the Development Cooperation Segment. Increased workloads for ILO field staff following the implementation of the UN reform should be monitored to avoid any negative impact on the support provided to constituents. Regarding a lack of ILO presence in several countries, clarification would be appreciated regarding the reference in paragraph 39 of the document to new ways of working that would enhance the ability to redeploy ILO expertise on demand to address constituent needs. A reliance on virtual means would not be appropriate in all countries due to the digital divide. The Office should explain how it envisaged addressing the challenge of competition between UN entities for scarce resources.
- 205.** Given the lack of progress on the UN Common Approach to Due Diligence for Private Sector Partnerships, she requested clarification of the rules followed by resident coordinators when engaging with the private sector. Any engagement with the private sector at the ILO and UN levels should entail due diligence on core labour standards and should discard partnerships with companies that had a poor labour and human rights record. Clarification would be welcome of whether a role was still envisaged for the Global Compact Local Networks in country-level engagement with the private sector; the

Workers had opposed such a role in the past due to the voluntary nature of the Global Compact and its lack of accountability mechanisms. The joint amendment to the draft decision, submitted by the Workers' and Employers' groups, reflected the need to support the social partners in engaging in Cooperation Frameworks and CCAs. The Workers accepted the subamendments proposed by ASPAG.

- 206. Speaking on behalf of the Africa group**, a Government representative of Rwanda welcomed the update, highlighting the recent adoption of a new quadrennial comprehensive policy review (QCPR) resolution, early ILO experiences with the resident coordinator system and the review of implementation of the action items in the Office Plan of Action 2019–20. His group commended the Office's engagement on all fronts of the UN reform process and the mechanisms devised to address the impact of the UN reform. Noting the importance of Cooperation Frameworks, the group called on the Office to develop further mechanisms for the effective participation of constituents in multilateral cooperation and engagement. The Africa group supported the draft decision.
- 207. Speaking on behalf of ASPAG**, a Government representative of Indonesia called for the ILO to enhance its contributions within the UN development system to providing coherent support for programme countries to achieve the 2030 Agenda. The ILO should also continue to support efforts to further simplify and harmonize the work of UN entities during and after the UN reform to tackle duplication, overlapping and increased workloads. It should play an active role in restructuring the work of the UN development system at the regional level through close coordination between ILO headquarters and ILO regional and country offices. Collaboration with the UN regional economic commissions and relevant regional organizations should be strengthened to complement, and avoid duplication of, work on regional priority issues. Support and resources should be provided for the UN multi-country office in the North Pacific, in coordination with other UN development system entities.
- 208.** The ILO should step up its efforts to build bridges between the tripartite constituents and the work of the UN development system, in consultation with governments. Social dialogue and tripartism should be promoted in the work of the UN development system through regular consultation between the ILO's constituents and UN resident coordinators, the further engagement of constituents in Cooperation Framework and CCA processes and capacity-building to help constituents engage effectively in development system work.
- 209.** Innovative ways should be found to address the challenges in implementing the UN reform, particularly the action items in the Office Plan of Action 2019–20, including by providing timely and appropriate expertise and through training and the revision of ILO staff job descriptions, while ensuring equal access to participation by all of the ILO's constituents. The potential impact of and lessons learned from the COVID-19 pandemic should be assessed to help evaluate the effectiveness of the UN development system in a crisis. ASPAG was in support of the Office continuing its work on the ongoing action items under Components 2 and 3 of the Office Plan of Action 2019–20; a progress update should be provided at the following session of the Governing Body.
- 210. Speaking on behalf of GRULAC**, a Government representative of Barbados expressed appreciation for the ILO's active involvement in the UN reform process to advance the Decent Work Agenda in the context of the SDGs, and for its timely response in producing innovative tools to assess the early socio-economic impacts of the COVID-19 pandemic. With reference to the QCPR, he noted that Cooperation Frameworks should be based on the priorities identified by each country, in consultation with the UN country team,

governments and relevant stakeholders, and with the participation of the social partners where relevant. GRULAC welcomed efforts to build the capacities of the social partners for effective engagement in Cooperation Frameworks. The concerns of all relevant actors should be taken into account regarding the use of common back offices for location-dependent services and any adaptation must be in line with the high standards of the ILO Staff Regulations. He noted that the ILO had joined the International Aid Transparency Initiative and recognized active outreach by ILO field offices to help resident coordinators understand the Organization's tripartite structure. ILO officials were well placed to be considered as resident coordinators thanks to their experience on the ground. GRULAC supported the draft decision, as amended by the Workers' and Employers' groups and subamended by ASPAG.

- 211. Speaking on behalf of IMEC**, a Government representative of France said that her group supported the United Nations reform, which must fully consider the ILO's tripartite governance, standard-setting mandate and programmatic priorities. Her group welcomed the ILO's central role in the reform and encouraged it to increase its participation in UN Sustainable Development Cooperation Frameworks and processes relating to the SDGs. Predictable, stable funding of the resident coordinator system was vital to finance resident coordinator posts. IMEC remained concerned at the high transaction costs involved in improving UN coordination and the continued competition among UN agencies at the national level. UN agencies should coordinate more proactively and focus on their respective mandates and comparative advantages. Her group welcomed the central role of the resident coordinator system and growing involvement of employers and workers.
- 212.** The Office's strengthened cooperation with the United Nations Development Programme (UNDP) was commendable, and she requested clarification of the Programme's role with regard to policies. Thought should be given to how the reform could promote discussions with non-UN organizations. She encouraged the Office to continue to provide guidance for ILO staff on Decent Work Country Programmes by increasing the constituents' involvement. She also commended the development of the normative stocktaking tool for resident coordinators.
- 213.** The ILO's responses to resident coordinators' requests for short-term technical assistance must be improved, particularly where it was a non-resident agency. More than ever, the ILO must display internal coordination, agility, responsiveness and flexibility. There was a clear need for the ILO to play an active role in the UN Common System. IMEC supported the draft decision as amended by the social partners and subamended by ASPAG.
- 214. A Government representative of Bangladesh** highlighted the need for ILO regional and country offices to participate actively in restructuring the UN development system. ILO resources must not be used to duplicate effort made elsewhere. He urged the Office to respond to the cross-cutting requirements of the 2030 Agenda and to play a proactive role in the UN reform, given that the least developed countries in particular would require increased support from the UN development system in the wake of the COVID-19 pandemic.
- 215. A Government representative of Indonesia** welcomed the ILO's cooperation with the UNDP on sustainable development in the world of work and encouraged it to assist in completing the reform. The ILO must focus on three key areas: including the SDGs in its strategic planning, work and reporting at all levels; increasing engagement within the UN development system at the country level on a possible joint programme to promote tripartism, respect for international labour standards and the Decent Work Agenda; and

accelerating efforts to complete the Office Plan of Action 2019–20. Her Government supported the amendment to the draft decision proposed by the social partners, as subamended by ASPAG.

- 216. A representative of the Director-General** (Director, Multilateral Cooperation Department) said that priority would be given to further strengthening the constituents' capacities for participation in the Cooperation Frameworks, as reflected in the ILO Development Cooperation Strategy. The social partners must participate in the common country analysis that preceded UN Cooperation Frameworks in a given country to ensure that their priorities were reflected. The Office had good early experiences to draw on. The considerable increase in workload at the regional and national levels was cause for concern and had been exacerbated by the COVID-19 pandemic. Its causes included an increase in ad hoc requests for cooperation and technical expertise, in response to which the Office had redeployed administrative resources to technical activities. Flexibility was central to the UN reform, and the ILO, and other agencies, must adapt to those increasing requests. Improvements had already been made in that regard by enhancing coordination between the expertise provided at headquarters and in the field.
- 217.** Shortfalls in funding for the resident coordinator system posed a major problem, leaving coordinators without full teams and obliging them to seek additional resources from UN agencies at country level. The Office had implemented a policy to contain the increasing numbers of ad hoc funding requests that ILO UNCT members received from resident coordinators. The ILO would participate in the UN General Assembly's examination of the resident coordinator system and the preceding consultations.
- 218.** There was a degree of flexibility in the UN Common Approach to Due Diligence for Private Sector Partnerships, which was not coordinated by the resident coordinator and merely supplemented the approaches taken by individual UN agencies. The Office continued to implement its own policy on public–private partnerships. The roles of resident coordinator and UNDP Resident Representative were separate, and the UNDP had repositioned itself during the pandemic as the lead technical agency on the socio-economic response. The ILO would pursue efforts to enter into a partnership with the UNDP.
- 219.** The pandemic had accelerated the UN reform, as reflected by the swift implementation of socio-economic plans in many countries and greater interaction among UN agencies. At the national level, the UN system was now centred on the resident coordinator, while the UNDP facilitated the content of national policies. The pandemic had positioned the ILO as a central player in the reform, with many issues that were central to its mandate also central to UN activities. The ILO would ensure that the reform addressed not only development, but also standards and policy by pursuing its objectives of promoting social dialogue and tripartism, promoting its standard-setting mandate and supporting constituents' participation in national processes.
- 220. The Worker spokesperson** reiterated her call for stronger commitment by the Office to the challenges faced by trade unions in terms of involvement at all levels.
- 221. The Employer spokesperson** said that his group looked forward to a better understanding of how matters in the field could be improved.

Decision

222. The Governing Body:

- (a) took note of the current status of the reform of the United Nations development system and the implementation of the Office's Plan of Action 2019–20 to maximize the opportunities of the UN development system reform for the ILO and tripartite constituents;
- (b) invited the Director-General to take into consideration the views expressed by the Governing Body in the continued engagement in and implementation of the reform and in supporting tripartite constituents to engage in UN Cooperation Frameworks and common country analysis; and
- (c) requested the Director-General to report on the UN reform process and the measures taken by the Office to the 346th Session (November 2022) and to the 349th Session (November 2023) of the Governing Body.

(GB.341/INS/7, paragraph 53, as amended by the Governing Body)

8. Follow-up to the resolution on the ILO Centenary Declaration for the Future of Work: Proposals aimed at promoting greater coherence within the multilateral system (GB.341/INS/8)

- 223. The Worker spokesperson** said that a more inclusive multilateral system, in line with the Centenary Declaration, must have social justice, inclusive and sustainable growth and decent work at its centre. Trade unions remained particularly concerned that International Monetary Fund (IMF) country-level policy advice and lending undermined international labour standards. The Strategy for IMF Engagement on Social Spending afforded an opportunity to align with the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102), and the Social Protection Floors Recommendation, 2012 (No. 202).
- 224.** The IMF needed to stop opposing centralized and coordinated collective bargaining in emerging countries, which was key to fighting inequalities. The ILO should engage with the IMF on this and to promote labour market regulation, particularly employment protection for post-COVID-19 recovery. Employment had become increasingly precarious in the COVID-19 context; promoting labour market flexibility based on false promises of growth and employment would be devastating to post-pandemic recovery and the future of work. The Organisation for Economic Co-operation and Development (OECD) had already changed course on this issue several years ago. While some progress had been made with regard to the advice issued by the IMF under Article IV of its Articles of Agreement, such as on fiscal redistribution and criticism of flat tax systems, the IMF should not only support social protection floors but should also recognize the importance of maintaining and strengthening social protection systems.
- 225.** The ILO's leading role in the United Nations Initiative on Financing for Development in the Era of COVID-19 and Beyond was welcome; information would be appreciated on how ILO constituents would be involved and international labour standards promoted. The G7 Social Tripartite Declaration's call for closer collaboration between international organizations to reduce inequalities was also welcome; the ILO's follow-up to the three key areas of action should be elaborated. The ILO should be involved in the World Bank's Jobs and Economic Transformation agenda, and should use its observer status at the World Bank Development Committee to help shape the agenda, shifting the focus away

from productivity increases. Labour market institutions and comprehensive policies for informal economy transitions should be strengthened.

226. Her group was concerned that the World Bank 2021 *Global Economic Prospects* report promoted labour market flexibility as a tool for recovery. The earlier guide for World Bank Staff, *Balancing Regulations to Promote Jobs* represented a consensus with the ILO, but its implementation had been limited and subsequent publications contradicted it. Greater collaboration between the ILO and the World Trade Organization (WTO) was needed to enforce the labour rights enshrined in the Singapore Ministerial Declaration and ensure that corporations complied with human rights due diligence. The ILO should receive reciprocal observer status at the WTO General Council and Ministerial Conference.
227. The ILO's cooperation with the Asian Development Bank (ADB) on core labour standards, social protection, decent work and other priority areas should be replicated with other multilateral development banks regionally and globally. ILO involvement with the ADB in the 2021–22 review of its lending safeguards will be important. Multilateral development banks should integrate employment into results measurement. The joint publication, *Jobs in a net-zero emissions future in Latin America and the Caribbean* by the ILO and Inter-American Development Bank was welcome, and the ILO should seek involvement in the joint multilateral development banks working group on alignment with the goals of the Paris Agreement.
228. The Workers' group endorsed the Office's priority issues identified in the document and underscored that policies for full and productive employment and further work with international financial institutions must be accompanied by comprehensive macroeconomic policies for good quality employment and decent work. The ILO's social protection role should be expanded and due attention paid to the differences between the ILO and World Bank approaches to achieving universal social protection. Discussions should be held with the World Bank to shape its next social protection and labour strategy.
229. As the lead institution for promoting international labour standards in the multilateral system, the ILO should foster a closer working relationship with the UN and its human rights treaty bodies. The broader discussion on trade policy and its impact on living standards, and the social dimensions of trade liberalization was welcome. The ILO could coordinate with the WTO and the United Nations Conference on Trade and Development (UNCTAD) on ensuring coherence between trade policy and the Decent Work Agenda, promoting a more inclusive and balanced trading system that enabled developing countries to move up global value chains. Social dialogue was critical to policy coherence; the social partners should be involved at all levels.
230. Serious consideration was ongoing in the UN on the role of the multilateral system in building a new social contract, including discussions on core issues of the ILO mandate. The ILO had a lead role in ensuring that social justice and decent work remained at the centre of the multilateral system. A major policy forum with the participation of multilateral organizations should therefore be convened at the end of 2021 to discuss joint initiatives to ensure a fairer, more sustainable, inclusive and resilient world of work in the post-COVID-19 era. Lastly, the outcome document on a global response for a human-centred recovery from the COVID-19 crisis should incorporate some of the aspects of policy coherence addressed in the current document on multilateralism.
231. **The Employer spokesperson** said that the Centenary Declaration's call on the ILO to take an important role in the multilateral system, reinforcing cooperation and

developing institutional arrangements to promote policy coherence in pursuit of a human-centred approach to the future of work was even more urgent in the light of the COVID-19 crisis. The multidimensional impact of the pandemic required comprehensive responses. While the ILO had been a key player in the pandemic response, and its products had been important for assessing the impact of the crisis and supporting the response to it, pre-existing flaws exposed by COVID remained to be addressed.

- 232.** A comprehensive, coherent Office-wide strategy was required to promote productivity growth as a driver for employment and decent job creation. COVID-19 had highlighted the need for greater resilience in companies. Productivity was crucial in that regard. Social protection must also be a priority; the lack of adequate social protection for millions of workers had turned a health crisis into an economic and employment crisis. The ILO must take the lead in multilateral efforts, particularly the discussions on establishing a global social protection fund.
- 233.** The ILO must strengthen collaboration with international finance institutions to fully tap into their potential for enhancing social protection. That work must be linked with efforts to address informality, which was the primary cause of many decent work deficits, including income inequality, child and forced labour, and unemployment. Informality should be a priority issue in its own right. Innovative approaches would be crucial; those affected by informality must be consulted. Conducive business environments must be established to bolster job creation in the formal economy and thereby boost growth and development. Stronger and targeted collaboration with UNCTAD and the UNDP was essential in that regard.
- 234.** Regarding international labour standards, dramatic changes in the world of work meant that the ILO must listen to its constituents to understand their needs in specific national contexts, and provide effective support. Social dialogue and tripartism were the key to the future of work. The Office must adopt a balanced and contextual approach to promoting ratification, effective implementation and oversight of ILO standards.
- 235.** Building a better future must mean building forward greener. Innovative and better reconstruction were needed, taking heed of the collective failures of the past and making the necessary adjustments to overcome them. With that in mind, the Office should focus on the ILO's core mandate on labour and social issues related to climate action and environmental measures. COVID-19 had also underscored the importance of international trade, not only for employment but also for securing access to important personal protective equipment. The ILO had an important role in strengthening policy coherence with regard to the impacts of trade policy on improving living standards, and should tap into the expertise of the WTO, for example in its work on decent work in supply chains.
- 236.** COVID-19 would have a profound impact on the way companies engaged with customers, the organization of work and social interaction. Variants of the virus were emerging around the world, making exit strategies from lockdown situations more complex. Social distancing, hand hygiene and mask wearing were difficult for the majority of people living in poverty and working in informality, who were often forced to be in crowded conditions and lacked access to clean water and basic hygiene. The ILO must take the lead with regard to occupational safety and health from a COVID-19 perspective when developing strategies for the return to the workplace.
- 237.** The focus on skills and lifelong learning in the ILO's engagement with other agencies was particularly welcome. COVID-19 had highlighted the need for continued access to skills to fulfil key positions during the peak of the pandemic. The ILO, together with other

international organizations, had a key role in aligning training and education systems with current and future labour market needs. Skills gaps could be reduced by improving skills mobility and integrating more women into the labour market. In that regard, the Global Skills Partnership was an excellent example of collaboration between UN agencies and social partners.

238. Greater policy coherence and policy advice at all levels were needed to help constituents respond to the pandemic and address employment and social challenges. Alliance 8.7, in which the ILO played a key role, was an innovative way to bring all actors together and ensure coherence between the global and local levels. The close involvement of local actors in the Alliance showed how the UN could serve the needs of people, societies and economies, and underlined the need to engage social partners in the multilateral system. The ILO was best placed within the UN system to ensure that employer and worker voices of the private sector were heard in the UN. Companies could contribute to implementing the 2030 Agenda and could promote workers' rights and human rights.
239. The Employers' group noted the proposal to convene a major policy forum on a resilient and sustainable human-centred recovery from the COVID-19 crisis. While such a forum could afford an opportunity to steer further intra-agency collaboration and highlight the role of social partners, more information on its scope and purpose was needed. The group supported the draft decision.
240. **Speaking on behalf of the Africa group**, a Government representative of Uganda welcomed the analysis of the ILO's role in the multilateral system, and underscored the importance of bringing the Decent Work Agenda to the fore in the UN and international financial institutions. The Office's continued efforts to make the multilateral system work for all, including the marginalized and especially those in the developing world, were more crucial than ever in the context of the COVID-19 pandemic. A human-centred agenda in the multilateral system required strengthening the capacity of the constituents. Historically, global policies had been shaped predominantly by powerful State and non-State actors with the capacity to marshal the necessary technical and human resources in multilateral engagement.
241. The Africa group noted that the section of the report on prioritizing strategic policy coherence efforts did not address the need for measures to support the effective participation of constituents in multilateral settings, in particular in developing countries. The Office should take measures, including policy research aimed at supporting the effective participation of constituents, in that regard. The continued prioritization of strategic coherence efforts, and steps to build partnerships on areas of concern to Africa and strengthen institutional arrangements, were welcome. The Africa group supported the draft decision.
242. **Speaking on behalf of GRULAC**, a Government representative of Barbados said that the ILO should maintain its lead role in coordinating international policies consistent with the Centenary Declaration, and promoting a people-centred approach to the future of work. That role had become even more important in the context of the COVID-19 pandemic. The ILO's leadership in organizing the ILO Global Summit on COVID-19 and the World of Work had been particularly commendable, as had its publication of specialized knowledge and data, through the *ILO Monitor*, policy briefs, regional briefs and labour market impact assessments. GRULAC welcomed the ILO's participation in multilateral initiatives, such as Alliance 8.7 to eradicate forced labour, the Global Initiative on Decent Jobs for Youth, the Equal Pay International Coalition, the Climate Action for Jobs Initiative and the Global Coalition for Safety and Health at Work.

- 243.** The ILO must try to strengthen existing collaborative alliances and develop new ones in areas such as full and productive employment, social protection, international labour standards, just transition to environmentally sustainable economies, skills development and lifelong learning. More information would be appreciated on how the proposal to organize a global policy forum on a human-centred recovery from the COVID-19 crisis by the end of 2021 would be linked to the outcome document on a global response for a human-centred recovery from the COVID-19 crisis proposed for the 109th Session of the International Labour Conference, and what would be the objectives, resources involved and deliverables proposed. In the context of the recovery from COVID-19, the ILO should strive to continue promoting multilateral collaboration and coherence, with the aim of rebuilding a post-pandemic world that was fairer, more inclusive, more sustainable and able to implement the 2030 Agenda. GRULAC supported the draft decision.
- 244. Speaking on behalf of IMEC,** a Government representative of the United States said that, with regard to enhancing coherence in the multilateral system, clear priorities and objectives for collaboration must be established in line with the strategic directions of the potential outcome document on a global response for a human-centred recovery from the COVID-19 crisis, to be adopted at the 109th Session of the Conference. Recovery from the COVID-19 pandemic required integrated approaches, policy coherence and enhanced cooperation at all levels. Cooperation must be human-centred, gender-transformative, and deliver greater equality and security around the world.
- 245.** Despite their shared goals, the major regional and global multilateral organizations did not pursue their common interests in the same way or at the same pace. While the Office had provided detail on its existing relationships with various leading multilateral organizations, it would be interesting to know why the strength of those relationships varied and why the multilateral system had been relatively incoherent. Formalizing cooperation at the global level between organizations could be an important step towards greater coherence. More specific information on how the ILO wished to cooperate with the international financial institutions and the WTO would be useful, and whether an institutional collaborative arrangement would be concluded with the WTO.
- 246.** Coherence at regional, national and local levels, where the impacts of multilateral organizations' policies were felt, was also essential. Efforts to step up collaboration with the World Bank at the country level were therefore appreciated. The ILO should also take part in the Generation Equality Forum, organized by UN Women. Further information would be appreciated on how the Office intended to develop the capacity of its constituents to engage with multilateral organizations at the local level. The ILO's efforts to build multilateral cooperation and coherence in response to the COVID-19 crisis, and its role in the Initiative on Financing for Development in the Era of COVID-19 and Beyond were welcome. More information on how the proposed policy forum on a human-centred recovery from the COVID-19 crisis would be appreciated. IMEC supported the draft decision.
- 247. Speaking on behalf of the EU and its Member States,** a Government representative of Germany said that North Macedonia, Montenegro, Serbia, Albania and Norway aligned themselves with her statement. The objectives of the Centenary Declaration were more relevant than ever in the context of inclusive and sustainable recovery from the COVID-19 pandemic. The ILO must strengthen its role in the multilateral system through reinforced cooperation and new institutional arrangements within and beyond the UN system to promote social justice across economic, financial, trade, social and environmental policies. The implementation of the UN development system reform was

strategically important; the ILO should engage with that process to promote its mandate, tripartite structure and regulatory role. Noting cooperation with a number of multilateral institutions, she encouraged the ILO to participate in innovative multi-stakeholder partnerships, such as the Equal Pay International Coalition and Alliance 8.7, to achieve the 2030 Agenda. Further information should be provided on the reasons for different degrees of cooperation with different organizations.

- 248.** The priority issues for partnerships that were of particular importance were the reduction of inequalities, the promotion of quality employment – including in global supply chains – and a just transition and climate action for decent jobs. More should be done to promote worldwide ratification and implementation of ILO standards, including core labour standards. Recommendation No. 202 remained an important instrument for inclusive recovery. The prospect of new cooperation between the ILO and the IMF, and enhanced activities through the Social Protection Inter-agency Cooperation Board and the Global Partnership for Universal Social Protection to Achieve the Sustainable Development Goals (USP2030) were welcome. Global coordination must lead to significant joint actions on the ground to foster domestic ownership and make a real difference.
- 249.** A revised list of strategic priorities should be provided, clarifying how the ILO would seize opportunities and meet challenges to reinforce its role in the multilateral system when building back better. She supported the proposal to convene a major policy forum on a human-centred recovery from the COVID-19 crisis. It could help shape the foundations of a comprehensive multilateral partnership strategy and support an effective and inclusive multilateralism. The Office should prepare proposals for the organization, envisaged outcomes and anticipated follow-up of such a forum. The EU supported the draft decision.
- 250. A Government representative of Bangladesh** noted the need for policy coherence and the renewal of multilateralism, and to find the ILO's role in that process. The present economic context called for the best possible use of public funds and the finding of common cause. Calling for strong institutions and partnerships in the multilateral process, she noted that harmony among global multilateral processes would achieve better outcomes. The Office should support countries to achieve the objectives of the Centenary Declaration.
- 251. A Government representative of Barbados** lauded efforts to forge collaborative relationships with the UN and the wider multilateral system. The COVID-19 pandemic had exposed the need for greater collaboration to build a better future and a world economy that was fairer, more inclusive and sustainable. The call for greater coherence within the multilateral system must go beyond mere words. Small island developing States often found that the finish line moved while the race was in progress. Given the need to diversify and seek opportunities in the blue and green economies, the institutions of the multilateral system must take a holistic approach to such States. The organizations of the UN and other international development organizations must work in the best interests of all countries and remain aware that people, particularly workers, were at the core of discussions on social, trade, financial and environmental issues. Institutions with a global impact like the IMF, WTO, EU and OECD should not impose policies that hindered the development of small island developing States. Policy coherence must be based on social justice. Communication, social dialogue and collaboration at the domestic, regional and international levels based on fairness, equity and justice would be key to long-lasting gains for populations and economies.

- 252. A Government representative of Switzerland** said that a strategic approach was needed to implement the Centenary Declaration, which would require an understanding of the activities of other international organizations. The reprioritizing of investment in people was the most important element of the Declaration and a modern way of expressing the ILO's message. His Government supported the priority issues for partnerships identified in the document. In addition he stressed the importance of the humanitarian–development nexus and that a clearer vision was needed of how this would be addressed.
- 253.** Paragraphs 24–30 of the document were insufficient. He asked what proposals there were to extend cooperation on issues such as social protection, given the influence of the IMF and the World Bank on national investment policies; whether the ILO was willing to engage in strategic partnerships on areas essential to its mandate; and whether a common agenda could be agreed upon at the global and national levels, and how teams could work together to strengthen the impact on beneficiary countries.
- 254.** The ILO could play a decisive role in achieving greater policy coherence in respect of the contribution that trade policies could make to improving living standards. Priorities for multilateral coordination should be set, together with clear objectives on specific issues, in keeping with a global human-centred response. The Office should present a strategy to the Governing Body as soon as possible.
- 255. A representative of the Director-General** (Deputy Director-General for Policy) noted that the key objective was to engage with other multilateral organizations in key areas where the Office could advance the ILO's agenda at the global and country levels. The priority issues identified in the document had been selected by mapping current engagements, based on the principles that: work should relate to a key aspect of the Centenary Declaration within the context of programme and budget outcomes; the ILO must have the expertise and resources to commit to the work, avoiding additional responsibilities that were not funded; work should be significant at the global and country levels, preferably including joint work on the ground; and the work should be measurable and have a near-term impact.
- 256.** The Centenary Declaration required the Office to set clear priorities and rely less on opportunities that presented themselves. The transition from the informal to the formal economy was included in the identified priorities under the heading "Economic policies for full and productive employment" and would also be pursued under other priority issues as a cross-cutting theme, which was the approach taken in the programme and budget. The Office was looking into furthering collaboration on that issue with other international bodies, including the World Bank and the IMF. Greater engagement through reinforced cooperation and the development of institutional arrangements should aim to reduce inequalities and develop sustained, sustainable and inclusive growth. It would also help to build back better from the COVID-19 crisis by placing people and planet at the centre of recovery, with an emphasis on the role of social dialogue and of the social partners. Comments on the proposals for cooperation with other international organizations – presented in document GB.341/INS/4 – had been noted.
- 257.** Work on social protection had gained traction over the past year and was focused on building social protection systems, financing social protection and preparing for future shocks and transitions. In addition, the ILO work as part of the Social Protection Inter-agency Cooperation Board and the Global Partnership for Universal Social Protection contributes to achievement of the SDGs. Discussions under way with the IMF and the World Bank were focused on how to enhance joint engagement in those areas, including

at the country level. The encouraging words from the Governing Body about deepening the engagement with the WTO were noted.

- 258. Another representative of the Director-General** (Director, Multilateral Cooperation Department) clarified that the document presented a snapshot of current collaboration with other international and multilateral organizations and was neither a mapping nor a strategy with regard to future work. There had been an increase in the convergence of multilateral organizations' mandates and interests in recent years, particularly since the outset of the COVID-19 crisis. That convergence was being examined within the UN system and a number of partnership agreements were in place between the ILO and other organizations, including multilateral financial institutions. Strengthening the capacities of the constituents was key and was addressed in the ILO Development Cooperation Strategy 2020–25. Recalling that the ILO was leading the socio-economic response cluster of the multi-stakeholder Initiative on Financing for Development in the Era of COVID-19 and Beyond, he reassured the Governing Body that support for employers and workers at the national level was a key objective. Regarding safeguards of development banks, there has been a progressive improvement; for example, the Inter-American Development Bank had consulted the Office when revising its internal safeguards, which now reflected the ILO labour standards. On collaboration with financial institutions, the ILO had previously had a road map for collaboration with the World Bank but had moved towards a more ad hoc approach. The Office would be happy to explore possibilities for more structured collaboration. The issue of surveillance under Article IV of the IMF's Articles of Agreement was a matter for discussion between the IMF and its Members, although the possibility of ILO involvement in that work could be explored. There were indications that, under its new Director-General, the WTO was more open to engagement with the ILO than before, which was an avenue that should be explored.
- 259.** The UN Secretary-General's initiative to reflect on a new social contract and a new global deal provided an opportunity to promote the human-centred approach and the Centenary Declaration. The decision to hold a major policy forum on human-centred recovery from the COVID-19 crisis would depend on the outcome of consultations on the global response to COVID-19 and on the interest of and consultations with constituents on format, participation and financing.
- 260. The Director-General** said that, while the issue of multilateral policy coherence was far from new to the Governing Body, the discussion had underlined the extent of current interest in the issue. That increased interest could be attributed to the mandate derived from the Centenary Declaration, the experience of the COVID-19 pandemic, and the tensions and challenges in the multilateral system that made it more important than ever to deliver better together. Those factors, against a backdrop of UN reform, in the final decade of delivery on the 2030 Agenda, and in view of the forthcoming report by the Secretary-General outlining the future direction of the United Nations, meant that it was perhaps an opportune moment to return to the issue of multilateral policy coherence.
- 261.** Regarding the uneven engagement of the ILO in different policy areas and with different multilateral bodies, he said that the variation was due, in part, to differences of perspective among organizations on common policy areas, political sensitivities and the receptiveness encountered when the Office reached out to other organizations.
- 262.** Noting the interest in the proposal to hold a major policy forum on human-centred recovery from the COVID-19 crisis, he said that the intention was for the forum to mark a step change and to provide an opportunity to take stock and draw on the tripartite

perspectives unique to the ILO in order to move forward with greater momentum. Observing that it would be remiss not to seize the moment of opportunity that had been presented, but that it may be desirable to wait to hold the forum until it was possible to ensure the physical presence of participants, he said that the Governing Body would be consulted on how to proceed.

263. The Worker spokesperson welcoming the clarifications provided by the Office and the commitment to take on board the concerns expressed, said that the ILO should continue to focus on mainstreaming standards in the multilateral system and to stress the importance of ratification alongside implementation. The COVID-19 crisis had demonstrated the relevance of many international labour standards. She agreed that there was a window of opportunity to move towards stronger cooperation in the multilateral system and that the ILO had an important role to play in that system.

264. The Employer spokesperson said that it had been useful to learn of the principles used to identify the priority issues. The transition from the informal to the formal economy was not proving successful. A wide array of innovative tools should be considered and focused attention was needed to find solutions; the informal economy must not be treated as a mere cross-cutting theme. People and planet were, of course, central to recovery from the COVID-19 crisis, and he welcomed confirmation that consultations would be held on the proposed policy forum on the topic.

Decision

265. The Governing Body requested the Director-General to take the necessary action in accordance with its guidance to enhance the ILO's role in the multilateral system by reinforcing its cooperation and developing institutional arrangements with other organizations to promote policy coherence in pursuit of its human-centred approach to the future of work.

(GB.341/INS/8, paragraph 57)

9. Report of the tripartite working group on full, equal and democratic participation in the ILO's tripartite governance in the spirit of the Centenary Declaration (GB.341/INS/9)

266. The Chairperson said that the draft resolution included in the appendix to document GB.341/INS/9 would be amended to reflect the two further ratifications of the 1986 Instrument for the Amendment of the Constitution of the International Labour Organisation (1986 Amendment) registered since the discussion by the tripartite working group on full, equal and democratic participation in the ILO's tripartite governance.

267. The Co-Chairperson of the tripartite working group said that the group had enjoyed rich, if challenging, discussions during its two meetings, at which it had adopted its terms of reference, reviewed the ratification status of the 1986 Amendment and collated views on the scope and limits of the democratization of ILO governance. It had agreed that its discussions should focus on the functioning of the Governing Body and the entry into force of the 1986 Amendment, recently also ratified by Somalia, which therefore required a further nine ratifications, including three by Member States of chief industrial importance. Since the adoption of the ILO Centenary Declaration for the Future of Work, which recognized the need for constituents' full, equal and democratic participation in

ILO tripartite governance, the 1986 Amendment had been ratified by six Member States, demonstrating momentum for the Amendment.

- 268. The other Co-Chairperson of the tripartite working group** said that the group had examined a draft Conference resolution on the principle of equality among ILO Member States and the fair representation of all regions in the ILO's tripartite governance, which aimed to remove obstacles to ratification of the 1986 Amendment. Twelve amendments had been submitted, and although the resolution had enjoyed majority support, three governments had objected and considered addressing alternative ways to achieving fair representation of all regions in ILO governance. The tripartite working group had recommended to the Governing Body that its duration be extended for one year. The group's establishment was testament to the constituents' commitment to following up on the recognition in the Centenary Declaration that social justice in all regions could only be achieved through their full, equal and democratic participation in the tripartite governance of the Organization.
- 269. The Employer spokesperson** noted that the questionnaire used by the group had given rise to proposals not directly linked to its mandate. While the discussions on improving democratic participation in the ILO's tripartite governance were interesting, they went beyond the need for improved representation within the Governing Body through the ratification of the 1986 Amendment. That said, the proposals discussed by the group had led to a proposed resolution for submission to the 109th Session (2021) of the International Labour Conference that called for renewed efforts towards ratification of the 1986 Amendment and sought to remove barriers thereto, in particular the reference to "socialist" States of Eastern Europe. His group supported that resolution. The tripartite working group should not become a permanent body, but its duration should be extended for one year to enable it meet its original goals of developing proposals to facilitate the ratification and entry into force of the 1986 Amendment. His group supported the draft decision contained in paragraph 8 of document GB.341/INS/9.
- 270. The Worker spokesperson** said that her group supported the tripartite working group's decision to focus on the functioning of the Governing Body and the entry into force of the 1986 Amendment. It also fully supported the proposed Conference resolution and took particular note that the reference to "socialist" States of Eastern Europe in article 7(3)(b)(i) of the 1986 Amendment had been declared obsolete, which it hoped would enable more States to ratify that instrument. She welcomed the provisions aimed at encouraging ratification, in particular by States of chief industrial importance, and urged the Office to intensify its promotional activities in that regard. She agreed that the tripartite working group should not be turned into a permanent body but could still develop relevant proposals to complete its work. Thus, she supported the draft decision. Lastly, she noted that the ratifications of the 1986 Amendment by the Republic of Moldova, Spain and Somalia had been registered; that several States had initiated the ratification process; and that the ratification of the Islamic Republic of Iran had been approved by the Iranian Cabinet and would be considered by the Parliament.
- 271. Speaking on behalf of the Africa group**, a Government representative of Ethiopia said that the work of the tripartite working group had just begun, as the ILO was far from realizing full, equal and democratic participation in its tripartite governance. She welcomed the proposed Conference resolution, which enjoyed majority support. She noted with regret that the Director-General had received no further replies to his letter of 14 January 2020, but welcomed the ratification of the 1986 Amendment by the Republic of Moldova, Spain and Somalia and the progress made by the Government of the Islamic Republic of Iran and requested the Office to update the third preambular

paragraph of the proposed resolution accordingly, prior to its submission to the Conference. She urged the tripartite working group to continue to focus on finding solutions to improve democratic participation in governance, and called on the Director-General to intensify the Office's activities to promote ratification of the 1986 Amendment. Her group supported the draft decision.

- 272. Speaking on behalf of ASPAG**, a Government representative of Indonesia said that despite good progress, including the development of a proposed Conference resolution, the tripartite working group had not been able to complete its work. Her group had a particular interest in the outcome of that work, as it was under-represented in the ILO's tripartite governance. Thus, she supported extending the duration of the tripartite working group, in order to complete a full and unhindered examination of representation and equality in the ILO and propose next steps. Alongside that work, the Office should continue to promote the ratification of the 1986 Amendment, recognizing that the reference to the "socialist" States of Eastern Europe was obsolete. She supported the draft decision.
- 273. Speaking on behalf of the Eastern European group**, a Government representative of Poland said that she welcomed the consensus reached with regard to the obsolescence of the notion of "socialist" States of Eastern Europe, which would remove a legal obstacle to ratification for many members of her group. She supported the proposal to extend the duration of the tripartite working group by 12 months, in order to conduct a broader examination of how to improve democratic participation in the ILO's tripartite governance and to develop relevant proposals in that regard. She supported the draft decision.
- 274. Speaking on behalf of the EU and its Member States**, a Government representative of Germany said that North Macedonia, Montenegro, Serbia, Albania and Norway aligned themselves with her statement. She expressed support for the tripartite working group and its mandate, which would require further reflection, proposals and discussion. The EU comprised States that had adopted different approaches to the ratification of the 1986 Amendment, but all EU Member States were committed to democratic participation in the ILO's tripartite governance. However, the question of democratization went beyond the ratification of that instrument. That said, her group supported subparagraphs (b) and (c) of the draft decision. EU Member States would express their individual views with regard to subparagraph (a).
- 275. Speaking on behalf of a group of countries, consisting of France, Germany, the United Kingdom and the United States**, a Government representative of France said that the group of countries remained committed to the work of the tripartite working group as it sought innovative consensus solutions to reform the ILO's tripartite governance. He recognized that the notion of "socialist" States of Eastern Europe was considered obsolete, and saw value in the Conference recognizing that fact. However, it was regrettable that the proposed Conference resolution focused solely on the ratification of the 1986 Amendment, without indicating openness to other measures that could achieve the objectives of the tripartite working group. He supported extending the duration of the tripartite working group, but consensus proposals should be reached within that group before a resolution was submitted to the Conference. He was therefore prepared to support subparagraphs (b) and (c) of the draft decision but could not support subparagraph (a) without, however, blocking consensus.
- 276. Speaking on behalf of a group of countries, consisting of Austria, Belgium, Finland, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and Turkey**, a Government representative of Finland expressed support

for the draft decision, including the extension of the duration of the tripartite working group.

- 277. A Government representative of Nigeria** said that the submission of the resolution for consideration at the 109th Session of the International Labour Conference would be a clear sign of the collective resolve to turn words into action by building an inclusive, world-class work assembly for all Member States. He noted with appreciation the ratification of the 1986 Amendment by the Governments of the Republic of Moldova, Spain and Somalia, and appealed to the remaining Members, including the Members of chief industrial importance, to follow suit. He encouraged the Office to continue to promote ratification of the instrument and called on all Member States and the social partners to make full, equal and democratic participation in the ILO's tripartite governance a reality in the twenty-first century. His Government endorsed the draft decision.
- 278. A Government representative of Japan** said that the continuity of the Governments' work in the Governing Body should be taken into account when discussing ILO governance. The added value of the working group would be the pursuit of solutions through broader discussions. He looked forward to further work by the working group, which would lead to an outcome conducive to good governance.
- 279. A Government representative of Bulgaria** welcomed the fact that the proposed Conference resolution declared that the notion of "socialist" States of Eastern Europe did not correspond to the current geopolitical situation and should be deemed as obsolete. He reiterated his Government's opposition to the establishment of a review mechanism, which would result in an additional administrative burden for Member States and for the ILO.
- 280. A Government representative of Brazil** said that since before the adoption of the Centenary Declaration, his Government, together with GRULAC and other partners, had been calling for genuine tripartite governance across the entire Organization. The discussion of meaningful measures to enhance democratic governance, effective regional balance and legitimacy in the ILO's decision-making was a matter of paramount importance. His Government endorsed the draft decision and had resumed the process leading to the ratification of the 1986 Amendment.
- 281. The Employer spokesperson** underscored the importance of social dialogue and the need to reach consensus on key issues such as the one under discussion.

Decision

- 282. The Governing Body took note of the report of the tripartite working group on full, equal and democratic participation in the ILO's tripartite governance and decided to:**
- (a) **transmit the resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance contained in the appendix of document GB.341/INS/9 to the 109th Session of the Conference for possible adoption;**
 - (b) **extend the duration of the tripartite working group for a period of 12 months;**
 - (c) **request the tripartite working group to present a progress report and a final report for its consideration at the 343rd (November 2021) and 344th (March 2022) Sessions, respectively.**

(GB.341/INS/9, paragraph 8)

10. Reply of the Government of the Bolivarian Republic of Venezuela to the report of the Commission of Inquiry appointed to consider the complaint alleging the non-observance of the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (GB.341/INS/10(Rev.2))

283. The Governing Body had before it three draft decisions, which had been proposed by the Employers' and Workers' groups, and by a group of countries consisting of Australia, Brazil, Canada, Chile, Colombia, Guatemala, Honduras, Paraguay, Peru and Uruguay. They had been circulated by the Office to all groups.

284. The text proposed by the Employers' group read:

10. The Governing Body:

- (a) deplored the Government's reply dated 10 August 2020 that it does not accept the recommendations of the Commission of Inquiry; expressed profound concern about the lack of progress and called on the authorities to respect the will of the people, the genuine tripartite social dialogue based on the independence of social partners and called on the full respect of fundamental rights at work, and in particular those relating to justice and democratic institutions in line with the ILO Declaration of Fundamental Principles and Rights at Work and the ILO Centenary Declaration for the Future of Work;
- (b) decided to include an item on the agenda of the 109th Session of the International Labour Conference entitled "Consideration of all possible measures, including those foreseen in the ILO Constitution, required to ensure the Government's compliance with the recommendations of the Commission of Inquiry within the required timeframe";
- (c) requested the Director-General to engage with the Government on the full implementation of the recommendations of the Commission of Inquiry and on the effective application of Conventions Nos 26, 87 and 144 in law and in practice in the country by June 2021, and to present an interim report on progress made to the 109th Session of the International Labour Conference;
- (d) urged the Government to establish and convene, with the support of the Office, before June 2021, a social dialogue forum, in line with point 4 under paragraph 497 of the Commission of Inquiry's report;
- (e) requested the Director-General to present a report to its 343rd Session (November 2021) on actions taken by the Director-General, measures referred to in paragraphs (c) and (d), and relevant information on possible measures to ensure the Government's compliance with the recommendations of the Commission of Inquiry, including any progress made by the Government in implementing those recommendations.

285. The proposal by the Workers' group read:

10. The Governing Body:

- (a) deplored the Government's reply dated 10 August 2020 that it does not accept the recommendations of the Commission of Inquiry;
- (b) decided to include an item on the agenda of its 343rd Session (November 2021) entitled "Consideration of all possible measures, including

those foreseen in the ILO Constitution, required to ensure the Government's compliance with the recommendations of the Commission of Inquiry";

- (c) requested the Director-General to engage with the Government in the full implementation of the recommendations of the Commission of Inquiry and on the effective application of Conventions Nos 26, 87 and 144 in law and in practice in the country by November 2021, including by discussing a possible agreement on establishing a special representative of the Director-General;
- (d) welcomed recent steps taken by the Government to start a dialogue with social partners and requested the Government to further develop this, before November 2021 into a social dialogue forum, with the support of the Office, in line with point 4 under paragraph 497 of the Commission of Inquiry's report;
- (e) requested the Director-General to present a report to its 343rd Session (November 2021) on actions taken by the Director-General, measures referred to in paragraphs (c) and (d), and relevant information on possible measures to ensure the Government's compliance with the recommendations of the Commission of Inquiry, including any progress made by the Government in implementing those recommendations.

286. The draft decision proposed by the group of countries, based partially on the text proposed by the Workers' group read:

10. The Governing Body:

- (a) deplored the Bolivarian Republic of Venezuela's reply dated 10 August 2020 that it does not accept the recommendations of the Commission of Inquiry and the Bolivarian Republic of Venezuela's failure to implement the recommendations contained in point 497 of the report of the Commission of Inquiry, as the deadline expired 1st September 2020;
- (b) decided to include an item on the agenda of the 109th International Labour Conference entitled "Consideration of all possible measures, including those foreseen in article 33 of the ILO Constitution, required to ensure the Bolivarian Republic of Venezuela's compliance with the recommendations of the Commission of Inquiry";
- (c) requested the Director-General to present a report to the 109th International Labour Conference on actions taken by the Director-General, and relevant information on possible measures to ensure the Bolivarian Republic of Venezuela's compliance with the recommendations of the Commission of Inquiry, including any progress made in implementing those recommendations.

287. A Government representative of the Bolivarian Republic of Venezuela (Minister of Popular Power for the Social Process of Labour) was authorized to speak in accordance with paragraph 1.8.3 of the Standing Orders on a matter concerning his Government. He said that his Government had undertaken a number of actions in order to fulfil its commitment to improving compliance with the Conventions covered by the complaint, including the establishment of bipartite round tables, which were set up with the voluntary agreement of both workers' and employers' organizations and which had progressed on certain aspects, such as the transmission to the National Assembly of the comments and suggestions made by the Committee of Experts on the Application of Conventions and Recommendations and approved by the Commission of Inquiry relating to legislative review. The creation of a joint round table had been planned, at which all representative and autonomous employers' and workers' organizations would be represented. A meeting between workers' and employers' organizations and the new leadership of the National Assembly had been held. His Government had also requested the Director-General to provide technical assistance regarding the representativeness of workers' and employers' organizations. He reiterated his Government's willingness to

continue to cooperate with the ILO's supervisory machinery, provided that its actions were objective, impartial, transparent, lawful and independent of political interests that ran counter to his Government. He left open the possibility of making further progress related to the recommendations of the Commission of Inquiry, as long as the recommendations did not conflict with the Venezuelan Constitution, the separation of powers or the country's sovereignty and national independence.

288. He welcomed and accepted the text proposed by the Workers, with a view to achieving a consensus that would enable further progress. However, his Government strongly opposed the text put forward by the Employers, which had not been submitted within the time limit set out in the special arrangements for the current session of the Governing Body, and which covertly sought to apply article 33 of the ILO Constitution at the next session of the International Labour Conference. It likewise rejected the senseless and incoherent proposal by the group of countries, which overtly intended to apply article 33 of the ILO Constitution and to undermine the Venezuelan Government. His Government would not accept any implicit or explicit attempt to apply article 33, which it did not consider to be in the country's interest. He reiterated that, although his Government had rejected the Commission of Inquiry's recommendations, progress had not been impeded in the application of the Conventions related to the complaint. The veiled intentions regarding the application of measures under article 33 could not be overlooked as their harmful implications were similar to the painful consequences of the unilateral and coercive measures imposed on his country by the United States and the European Union. Such measures would have a major adverse impact on Venezuelan workers and employers alike. The UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights had recently visited his country and had called for the lifting of the unilateral sanctions against the Venezuelan Government. He urged the other members of the Governing Body to support the draft decision proposed by the Workers' group in order to enable his Government to make progress on the basis of dialogue and consensus.

289. The Employer spokesperson said that the rejection by the Venezuelan Government of the recommendations of the Commission of Inquiry, the establishment of which the Government had agreed to, was an extremely serious matter. The Venezuelan Government had been given a choice and had decided not to accept the recommendations. The Commission's report highlighted very serious infringements of civil and political rights and their effect on democratic institutions and decisions, and of the most fundamental labour rights of employers and workers. It was deeply regrettable that, despite the extensive discussions held at the previous session of the Governing Body, the Venezuelan Government continued to refuse to accept the Commission's recommendations, thus openly defying and disrespecting the Commission and the ILO supervisory system.

290. The draft decision put forward at the previous Governing Body session following major tripartite efforts had proposed a series of measures to enable the recognition and acceptance of the Commission's recommendations by the Venezuelan Government, and to put an end to the infringement of employers' and workers' labour rights in the country. However, consensus had been prevented by a small number of members that had defended the Venezuelan regime, and serious violations of the relevant Conventions had continued. He recalled the latest observations of the Committee of Experts, which called for the situation in the country to be given the full and continuing attention of the ILO and its supervisory system to obtain robust and effective measures to ensure compliance with the Conventions concerned.

- 291. A Government representative of Cuba**, raising a point of order, said that the mention of the word “regime” in reference to the Venezuelan Government was unacceptable, and asked the Employer spokesperson to use the appropriate term for referring to a Member State.
- 292. The Chairperson** requested the Employer spokesperson to use parliamentary language.
- 293. The Employer spokesperson** referred to the recent report of the Committee on Freedom of Association, which stated that urgent measures were necessary in response to the serious allegations of freedom of association violations in the country. The Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela had recently reported to the UN Human Rights Council that the police forces in the country had killed over 200 people so far in 2021, and that the repression of individuals seen as domestic enemies or government opponents continued. Furthermore, the UN High Commissioner for Human Rights had recently provided an oral update to the Human Rights Council in which she reported retaliation by the Venezuelan Government against those cooperating with international bodies. The so-called initiatives on tripartite social dialogue indicated by the Venezuelan Government were not true, were not authentic and were not in good faith, and only sought to give a false impression of progress in social dialogue and to delay the Governing Body’s decisions. The Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS) had attested to the false nature of such progress claims in a recent letter to the Director-General, which had provoked a strong reaction from the Venezuelan Government, and had reported new acts of intimidation. For many years, those who thought differently or exercised their rights in accordance with ILO Conventions had been harassed or detained.
- 294.** The ILO Constitution was clear in its establishment of a time limit for accepting the recommendations of the Commission of Inquiry and of the consequences of the failure to do so. He therefore urged the members of the Governing Body to support the draft decision as amended by his group. The Workers’ group should demonstrate coherence and solidarity in order to truly defend the ILO’s values and the interests of free and independent workers in the Bolivarian Republic of Venezuela and across the world. It was surprising and worrying that the Workers had reneged on the agreement reached at the previous Governing Body session on the inclusion of an agenda item at the next session of the International Labour Conference if the Venezuelan Government continued to reject the Commission of Inquiry’s recommendations. The Workers’ conduct undermined the credibility of the ILO supervisory system. The Employers welcomed and supported the revised proposal submitted by the group of countries and trusted that the European Union would once again support the position of the majority. He called for the unity of the Governing Body and for the Commission of Inquiry’s recommendations to be implemented by the Venezuelan Government without delay.
- 295. The Worker spokesperson** said that while the ILO Constitution provided for action to be taken under article 33, that should be a last resort. The Venezuelan Government had taken the first steps towards improving social dialogue, in line with the Commission of Inquiry’s recommendations. She underlined her group’s full respect for the supervisory system and, in that regard, she felt it important to mention the past decisions not to appoint commissions of inquiry in serious cases of great importance to the Workers, for example relating to Colombia and Guatemala. In that context, her group had proposed a constructive draft decision.
- 296.** The proposed text reflected the compromise draft decision tabled in November and would enable the Governing Body to move forward with broad tripartite agreement,

which would uphold the credibility of the ILO and its supervisory system. It was not a small step for the Venezuelan Government to indicate that it would accept her group's draft decision, which she hoped would lead to genuine social dialogue. The ILO should accompany that decision with a commitment to provide technical assistance to the Government, and should consider appointing a special representative of the Director-General for the case. The Government should be given more time to engage with its social partners to implement the Commission of Inquiry's recommendations.

- 297.** Any draft decision that referred directly or indirectly to taking action under article 33 of the ILO Constitution was disproportionate and unacceptable. Discussing the case at the International Labour Conference would not add value; moreover, it would add to the burden of tackling an already full agenda in a virtual format.
- 298. Speaking on behalf of the EU and its Member States,** a Government representative of Germany said that Albania and Montenegro aligned themselves with the statement. Highlighting the importance of labour rights, including freedom of association and collective bargaining, and expressing full support for the role of the ILO and its supervisory system, he expressed his group's disappointment regarding the unwillingness of the Venezuelan Government to accept and implement the Commission of Inquiry's conclusions and recommendations. He strongly urged the Government to take concrete actions towards inclusive and effective tripartite social dialogue, beyond the limited and insufficient bilateral dialogue forums that had been established thus far. He expressed concern that employers and workers continued to face criminalization, intimidation and retaliation on political grounds.
- 299.** He called for the full and continuous attention of the ILO and its supervisory system to the case, and supported the inclusion of the case on the agenda of the 343rd Session of the Governing Body to discuss all available options to ensure the Venezuelan Government's compliance with the Commission of Inquiry's recommendations. The Director-General should issue an interim report on the implementation of those recommendations in May 2021. He urged the Government to establish and convene, with the support of the Office, before June 2021, a social dialogue forum in line with point 4, paragraph 497, of the Commission of Inquiry's report.
- 300. Speaking on behalf of the group of countries,** a Government representative of Peru said that it was deeply regrettable that the Maduro regime had still not accepted or implemented the Commission of Inquiry's recommendations, openly defying the supervisory system and failing to comply with article 29 of the ILO Constitution. The group of countries had therefore tabled a proposal using part of the Workers' text. She requested the Director-General to submit a report to the 109th Session of the International Labour Conference on the actions taken by the Office, including all relevant information on possible measures that could be taken to ensure compliance with the Commission of Inquiry's recommendations. Referring the case to the Conference would be of benefit to the people of the Bolivarian Republic of Venezuela and would strengthen the credibility of the ILO's supervisory system.
- 301. A Government representative of Cuba** noted that the Venezuelan Government had taken steps in line with the Commission of Inquiry's recommendations and had requested technical assistance from the ILO to consolidate progress towards the application of ILO Conventions. Cuba rejected the manipulation of multilateral organizations for political purposes. The Venezuelan Government had repeatedly stated that the Commission of Inquiry contravened the principles of sovereignty and self-determination. Article 33 of the ILO Constitution was not applicable to the current case, and the Governing Body must be consistent in its application of the supervisory system.

The draft decision proposed by the group of countries introduced unnecessary political elements into the draft decision and should not be supported. The proposal by the Employers' group had not been submitted within the 48-hour time limit prior to the current discussion. He expressed support for the text proposed by the Workers' group, which was also supported by the Venezuelan Government. He urged the Governing Body to seek consensus.

- 302. A Government representative of Azerbaijan** noted that the Venezuelan Government had expressed its commitment to inclusive social dialogue and compliance with ILO Conventions and had taken steps in that regard. The ILO should continue to provide technical assistance towards implementation of the Commission of Inquiry's recommendations. All options should be explored, and the Government should be given time to work with all stakeholders to facilitate social dialogue and address outstanding issues.
- 303. A Government representative of the United States** said that the Venezuelan Government's failure to make meaningful progress in implementing the Commission of Inquiry's recommendations was consistent with the broader deterioration of human rights and the rule of law in the country. Recent efforts fell short of meeting the recommendations, and he reiterated his call for the immediate acceptance and implementation of all of them. The Governing Body must consider all options available to it to ensure meaningful progress, including action under article 33 of the ILO Constitution. He supported the draft decision proposed by the group of countries and said that he could also accept the text proposed by the Employers' group.
- 304. A Government representative of Brazil** reiterated her support for the independent work of the Commission of Inquiry and deplored the failure of the Maduro regime to implement its recommendations. It was regrettable that the Governing Body had not yet issued a firm and unequivocal response to the current situation, as its failure to do so undermined the credibility and legitimacy of the supervisory system. The criteria for applying article 33 of the ILO Constitution were clear, and applicable in the current case. Workers and employers in the Bolivarian Republic of Venezuela could no longer wait for the ILO to act. She urged the Governing Body to accept the text proposed by the group of countries.
- 305. A Government representative of Namibia** noted that the Venezuelan Government had implemented some of the Commission of Inquiry's recommendations and had requested technical assistance for the implementation of others. The application of article 33 of the ILO Constitution was not justifiable. Furthermore, the ILO must discourage any political or economic coercion and focus on increasing technical assistance to its Member States. She expressed support for the text proposed by the Workers' group.
- 306. A Government representative of Barbados** said that his Government believed strongly in dialogue rather than confrontation, a principle that should guide the current case. Member States must recognize the ordinary people affected by the situation and build on progress achieved. His Government requested the Director-General and the Office to continue to engage with the Venezuelan Government in order to resolve the case.
- 307. A Government representative of the Islamic Republic of Iran** welcomed the progress made by the Venezuelan Government since the previous session of the Governing Body to comply with the Commission of Inquiry's recommendations. The ILO must support that progress and provide technical assistance where required. The unlawful unilateral sanctions against the Bolivarian Republic of Venezuela had been a prime cause of its

hardships and economic problems and could not be taken lightly. He expressed support for the draft decision proposed by the Workers' group.

- 308. A Government representative of China** recognized the progress made by the Venezuelan Government in line with the Commission of Inquiry's recommendations, with particular regard to re-establishing social dialogue with national employers' and workers' organizations and complying with ILO Conventions. The information provided by the Government demonstrated its constructive approach, which should be recognized by Member States. He asked the ILO to act on requests for technical assistance from the Venezuelan authorities. The supervisory system should be relied upon as the mechanism for resolving disputes through consultation and negotiation, without interfering in a Member State's sovereignty. He encouraged the Governing Body to take a constructive approach to seeking a consensus decision. He expressed support for the text proposed by the Workers' group and said that he did not support the other proposals.
- 309. A Government representative of Iraq** urged the ILO to continue providing technical support to States, at their request or on its own initiative, to assist them in achieving their objectives. The politicization of technical issues should be avoided.
- 310. A Government representative of Cameroon** noted with satisfaction the considerable progress made by the Venezuelan Government in its cooperation with the ILO. He urged the Governing Body to allow the Venezuelan Government to continue the reforms under way by considering its response to the report of the Commission of Inquiry. His delegation supported the proposal by the Workers' group.
- 311. A Government representative of Turkey** welcomed the Venezuelan Government's willingness to continue engaging in broad and inclusive social dialogue, improve its compliance with ILO Conventions and benefit from the ILO's technical assistance. Noting the Venezuelan Government's recent improvements to the implementation of legislation and practical measures, he encouraged it to continue working closely with the ILO and to increase efforts to improve working conditions. The benefits of doing so would be seen with time, as would the results of the Government's actions in relation to the Commission's recommendations.
- 312. A Government representative of Myanmar** commended the Venezuelan Government for its implementation of some of the Commission's key recommendations and encouraged it to continue its constructive engagement with the social partners. The ILO should grant the Venezuelan Government's request for technical assistance to determine the representativeness of employers' and workers' organizations; only through closer cooperation and technical assistance between the ILO and the Venezuelan Government could further progress be made in implementing the Commission's remaining recommendations.
- 313. A Government representative of the Russian Federation** said that the question of further action in the case in point went to the heart of the ILO's activities and therefore required careful deliberation to reach consensus. His Government did not share the view that no progress had been made in the Venezuelan Government's compliance with the Organization's decisions; it had not been afforded sufficient opportunity to improve its social dialogue mechanisms, and unilateral coercive measures impeded its implementation of ILO standards. The Venezuelan Government had cooperated with the Commission of Inquiry and made significant efforts to take into account its views. The Russian Federation supported its ongoing work to implement the Commission's recommendations, in which respect the ILO's technical assistance would be key. It would

be excessive to refer the case to the International Labour Conference. Noting that the draft text under discussion had not been circulated in a timely manner, he rejected the proposals submitted by the Employers' group and by the group of countries. In the spirit of consensus, his Government could support, on an exceptional basis, the text proposed by the Workers' group.

- 314. A Government representative of Saudi Arabia** welcomed the clarifications made by the representative of the Bolivarian Republic of Venezuela and expressed his Government's support for all decisions taken by multilateral forums in relation to the matter at hand, including the Governing Body. Consensus was vital if the goals behind those decisions were to be met, and he requested further time for discussion of the case in order to achieve it.
- 315. A Government representative of Chad**, highlighting the importance of compliance with standards, noted the willingness of the Venezuelan Government to improve its respect for the Conventions. The Venezuelan Government's request for technical assistance should therefore be granted. Constructive dialogue should be encouraged while consensus was sought, without adopting unilateral measures.
- 316. A Government representative of the Bolivarian Republic of Venezuela** welcomed the constructive statements made during the debate, and the draft decision proposed by the Workers' group, which his Government accepted. He thanked the representative of the Government of Cuba for raising the point of order calling for respectful treatment of his country.
- 317.** Others had made statements that once again aimed to discredit his Government and politicize the debate. His Government did not intend to cause provocation, which would not add value to the discussion. He urged those countries that had spoken against his country to focus instead on defending the rights of their own populations, many of which suffered hunger, poverty and misery. His Government had been battling for the previous five years against a range of unilateral coercive measures, the devastating effects of which had impeded the enjoyment of human rights, including the right to work, of the entire Venezuelan population. The COVID-19 pandemic had only increased those challenges. Nevertheless, his Government had built strategies and mechanisms to assist Venezuelans in overcoming the crisis.
- 318.** His Government did not accept lessons on morality from a country that had, for example, recently demonstrated the obsolescence of its electoral system and reiterated the imposition on his country of unilateral coercive measures that contradicted the Charter of the United Nations, with harmful consequences for the Venezuelan people. That same country was the global epicentre of the COVID-19 pandemic and, furthermore, refused to ratify fundamental ILO Conventions in order to avoid being called before its supervisory bodies because of its extremely poor performance in the world of work.
- 319.** Another Government that had spoken against his country was in the midst of an ongoing political crisis, during which presidential candidates had used xenophobia to win votes and had failed to control the COVID-19 pandemic; a further South American Government that had criticized his Government had failed to control the COVID-19 pandemic, leading to more than 2,000 deaths per day and the near collapse of its health system.
- 320.** His Government would not accept lessons from another Government whose only response to year-long protests by students and workers had been brutal repression, nor from the Government of a neighbouring country that was witnessing increasing violence against trade union members, xenophobic discourse leading to violence against migrants, mass emigration, drug-related violence and poor management of the

COVID-19 pandemic. That country was also a serial violator of Conventions Nos 87 and 98, and the murder of trade unionists appeared to form part of its past and current world of work.

321. He invited all those Governments to develop social, labour and economic policies that would benefit their populations, which were disappointed in their leaders and in the corruption and poverty that they faced.
322. Turning to the comments of the Employers' group, he highlighted the significant effort towards dialogue and reconciliation made by his Government, which had sat down with that group's affiliated Venezuelan organization to seek solutions and improvements in all sectors. However, those efforts had been frustrated when members of that organization reported losing all control over the complaint in the face of international pressure to restate differences and resist all attempts at dialogue. He repeated his Government's call to Venezuelan and international employers' organizations for dialogue at the round tables that it had recently established.
323. While Governing Body sessions lasted just a few days, the problems caused by the unilateral coercive measures imposed on his country were felt every day. New measures, such as those relating to article 33 of the ILO Constitution, would not benefit employers, workers or the population in general. There was no legal basis for the case to be added to the agenda of the 109th Session of the International Labour Conference (June 2021). Paragraph 54 of the introductory note to the Compendium of rules applicable to the Governing Body of the International Labour Office stated that decisions on items to be placed on the agenda must be taken two years prior to the opening of the session of the Conference in question, and article 15(1) of the Constitution of the ILO provided that the Director-General must transmit the agenda so as to reach the Members four months before the meeting of Conference; those deadlines had already passed. The Venezuelan Government would continue to provide information to the Governing Body on the progress made in complying with the Conventions that it had ratified.
324. **The Worker spokesperson** concurred with the Government representative of Barbados that continued productive engagement was required. That had been the intention behind her group's proposed draft decision. There appeared to be support for the approach proposed in that draft, rather than for a discussion at the International Labour Conference in 2021.
325. **The Employer spokesperson**, noting that the case affected both employers and workers in the Bolivarian Republic of Venezuela, said that his group would have welcomed a more substantive discussion, particularly of the existing allegations set out in Appendix V of the document, such as violence against members of employers' organizations, and of new allegations, including of attempts to mislead the Governing Body by means of meetings that were neither legitimate nor genuine and the detention of members of workers' organizations. In particular, his group was surprised at the lack of reference by Governing Body members to workers' production boards, which were being used to undermine the trade union movement and influence electoral processes. The representative of the Venezuelan Government had spoken only to criticize other governments and on matters unrelated to the case at hand. He rejected the Worker spokesperson's comparison of the case to others subject to article 26 complaints in order to justify a course of action; each case must be analysed on its own merits.
326. Representatives of several Governments had referred to the question of violations of the Venezuelan Constitution. However, under article 23 of that Constitution, international instruments ratified by the Bolivarian Republic of Venezuela took priority over domestic

legislation if their human rights standards were more favourable. The Venezuelan Government was incorrect in calling into question the ILO supervisory bodies by referring to its cooperation, to the extent that those bodies were objective, impartial, transparent, consistent with the law and unconnected with political interests counter to the Venezuelan Government; the ILO's supervisory bodies were all those things.

- 327.** The Venezuelan Government had requested technical assistance, the ILO's simplest method of ensuring a Member State's compliance with the voluntary commitments it had entered into by ratifying a Convention; a commission of inquiry was its most serious method. In view of the seriousness of the matter, technical assistance was not an appropriate remedy. Given the complexity of the situation and the difficulty in finding common ground, further deliberations were required. Lastly, he emphasized the need for solidarity with both workers and employers in the Bolivarian Republic of Venezuela.

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

- 328.** The Governing Body had before it a revised version of the draft decision proposed by the group of countries (except Uruguay) and also supported by the United States and the EU and its Member States. The revised draft decision, which replaced the previous proposal, read:

10. The Governing Body:

- (a) deplored the Bolivarian Republic of Venezuela's reply dated 10 August 2020 that it does not accept the recommendations of the Commission of Inquiry;
- (b) noted recent developments and urged the Bolivarian Republic of Venezuela to establish and convene, by May 2021, a social dialogue forum, in line with point 4 under paragraph 497 of the Commission of Inquiry's report;
- (c) requested the Office to work with the Bolivarian Republic of Venezuela on recognition and full implementation of the recommendations of the Commission of Inquiry and on the effective application of Conventions Nos 26, 87 and 144 in law and in practice in the country;
- (d) requested the Director-General to inform the members of the Governing Body, by means of a written report, on or before 3 May 2021, regarding measures which the Bolivarian Republic of Venezuela has taken to comply with the recommendations of the Commission of Inquiry, together with details of any technical assistance requested or provided;
- (e) acknowledged the possibility of a resolution at the 109th International Labour Conference on the developments mentioned in points (b) (c) and (d) if there is a continued lack of progress on the implementation of the recommendations of the Commission of Inquiry;
- (f) decided to include an item on the agenda of its 343rd Session (November 2021) entitled "Consideration of all possible measures, including those foreseen in the ILO Constitution, required to ensure the Bolivarian Republic of Venezuela's compliance with the recommendations of the Commission of Inquiry within the required timeframe";
- (g) requested the Director-General to present an updated report to its 343rd Session (November 2021) on relevant actions taken by the Director-General, measures referred to in paragraphs (b) and (c), and relevant information on possible measures to ensure the Bolivarian Republic of Venezuela's compliance with the recommendations of the Commission of Inquiry, including any progress made in implementing those recommendations.

- 329. The Employer spokesperson** informed the Governing Body that FEDECAMARAS and its president had been stigmatized, which had made it difficult for the organization to act

and to exercise its right to freedom of association. Given the need for a serious response, as in other cases before the Governing Body, his group sought a clear decision to take up an article 33 case of the Bolivarian Republic of Venezuela at the 109th Session of the Conference, pursuant to article 29 of the ILO Constitution. The non-observance of the Commission of Inquiry's findings meant that drastic action was required, including continuing to insist that the Venezuelan Government respected freedom of association and other freedoms and showed evidence of demonstrable changes in the situation.

330. His group proposed a subamendment to subparagraph (e) of the revised proposal by a group of countries, to read “decided to include an item at the 109th International Labour Conference to discuss a resolution”, and sought the support of the Governments and the Workers for the proposal. That would enable the ILO to continue to exert pressure on the Venezuelan Government to take the actions commensurate with the recommendations of the Commission of Inquiry. The legal points made by the representative of the Venezuelan Government should not be interpreted as hindering the Governing Body's decision-making ability; given the need for clarity, his group wished to seek counsel from the Legal Adviser.
331. **The Worker spokesperson** maintained that her group's proposed text offered the best combination of incentives and deterrents to ensure that the Government would take the recommendations of the Commission of Inquiry seriously, including through establishing freedom of association and genuine social dialogue.
332. It appeared that the Employers' group wished in its subamendment to add another item to the Conference agenda, while in the discussion on the agenda it was seeking to reduce the length of the session as it would be held online. The revised proposal by the group of countries included some rephrasing that did not necessarily improve the text. It also included a request for a written progress report by 3 May 2021, which was barely feasible in the short time frame. Furthermore, the report was apparently intended to provide a basis for the Governing Body to decide whether to submit a resolution to the Conference, yet the Governing Body would not meet in May. In addition, under the Conference Standing Orders there was always a possibility of submitting a resolution. Confirming a decision on next steps based on whether a progress report was sufficiently positive was not an appropriate way of working within the supervisory system.
333. **Speaking on behalf of the group of countries consisting of Australia, Brazil, Canada, Colombia, Chile, Guatemala, Honduras, Paraguay, Peru, the United States and the EU and its Member States**, a Government representative of the United States explained that the urgency of the case had led to the group of countries tabling a revised proposal. It called for the Director-General to issue a progress report by 3 May 2021 and for the proposed social dialogue forum to be held in May 2021, removed the call for a special representative, and referred explicitly to the possibility of submitting a resolution to the forthcoming session of the Conference.
334. **Speaking on behalf of the EU and its Member States**, a Government representative of Germany said that Montenegro and Albania aligned themselves with the statement. Given the urgency and importance of the current case, the EU and its Member States had joined the group of countries in proposing the revised proposal calling for the establishment of a social dialogue forum, the submission of a progress report and the possibility of submitting a resolution to the Conference.
335. **Speaking on behalf of the group of countries**, a Government representative of Peru said that their revised proposal, which replaced the group's previous proposal, was the result of intense discussions aiming to achieve consensus on a way forward. The

proposal sought to contribute to improving the situation in the Bolivarian Republic of Venezuela, to end labour rights violations and to ensure that the Commission of Inquiry's recommendations were fully implemented. The proposal set out the minimum measures that the Governing Body must adopt in such an urgent and serious case so as to protect the Venezuelan people's rights and the ILO supervisory system. The group also reserved the possibility of proposing new measures if the Venezuelan Government's labour violations and non-observation of ILO Conventions continued.

- 336. A Government representative of China** supported the text proposed by the Workers' group, which was reasonable and pragmatic. He was opposed to invoking article 33 of the ILO Constitution, and did not support the other draft decisions that had been proposed. The case could be resolved within the framework of the Governing Body.
- 337. A Government representative of the Russian Federation** reiterated that taking further action against the Venezuelan Government would be premature, given the advances it had made, despite the impact of the COVID-19 pandemic and the ongoing coercive measures in the country. He did not support the draft decision proposed by the Employers' group or that proposed by the group of countries. His Government could support the proposal by the Workers' group, as it was the most balanced.
- 338. A Government representative of Cuba** expressed support for the text proposed by the Workers' group. The revised proposal by the group of countries and the Employers' subamendment to it sought to apply excessive measures against a Government that had demonstrated its will to continue to fulfil its obligations and commitments to the ILO to safeguard and advance labour rights and freedom of association. Deciding to include the case on the agenda of the forthcoming session of the Conference would contravene paragraph 54 of the introductory note to the Compendium of rules applicable to the Governing Body and article 15 of the ILO Constitution, under which the agenda must reach the Members four months before the Conference session. Furthermore, the agenda for the forthcoming session had been finalized in February 2021 and could not be changed, particularly as the proceedings would be held online.
- 339. A Government representative of Cameroon** reaffirmed his support for the draft decision proposed by the Workers' group, and rejected the revised proposal by the group of countries and the Employers' proposal.
- 340. A Government representative of the Islamic Republic of Iran** urged the Governing Body to recognize the progress made by the Venezuelan Government and to encourage future achievements. He supported the text proposed by the Workers' group, which was an efficient way forward.
- 341. A Government representative of Switzerland** noted the commitment of the Venezuelan Government to improve the application of ILO Conventions and to accept technical assistance from the ILO. However, it was deeply concerning that the Government had not accepted the Commission of Inquiry's recommendations, nor had it decided to refer the complaint to the International Court of Justice. It was also regrettable that, in its 2020 observations, the Committee of Experts had reported continuing serious violations of labour rights, the Government's systematic non-observance of its obligations under Conventions Nos 26, 87 and 144 and its gross failure to cooperate with the ILO. In order to preserve the credibility of the ILO supervisory mechanism and to facilitate consensus among the tripartite partners, he supported the revised proposal by the group of countries.
- 342. A Government representative of Japan** said that it was imperative for all Members of the ILO to engage constructively with the article 26 process and comply with the

recommendations of the Commission of Inquiry. That is the very basis of the Organization's rule of law, without which its constitutional mandate would be greatly jeopardized. The ILO must closely monitor the situation and consider all possible measures to ensure compliance with the Commission of Inquiry's recommendations. He supported the revised proposal by the group of countries.

- 343. A Government representative of Turkey** said that the ILO should provide technical assistance to all parties in order to settle the dispute and to enable the Venezuelan Government to make further progress. The Government should be given time to work with all stakeholders to facilitate social dialogue and resolve the issues raised in the complaint.
- 344. A Government representative of Iraq** emphasized that the case should not be politicized and should not be included on the agenda of the forthcoming session of the Conference.
- 345. A Government representative of Brazil** emphasized the good-faith efforts that had been made to reach a consensus on the way forward. The revised proposal by the group of countries was balanced and constructive and would enable the Governing Body to make progress towards the implementation of the Commission of Inquiry's recommendations. It also provided for a discussion at the forthcoming session of the Conference if the labour rights violations and the non-observance of the recommendations continued. He urged all members of the Governing Body to support that proposal in a spirit of consensus and unity.
- 346. A Government representative of Chad** wished to hear the position of the Government of the Bolivarian Republic of Venezuela. He supported the text proposed by the Workers' group, and urged the Employers' group to support a dialogue-based approach. Coercive measures were counterproductive, and the Governing Body should trust in the good faith of the Venezuelan Government.
- 347. A Government representative of Bahrain** said that the ILO should play a supportive role and recognize the efforts made by the Venezuelan Government. He urged the Government to cooperate fully with the ILO and commit to tripartite social dialogue. The Government must be given time to fulfil its agreements with the ILO. He supported the balanced proposal of the Workers' group.
- 348. A Government representative of Mauritania** took note of the efforts made by the Venezuelan Government and its willingness to cooperate with the ILO. He urged the Governing Body to recognize that progress and to reach consensus. He supported the text proposed by the Workers' group, as a positive outcome could only be achieved through social dialogue and mutual understanding.
- 349. A Government representative of Barbados** said that his country supported principles, rather than particular countries, and ILO standards and principles must be respected. The current case required social dialogue, the offering and acceptance of technical assistance, and an acknowledgement of the progress made, however small. He called on the Venezuelan Government to intensify its efforts to implement the recommendations of the Commission of Inquiry. Further discussion of the case should take place at sessions of the Governing Body, not of the International Labour Conference. He supported the approach of the Workers' group.
- 350. A Government representative of the Bolivarian Republic of Venezuela** rejected the revised proposal by the group of countries and the subamendment to it by the Employers' group, which had not been submitted 24 hours prior to the sitting as

established under the special arrangements for the current session of the Governing Body. He requested that the Governing Body should achieve consensus by joining his Government in supporting the draft decision proposed by the Workers' group.

- 351.** He emphatically rejected any attempt to apply article 33 of the ILO Constitution. The progress made in his country should not be undervalued. The Governing Body should decide on his Government's repeated requests for technical assistance concerning the representativeness of employers' and workers' organizations, which had been made in response to one of the Commission of Inquiry's recommendations. He drew attention to the recent adoption by the Non-Aligned Movement of a resolution on the negative impact that unilateral coercive measures had had on the enjoyment of human rights. A return to diplomacy was needed, without the imposition of sanctions that did nothing to resolve problems.
- 352. A Government representative of the United States** clarified that the revised proposal by the group of countries no longer included a reference to article 33, merely "the possibility of a resolution" being submitted to the Conference. He disagreed that the proposal had been submitted in an untimely manner, as the resumed discussion had yet to be scheduled at the time. As to the question of the four-month notice period for placing a resolution on the agenda of the Conference, he noted that, in the past, similar items had been placed on the agenda less than four months in advance, and he sought clarification from the Legal Adviser on the relevant rules.
- 353. The Chairperson** saw no issue with the timeframe in which the revised proposal had been circulated. Noting that there was no clear consensus, he proposed deferring the discussion to allow the Officers to propose a way forward.
- (The Governing Body resumed its discussion of the item at a later sitting.)*
- 354. The Chairperson** announced that the Employers' group had withdrawn their proposed draft decision; there was therefore no longer any possibility of adding an item to the agenda of the 109th Session of the Conference on the subject of the reply by the Bolivarian Republic of Venezuela to the recommendations of the Commission of Inquiry. Consequently, the Governing Body had before it two options for the draft decision: the proposal submitted by the Workers' group and the revised proposal submitted by the group of countries.
- 355. The Legal Adviser of the ILO** explained that the possibility of tabling a resolution to the Conference remained open under article 17, paragraph 2, of the Standing Orders of the Conference. In a programme and budget adoption year, such resolutions could relate only to urgent matters or matters of an entirely formal nature. They must be submitted by a Conference delegate at least 15 days before the opening of the session and a decision on whether they would be taken up would be at the discretion of the Officers of the Conference.
- 356. The Worker spokesperson** recalled the sentiment expressed by the Government representative of Barbados, that the ILO should support principles and not countries, and reiterated her earlier comments. Concerning the provision in the revised proposal by the group of countries to request the Director-General to prepare a progress report by 3 May 2021, that timeline did not allow for either party to make significant progress, and seemed designed to lead to a resolution being discussed at the International Labour Conference. She reiterated her call for the Governing Body to support the text proposed by her group, which was more likely to lead to positive developments in the Bolivarian Republic of Venezuela.

- 357. The Employer spokesperson** said that his group had withdrawn their proposed draft decision in order to facilitate a way forward. While the Venezuelan Government could choose to implement measures quickly, it had only taken small steps. Furthermore, the fact that the National Assembly had discussed the potential negative outcome of the Governing Body within the previous week indicated that the Government could move equally quickly to put an end to its hostile actions and restore freedoms, particularly as all public power was concentrated within a so-called democracy. The international community must come together to protect workers' and employers' freedoms, which was also in the interest of the Workers' group. The Governing Body must unite to bring about a change in attitude in the Venezuelan Government. He called on the Workers' representatives of the Bolivarian Republic of Venezuela, the Workers' representatives on the Committee on Freedom of Association, and those with first-hand knowledge of the situation in the Bolivarian Republic of Venezuela to demonstrate their support, and also called for the solidarity of governments. Waiting until the November 2021 Governing Body session to make further decisions could be extremely harmful for the people of the Bolivarian Republic of Venezuela.
- 358.** The Governing Body should not politicize its work or decision-making. It was regrettable that some speakers had called the operation of the supervisory system into question by invoking paragraph 54 of the introductory note to the Compendium of rules applicable to the Governing Body and article 15.1 of the ILO Constitution. He highlighted article 29 of the Constitution, under which governments must respond to a Commission of Inquiry's report within three months, and noted that the Venezuelan Government had taken seven months to reply and had also not complied with the timeline for implementing the recommendations. The consequences of such action were clearly set out in article 33 of the Constitution. While the ILO preferred to prioritize encouragement and guidance over punishment, the Governing Body had to act decisively to bring about change. He therefore asked the Legal Adviser to clarify whether article 15.1 of the Constitution or paragraph 54 of the introductory note to the Compendium had been violated in the current case.
- 359. The Worker spokesperson** recognized the urgency of the case, but said that that did not necessarily mean that the solution proposed by the group of countries was the right one. Her group was not suggesting that nothing should be done until November 2021, but rather that the progress of the Venezuelan Government should be monitored through the appointment of a special representative of the Director-General and supported by the provision of technical assistance. The Venezuelan Government should not be punished, but rather incentivized, which had been the preferred approach of the Employers' group in other cases.
- 360. A Government representative of Cuba** reiterated that the revised proposal by the group of countries was excessive and that any progress report produced by 3 May 2021 could not be rigorous or contain verified information. He reiterated his support for the draft decision proposed by the Workers' group.
- 361. A Government representative of the Russian Federation** reiterated that measures under article 33 of the ILO Constitution were not warranted. The Governing Body had to choose the way forward that would produce the most positive outcome. He reaffirmed his support for the proposal by the Workers' group.
- 362. A Government representative of the United States**, recalling the steps that had led to the current discussion, emphasized the urgency of the case and expressed regret that the Governing Body seemed unable to take the decisive measures required. He reiterated his support for the revised proposal by the group of countries.

- 363. A Government representative of the Bolivarian Republic of Venezuela**, reiterating the need to seek consensus, reaffirmed his support for the text proposed by the Workers' group, which would enable his Government to make progress within a framework of dialogue. He rejected the comments made by the Employer spokesperson concerning the level of democracy in the country, with particular regard to the separation of powers. The Employer spokesperson had particular interests regarding the Bolivarian Republic of Venezuela, and the Employers' group had sought to prevent a consensus from being reached within the Governing Body. His Government had taken steps to implement those recommendations of the Commission of Inquiry that did not contradict the country's Constitution, fundamental principles of democracy, or sovereignty. That progress should not be undermined by politicized arguments.
- 364. The Employer spokesperson**, responding to the Government representative of the Bolivarian Republic of Venezuela, said that he had no personal interest in the case, beyond a desire to overcome the difficulties in that country. He had visited the Bolivarian Republic of Venezuela in the past, and had experienced first-hand the intimidation of members of FEDECAMARAS, as well as of visitors such as himself. The Venezuelan regime had long been moving to undermine worker and employer freedoms. However, freedoms were only freedoms if they were enjoyed by all citizens, not just those perceived to be in support of the Government. It was clear that a small number of Government representatives were trying to prevent measures being taken against a State that was not complying with ILO Conventions. The current case was not new, as it had first been considered by the Committee on Freedom of Association in 2004. Despite that, no significant progress had been made since the Commission of Inquiry had conducted its work. He recalled several instances of intimidation, violence and exile that had taken place over many years, which demonstrated the need for the Governing Body to finally take decisive action. Such action would not weaken the ILO Constitution or the Governing Body. Therefore, he sought clarity regarding how a vote could take place in order for the Governing Body to move forward, including the determination of which Governments were in good standing and were able to vote, and who would be entitled to cast votes.
- 365. A Government representative of Cuba**, noting that it was not unusual for Governments to form coalitions to support each other, said that the Venezuelan Government was defending itself and making it clear that it would not welcome a punitive approach. Under the Standing Orders, Cuba, as a deputy member of the Governing Body, would not be able to vote. The position of the Employers' group had an excessive focus on sanctions. That group was attempting to put pressure on the Government, an approach that, in Cuba's long experience of such matters, did not work. The punitive approach did not work in any international forum; the resolutions adopted by the UN Human Rights Council were evidence of that. Priority should instead be given to respectful, frank and sincere dialogue in order to reach consensus, which was the core of the Organization.
- 366. A Government representative of Barbados** called for a level-headed and realistic approach. Barbados had a strong system of democratic governance and fully respected the rights of workers, entrepreneurs and employers, underpinned by a strong sense of social justice. If his Government were of the view that no progress had been made and that the process was a method of stalling for time on the part of the Venezuelan Government, it would not support the draft decision proposed by the Workers' group. His Government continued to stand by its position on the matter and called for the ILO to work to ensure that the rights of workers and employers, and of the whole population, were maintained. The proposal by the Workers' group struck the appropriate tone, particularly by deploring the non-acceptance of the report of the Commission of Inquiry.

Signs of genuine progress should be built upon and the Office should make haste to provide the necessary technical assistance. If no progress was achieved following the provision of that technical assistance, his Government would reconsider its position.

- 367. The Government representative of the Bolivarian Republic of Venezuela** recalled that the situation had its roots in the 2002 coup against the constitutional Government, in which the president of the Venezuelan employers' organization had declared himself President of the country. The current discussion at the Governing Body was regrettable and undeniably politicized, and a series of steps had been taken against the Government. Decisions of the Governing Body were usually adopted by consensus, in accordance with its Standing Orders, not by vote. The Venezuelan Government remained committed to the Workers' group's proposed text, and was grateful to the Governments that had supported it. The Venezuelan Government disassociated itself from, and would not commit itself to, any decision that contained any other proposal. It was to be hoped that the questionable mechanism of a vote would result in the adoption of the Workers' proposal.
- 368. The Chairperson** recalled that there were currently two options under discussion and no apparent consensus. In accordance with the special arrangements and rules of procedure applicable to the current session, as chairing officer he had concluded that a vote on the current agenda item was inevitable. The Officers had considered that the vote should be taken electronically by a show of hands. Members entitled to vote should indicate whether they were in favour of the draft decision proposed by the Workers' group or the revised proposal by the group of countries, or could abstain.
- 369. The Clerk of the Governing Body** explained that the vote would be taken under paragraph 5.7.3(b) of the Standing Orders of the Governing Body: "amendments may be decided upon either individually or against other amendments, as the person chairing the sitting may decide, but if amendments are decided upon against other amendments the motion or resolution shall be deemed to be amended only after the amendment receiving the largest support has been adopted individually".
- 370.** Regarding the members entitled to vote, he indicated that in the case of the Employers' and Workers' groups, it would be the 14 regular members or their substitutes, as communicated to the Secretariat that morning. All regular Government members of the Governing Body whose Government was in good standing with the payment of its contributions were entitled to vote. The Africa group had appointed two deputy members (Nigeria and Namibia) to vote in lieu of two of its group's regular members that were in arrears, in accordance with the procedure under article 1.5.3 of the Standing Orders of the Governing Body.
- 371.** With respect to the possibility of voting by electronic means by a show of hands, it was provided for in paragraph 32 of the special arrangements and rules of procedure approved for the current session. The Chairperson would announce the outcome of the vote by indicating only the number of votes in favour of each option and the number of abstentions.
- 372. *The Governing Body proceeded to a vote by a show of hands by electronic means.*** The results of the vote were:
- In favour of the draft decision proposed by the Workers' group: 22
- In favour of the revised proposal by the group of countries: 27
- Abstentions: 3

- 373.** Noting the support in favour of the revised proposal by the group of countries, **the Chairperson** proceeded to its adoption.
- 374. The Government representative of Cuba**, speaking on a point of order, asked on what basis the votes had not been made public. Unlike votes held in the Governing Body meeting room, the electronic system had not shown how each member had voted, therefore he could not accept the result. Voting procedures in virtual meetings in other organizations permitted everyone to see how each country was voting. Very few ballots at the ILO were secret, and the current vote should not have been one of them.
- 375. The Chairperson** noted that the usual way of voting in the Governing Body was by a show of hands. Under that procedure, which had been conducted electronically in the current circumstances in accordance with the special procedures approved by the Governing Body, only the final voting figures were announced by the Chairperson and reflected in the minutes of the session. The other possibility was a roll call, for which a list showing how each member voted was published; however, the Officers of the Governing Body had opted for a show of hands.
- 376. The Government representative of Cuba** said that the special arrangements for the current session did not indicate that voting would be conducted by secret ballot. The members of the Governing Body, not just the Officers, should have been consulted on the means of voting.
- 377. The Chairperson** noted that the special arrangements and rules of procedure authorized the chairing officer to put a decision to a vote by either of the methods. No consultation of the Governing Body was required.
- 378. The Employer spokesperson** said that the decision adopted sent a message from the Governing Body to the Venezuelan Government that it must make the necessary changes and ensure that any potentially vulnerable individuals received protection. The Government should facilitate monitoring of the situation by the ILO and the UN to ensure that those who had called for freedoms were not threatened or stigmatized. He invited the Workers' group and the Venezuelan Government to support the majority decision of the Governing Body.
- 379. The Worker spokesperson** said that, in her group's view, the outcome was regrettable and did not represent the best way forward. However, a decision had been made and the Governing Body should proceed on the basis of it.
- 380. Speaking on behalf of the EU and its Member States**, a Government representative of Germany noted with satisfaction that the revised proposal submitted by the group of countries had gained majority support. The Governing Body would consider at its 343rd Session all possible measures to ensure that the Venezuelan Government complied with the recommendations of the Commission of Inquiry. In the meantime, the EU and its Member States would carefully evaluate the action taken by the Venezuelan Government and the forthcoming interim progress report of the Director-General, and would consider the best way forward on that basis.
- 381. Speaking on behalf of the group of countries**, a Government representative of Peru noted with concern that the Governing Body had been unable to reach consensus through dialogue, which undermined tripartism. The supervisory system had been weakened considerably by one Member State's explicit rejection of the recommendations of a Commission of Inquiry, and had not suffered any major consequences. The Governing Body had been obliged to vote to reach a decision on a matter of great urgency. It was critical to improve the living conditions of millions of

Venezuelans, call the attention of the international community to the labour rights violations occurring in the country and ensure that the President's representatives did not enjoy impunity. The group of countries reserved the right to continue to propose measures to promote compliance with the Venezuelan Government's obligations under the ILO Constitution if it failed to implement fully the recommendations of the Commission of Inquiry. The outcome of the vote showed that the majority of Governing Body members believed that the Governing Body should continue its efforts to secure full recognition and implementation of the recommendations.

- 382. A Government representative of the Russian Federation** expressed regret at the failure to reach consensus through productive dialogue and at the fact that a country had been put under pressure. He did not dispute the results of the vote but agreed that, in practice, it had constituted a secret ballot. He requested the Office to share how the Member States had voted, if possible.
- 383. The Chairperson** reiterated that it was not possible to see how each Member State had voted.
- 384. The Government representative of the Bolivarian Republic of Venezuela** said that the inability to see how each Member State had voted was evidence that the ballot had indeed been secret, which violated article 6.1 of the Standing Orders of the Governing Body and was profoundly questionable. Furthermore, the number of proposals meant that it was unclear which decision had been adopted. The atmosphere within the Governing Body was hostile, small-minded and plagued with political interests against his Government, which considered the events deeply regrettable. The adoption of such a decision by a secret ballot rather than by the Governing Body's usual method of consensus set a poor precedent.
- 385.** He thanked the Workers' group for its firm position on its proposal, which had sought to achieve consensus. His Government had accepted the Workers' proposal from the outset and it was regrettable that it had not found sufficient support. Had it been adopted, the future of the world of work in his country would have been different, owing to his Government's commitment. He also thanked the Governments that had shown their support in constructive statements and had voted for the Workers' proposal. His Government reaffirmed its willingness to continue working with the ILO's supervisory mechanisms, as long as their actions were objective, impartial, transparent, lawful and unconnected with political interests that were counter to the Government of the Bolivarian Republic of Venezuela. He emphasized that his Government categorically rejected, and refused to commit itself to, the decision that had just been adopted.

Decision

386. The Governing Body:

- (a) **deplored the Bolivarian Republic of Venezuela's reply dated 10 August 2020 that it does not accept the recommendations of the Commission of Inquiry;**
- (b) **noted recent developments and urged the Bolivarian Republic of Venezuela to establish and convene, by May 2021, a social dialogue forum, in line with point 4 under paragraph 497 of the Commission of Inquiry's report;**
- (c) **requested the Office to work with the Bolivarian Republic of Venezuela on recognition and full implementation of the recommendations of the Commission of Inquiry and on the effective application of Conventions Nos 26, 87 and 144 in law and in practice in the country;**

- (d) requested the Director-General to inform the members of the Governing Body, by means of a written report, on or before 3 May 2021, regarding measures which the Bolivarian Republic of Venezuela has taken to comply with the recommendations of the Commission of Inquiry, together with details of any technical assistance requested or provided;
- (e) acknowledged the possibility of a resolution at the 109th Session of the International Labour Conference on the developments mentioned in points (b) (c) and (d) if there is a continued lack of progress on the implementation of the recommendations of the Commission of Inquiry;
- (f) decided to include an item on the agenda of its 343rd Session (November 2021) entitled "Consideration of all possible measures, including those foreseen in the ILO Constitution, required to ensure the Bolivarian Republic of Venezuela's compliance with the recommendations of the Commission of Inquiry within the required timeframe";
- (g) requested the Director-General to present an updated report to its 343rd Session (November 2021) on relevant actions taken, measures referred to in paragraphs (b) and (c), and relevant information on possible measures to ensure the Bolivarian Republic of Venezuela's compliance with the recommendations of the Commission of Inquiry, including any progress made in implementing those recommendations.

(GB.341/INS/10(Rev.2), paragraph 10, as amended by the Governing Body)

11. Complaint concerning non-observance by Bangladesh of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Labour Inspection Convention, 1947 (No. 81) (GB.341/INS/11(Rev.1))

- 387. A Government representative of Bangladesh** said that in the light of the decision adopted by the Governing Body at its 340th Session, his Government's time-bound work plan on labour sector reform had been revised into a draft road map of actions, in close consultation with the social partners and other relevant stakeholders. The draft had been presented to the ILO and feedback had been received from the Office and from the International Trade Union Confederation (ITUC), which was being given due consideration in the finalization of the road map. The road map spanned a six-year period, in line with his country's time frame for graduation from least developed country status.
- 388.** His Government, in consultation with the social partners, had already taken a series of measures to strengthen labour rights and workplace safety in pursuance of the relevant ILO standards. Reform could only be meaningful when it came from within; his Government remained committed to steady, incremental progress towards labour reforms owned by the social partners in his country. The Labour Act had been subject to two revisions and the subsequent amendment of the Labour Rules was ongoing. Those changes should be given sufficient time to be put to the test and their impacts and shortcomings assessed.
- 389.** Efforts were under way to strengthen the labour inspectorate with enhanced human and financial resources. The recruitment of inspectors remained a priority and would be

stepped up, despite the impacts of the COVID-19 pandemic. Various labour inspection department functions were being enhanced and strengthened, and the backlog of cases was being tackled. New labour courts were being established and measures were being taken to strengthen the Labour Appellate Tribunal.

- 390.** A new website for public information on trade union registration had been launched. Standard operating procedures had been adopted on union registration and anti-union discrimination, which precluded the arbitrary refusal of applications and were being promoted through awareness-raising for labour officials, inspectors, employers, trade union leaders and workers, resulting in a marked increase in successful registrations. Training and awareness-raising measures were in place to encourage compliance with those procedures. Allegations of anti-union discrimination, unfair labour practices and violence against workers were not compatible with his Government's commitment to build a just, inclusive and peaceful society.
- 391.** Minimum wages remained under constant review; in the garment sector, the minimum wage had increased exponentially since 2006. There had been an extensive roll-out of social security measures, which had been strengthened to mitigate the impacts of the COVID-19 pandemic. Measures were being taken to establish grievance procedures and ensure redress for workers. Labour helplines were in place to receive complaints. Fines were being reconsidered for employers found to have committed discriminatory acts, and options for arbitration were being considered for dispute resolution. There would be continued training and awareness-raising on trade union rights and civil liberties for the law enforcement agencies.
- 392.** His Government remained sensitized to the comments of the CEACR with regard to compliance with ILO Conventions Nos 87, 98 and 81. The CEACR had requested further information on situations of labour unrest from several years previously. His Government had no new information on those cases and would expect the ILO supervisory bodies to show faith in the judicial and administrative system of a functional State. Case proceedings would continue to be monitored.
- 393.** His Government would share the final version of the road map before the next session of the International Labour Conference. The complaint lodged against Bangladesh by worker representatives at the International Labour Conference in 2019 without consulting their local counterparts was disappointing and had served as a reminder that some parties would always continue to undermine his country's growth, competitive strength and international standing. Bangladesh had overcome many challenges; there was every reason to be hopeful for the future.
- 394. The Worker spokesperson** thanked the Office for its report and welcomed the progress made with regard to developing the road map. Despite that progress, concerns persisted regarding compliance with obligations on freedom of association and the right to collective bargaining, as contained in the complaint. In a recent decision by the High Court in Bangladesh, the workers of the Rural Electrification Board had been denied their right to form or join a trade union. This decision was contrary to comments made by the CEACR as far back as 1991. Workers also continued to face charges following the Ashulia events, despite the absence of any evidence of criminality. Their right to work was being denied, in some cases due to alleged collusion between the police, prosecutors and some businesses. The backlog of labour cases in the courts and the lack of arbitration and dispute resolution systems gave cause for concern, as did anti-union tendencies among the security and police forces, anti-union discrimination by factories without investigation and dissuasive sanctions, as well as the absence of a comprehensive wage

determination mechanism, social protection and a transparent system of employment contact registration.

- 395.** Grievances and violations raised in the complaint under article 26 of the ILO Constitution remained serious and persistent. In its latest report, the CEACR had stressed the lack of progress in relation to the application of Conventions Nos 87, 98 and 81. The Government should take immediate and urgent steps to address the Committee's concerns, including by continuing to develop the road map in good faith and ensuring that it was finalized and submitted to the Governing Body in June 2021. It was expected that the Government would continue to collaborate in good faith with the Office, and the Workers' and Employers' secretariats, and national social partners, to ensure completion of the road map by June 2021, with appropriate timelines adopted in line with the November 2020 decision of the Governing Body. A progress report should be submitted to the Governing Body subsequently, in November 2021. Lastly, it was regrettable that brands and buyers were taking advantage of the COVID-19 situation to bargain down prices for work done to unconscionably low levels. An end must be brought to corporate impunity and every effort made to ensure ethical and responsible business conduct in global supply chains. Her group supported the draft decision.
- 396. The Employer spokesperson** highlighted that Bangladesh was in a vulnerable situation, exacerbated by the COVID-19 pandemic. The health and social impact of the crisis had revealed many challenges in its labour and employment institutions as well as the need for more mature social dialogue. The country had made some promising progress in several respects and the Government had demonstrated its willingness to take problems seriously and seek urgent immediate and medium-term solutions. In the recovery from the COVID-19 crisis, business continuity would be vital; the Governing Body should be mindful to avoid undermining the country's overall economic momentum. His group was pleased to note the Government's efforts to prepare a draft road map, as requested previously by the Governing Body. The draft was detailed, forward-looking and action-oriented, with specific actions and timelines but would require further alignment with the long-standing recommendations of the ILO's supervisory bodies concerning the application of Conventions Nos 87, 98 and 81, and complaints on infringements of freedom of association and collective bargaining rights.
- 397.** Since April 2020, the IOE, ITUC, IndustriALL Global Union, the Bangladesh Employers' Federation, as well as the major brands and retailers, had been working with the ILO to take action to support manufacturers to survive the economic disruption caused by the COVID-19 pandemic, and to protect garment workers' income, health and employment. Sustainable systems of social protection must be developed for a more just and resilient garment industry. The IOE continued to work closely with the Bangladesh Employers' Federation. Bangladesh had achieved great success through Better Work, a partnership between the ILO and the International Finance Corporation aimed at improving the lives of workers and their families and increasing the competitiveness of the ready-made garment sector.
- 398.** The Office's guidance for the finalization of the road map of actions was correctly framed. The four priority areas were well chosen and the objectives realistic. Further exchanges between the Government, national social partners, the Office, and the Secretariat of the Employers' and Workers' groups were needed to better plan tangible outputs in the short and medium term. His group supported the draft decision.
- 399. Speaking on behalf of the EU and its Member States,** a Government representative of Germany indicated that North Macedonia, Montenegro, Albania and Norway aligned themselves with his statement. The concerns raised by the CEACR on the insufficient

compliance in law and practice with ILO Conventions must be addressed without delay. In response to the decision issued by the Governing Body at its 340th Session, a time-bound road map of actions was expected, with tangible outcomes to address all outstanding issues, including the amendments to the Labour Act, the Labour Rules and the Export Processing Zone Labour Act, measures to combat violence against workers, steps to address low levels of trade union registration and to strengthen labour inspection capacity and enforcement.

- 400.** The EU and Bangladesh had a close relationship, fostering cooperation on labour standards over many years. The EU remained committed to working with the Government of Bangladesh, in partnership with the ILO, to support sustainable and resilient recovery from the COVID-19 crisis. The Government's commitment to working with the EU to develop a labour rights road map with clear timelines was particularly welcome. That road map should be presented without delay and implemented in law and in practice, with the support of the ILO. Strong deliverables were needed for Bangladesh to benefit from tariff-free exports to the EU. The EU road map and that developed by the Government of Bangladesh in response to the decision of the Governing Body at its 340th Session would be mutually reinforcing. Lastly, the EU had a zero-tolerance policy on child labour; urgent action was required from the Government of Bangladesh to ensure the elimination of child labour and forced labour. The EU supported the draft decision.
- 401. A Government representative of China** welcomed the measures taken by the Government of Bangladesh to improve compliance with the Conventions covered in the complaint, and noted with appreciation the proposed stimulus plan in response to the pandemic. Given the real progress made, the case should be closed as soon as possible. The ILO should continue to provide the country with the necessary support and assistance in the development and implementation of the road map. He expressed the hope that the Government of Bangladesh would maintain its close cooperation with the Office, further finalize its road map and timelines, and take effective action to improve compliance consistently.
- 402. A Government representative of the Russian Federation** commended the consistent commitment demonstrated by the Government of Bangladesh to engage with the ILO to improve labour relations, and its work to resolve the obstacles it faced and implement the relevant changes. The Government of Bangladesh had understood that further labour reforms should be carried out in accordance with the needs of the national economy and society as a whole. He therefore concurred that further consideration of the agenda item by the Governing Body was inadvisable.
- 403. A Government representative of the United States** expressed concern that the key issues raised in the complaint and by the Committee of Experts had not yet been addressed. He urged the Government of Bangladesh to amend and improve enforcement of its labour legislation, particularly regarding the penalties for labour law violations by employers, which were insufficiently dissuasive, and to step up labour inspection. While the Government had provided details of simplifications in the registration process, workers' groups continued to report the arbitrary denial of applications from disfavoured unions, and the routine imposition by Government officials of conditions not based on the law or regulations. The persistent reports of anti-union discrimination, including unfair dismissal, blacklisting and violence against workers, were deeply disturbing. The effective measures indicated in the draft road map should be adopted as soon as possible. The case merited serious and continuing consideration by the Governing Body. The Government of Bangladesh should develop a

final, comprehensive road map addressing all of the outstanding issues in a timely manner, in full, good-faith consultation with the social partners at both the national and international level, and submit it to the Governing Body in June 2021. He encouraged the Government to avail itself of ILO assistance, and endorsed the draft decision.

- 404. A Government representative of Switzerland** said that, despite the progress made in Bangladesh, his Government continued to have concerns about the legislative restrictions on the exercise of freedom of association and collective bargaining rights, and insufficient protection against anti-union discrimination. The effective application in law and in practice of Conventions Nos 87 and 98 and respect for the social partners and freedom of association in general must be ensured as a matter of urgency. He encouraged the Government of Bangladesh to continue to cooperate with the ILO and the social partners, and expressed support for the draft decision.
- 405. A Government representative of Mexico** said that her Government hoped that the measures contained in the draft road map would be included in the final version, together with tangible outcomes and specific time limits. She supported the draft decision.
- 406. A Government representative of Azerbaijan** said that the road map demonstrated the commitment and willingness of the Government of Bangladesh to address the concerns raised in the complaint, on the basis of tripartite consultations and with the active engagement of the ILO and the country office. The ILO should continue to support the Government in its effort to strengthen employment and labour market policies, particularly to address the complex challenges related to the pandemic.
- 407. A Government representative of Cuba** reiterated that her country favoured granting governments the time and space necessary to work with other relevant stakeholders, within national legislative frameworks, in order to comply with their obligations and commitments under ILO Conventions. The willingness of Member States to uphold their commitments despite the difficulties created by the pandemic should be taken into account in the examination of any matter.
- 408. A Government representative of Turkey** said that the establishment of an inter-ministerial committee was evidence that the Government of Bangladesh was committed to further improving working life in the country. The Governing Body should take into consideration the Government's efforts in consultation with the social and economic partners and close the procedure under article 26.
- 409. A Government representative of India** said that in view of the comprehensive steps taken by the Government of Bangladesh to address the issues raised in the complaint, early closure of the case was recommended.
- 410. A Government representative of Canada** said that it was regrettable that a detailed road map had not been presented at the current Governing Body session, although he acknowledged the challenges associated with undertaking such work in the context of the pandemic. Close cooperation with the Office and the social partners was essential to move forward with the road map and obtain the full support of all stakeholders that would ensure its effective implementation. The continued observations of serious violations of the fundamental right to freedom of association and the right to organize in Bangladesh gave cause for concern. He expressed support for the draft decision.
- 411. A Government representative of Iraq** expressed support for the efforts made by the Government of Bangladesh to address the complaint and underscored the need to provide it with the resources required to overcome the challenges that it faced.

- 412. A Government representative of Morocco** acknowledged the legal and administrative reforms undertaken in relation to freedom of association and the right to organize, and encouraged the Government of Bangladesh in its efforts to implement the activities set out in the road map, in consultation with the social partners.
- 413. A Government representative of Bahrain** expressed support for any solution found to assist the Government of Bangladesh and the ILO in closing the case, while preserving the possibility of future cooperation.
- 414. A Government representative of Bangladesh** expressed appreciation for the comments made and emphasized that they would be taken into consideration. His Government was confident that it would be able to overcome the challenges posed by the pandemic and proceed with its plans to finalize and implement the road map within the stipulated time frame. His Government could not interfere with the ruling referred to of the high court division relating to a request for registration, as the judiciary was completely independent. There were no grounds for the harassment, blacklisting or persecution of workers. His Government maintained a zero-tolerance approach to forced labour and was working in alignment with SDG target 8.7 to eliminate child labour. The vulnerabilities exacerbated by the pandemic were not unique to Bangladesh and his Government was taking determined steps to address the scourges of corruption and inequality. With regard to the cases concerning freedom of association, his Government had remained engaged with the Governing Body by providing all available information, and did not see any particular reason for an extraneous inquiry beyond its national processes. It expected the Governing Body to defer the case for at least several years to enable it to proceed with implementation in a sustained manner. His Government would continue to closely engage with its social partners and consult the Office as appropriate. He echoed the comments on responsible business conduct by the international brands and buyers of Bangladesh's main export products, and said that his country's hard-earned development gains could only be recovered through acts of solidarity involving all international stakeholders.
- 415. The Worker spokesperson** said that, while the road map was important, its implementation was even more so. Her group looked forward to seeing a finalized version in June 2021 and information on its clear and timely implementation by November 2021. She agreed that more needed to be done by brands and buyers to engage with suppliers and ensure decent wages for workers as part of their duty to ensure ethical and responsible business conduct in global supply chains.
- 416. The Employer spokesperson** welcomed the Government's willingness to engage with the social partners and the Office in finalizing the road map and reiterated his group's commitment to fully support the Government in that process. Although wage policy had never been the subject of the complaint, there had been a clear understanding that wage policy was to be one of the issues addressed in the road map, which demonstrated that the road map provided an opportunity to address many other issues and improve the situation for workers in Bangladesh and across the world.

Decision

- 417. Noting the progress made by the Government with regard to the development of a time-bound road map of actions with tangible outcomes to address all the outstanding issues mentioned in the complaint, with the support of the Office and of the secretariats of the Workers' and Employers' groups, and in full consultation with the social partners concerned, the Governing Body, on the recommendation of its Officers:**

- (a) requested the Government to submit the final road map for the information of the Governing Body in June 2021;
- (b) requested the Government to report to the Governing Body on progress made with the timely implementation of the road map at its 343rd Session (November 2021); and
- (c) deferred the decision on further action in respect of the complaint to its 343rd Session (November 2021).

(GB.341/INS/11(Rev.1), paragraph 9)

12. Reports of the Committee on Freedom of Association

393rd Report of the Committee on Freedom of Association (GB.341/INS/12/1)

394th Report of the Committee on Freedom of Association – Measures taken by the Government of the Republic of Belarus to implement the recommendations of the Commission of Inquiry (GB.341/INS/12/2)

Addendum: Presentation of the Committee on Freedom of Association annual report for the year 2020 (GB.341/INS/12/1(Add.1))

- 418. The Chairperson of the Committee on Freedom of Association** noted that the Committee had before it 152 cases, 22 of which had been examined on their merits. Government efforts for effective cooperation with the Committee's procedures had continued to improve its work, enabling it to examine cases in full knowledge of the facts. The Committee had issued an urgent appeal to the Governments of the Democratic Republic of the Congo and Afghanistan for their observations. Three new cases had been received that raised serious and urgent matters and would be examined at the following meeting in May–June 2021, concerning El Salvador, Myanmar and Hong Kong Special Administrative Region, China. Since 2004, the Committee had been examining Case No. 2254 (Bolivarian Republic of Venezuela), but had suspended its examination pending the conclusion of the Commission of Inquiry. In order to pursue its examination of that case in full knowledge of the facts, the Committee requested the Government to send its observations in relation to the Committee's previous recommendations and in the light of the relevant recommendations of the Commission of Inquiry. The Governments concerned should submit their observations by 7 May 2021. The Committee had also examined the follow-up given to its recommendations in seven cases, four of which had been closed.
- 419.** The Committee drew the attention of the Governing Body to three cases, owing to the seriousness and urgency of the matters dealt with therein. Cases Nos 2761 and 3074 (Colombia) concerned allegations of murders, attempted murders and death threats against trade union members. The Committee welcomed the efforts of the authorities dealing with those matters and urged the Government to strengthen efforts to ensure that all acts of anti-union violence, homicides and threats reported were addressed, and adequate protection was afforded to trade union members at risk.

- 420.** Case No. 2923 (El Salvador) concerned the murder of a trade union leader in January 2010. The Committee urged the Government and all competent authorities to make every effort to speed up the investigations under way and ensure they had the required human and financial resources, in order to identify and punish the perpetrators of that crime.
- 421.** The Committee had worked to streamline its procedures and working methods to render them more transparent and accessible to constituents. Those efforts had resulted in the first application of the rule on closing cases for which no information had been received for a period of 18 months since last examination, and the clear indication in definitive cases that conclusions did not call for further examination. It was notable that engagement with Governments had increased. At its last meeting, the Committee had agreed on admissibility criteria to assess whether the Committee should examine a complaint, and had adopted, on a trial basis, an optional voluntary conciliation approach similar to that adopted with respect to representations under article 24 of the ILO Constitution. The modernization of case management was being pursued. The Committee recommended streamlining its membership by allowing the Governing Body to appoint members without any distinction as to their status, by simply referring to the nomination of six Government, six Worker and six Employer members, since all Committee members contributed equally to its work. That recommendation could be applied in 2021, since a new Governing Body would be elected in May–June 2021.
- 422.** Turning to the 394th Report of the Committee, concerning the measures taken by the Government of the Republic of Belarus to implement the recommendations of the Commission of Inquiry, he recalled that, at its last meeting, the Committee had pursued its examination of that matter for the eleventh time. The Committee urged the Government to take all necessary measures to prevent human rights violations and ensure full respect for workers' rights and freedoms; it was a cause of serious concern that recent developments in the country appeared to indicate a regression in progress on implementing the Commission of Inquiry's recommendations. The Committee urged the Government to take the required steps, with the assistance of the ILO and in consultation with the social partners, to fully implement all outstanding recommendations without further delay.
- 423.** Given the cancellation of the Committee's March and May meetings in 2020, due to the coronavirus disease (COVID-19) pandemic, the Committee had issued only one report that year, which was covered in the fourth annual report of the Committee. He expressed the hope that the annual report would help members of the Governing Body and constituents to better understand the functioning of the Committee and the challenges to freedom of association in the world of work. Despite the challenging circumstances, it was to be hoped that the Governing Body would be able to mark the 70th anniversary of the establishment of the Committee in 2021.
- 424. A Worker member of the Committee** recalled that, in its report, the Committee had highlighted Cases Nos 2761 and 3074 (Colombia) and Case No. 2923 (El Salvador), all of which concerned the murder of trade unionists. With respect to Colombia, the Committee had noted a reduction in cases of homicides of trade unionists since 2001. Nevertheless, over a dozen murders annually were noted in recent years and one murder was too many as trade unions and workers could not enjoy their rights to freedom of association while a culture of violence persisted.
- 425.** He drew attention to several of the cases considered by the Committee, including the situation in Belarus, which was far from one of full respect for freedom of association. Case No. 3323 (Romania) concerned the legislative restriction of collective bargaining

and trade union establishment and membership through excessive legislative requirements and the imposition of a collective bargaining mechanism that vested the power of initiation exclusively in the employers. Case No. 3337 (Jordan) concerned severe restrictions on the right of migrant and domestic workers to organize and the limitation of freedom of association to one trade union organization per sector or industry. With regard to Case No. 3371 (Republic of Korea), the Committee welcomed the fact that workers on fixed-term contracts could now join trade unions and noted the ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), by the National Assembly.

- 426.** Case No. 3271 (Cuba) concerned allegations of the serious infringement of fundamental rights. It was regrettable, however, that the reply provided by the Government of Cuba included the claim that the Committee's recommendations in its previous examination of the case were a reflection of the persistence of selective practices and political manipulation in the ILO's working methods and supervisory bodies against developing countries. The Committee had proven its importance over 70 years as a defender of the fundamental rights of all working people, irrespective of their location or system of government.
- 427.** The Committee's annual report included two new graphics, presented in figures 17 and 18, which showed cases of progress and cases of progress by region, respectively.
- 428. An Employer member of the Committee** said that the Committee had held a successful session, despite the challenges it had faced. Noting achievements with regard to the Committee's working methods, he said that the Employers commended advances that would ensure that the Committee could focus on relevant cases with sufficient evidence for proper examination. The timely delivery of documents was discussed, as was the digitalization of files. The circumstances of the COVID-19 pandemic had led to the first application of the rule on closing cases that had not received input from either party for 18 months.
- 429.** The Committee had engaged in constructive debates on the need to consider the national context when drafting its observations and recommendations. Two cases concerning essential services had demonstrated that limitations on the right to strike, compulsory conciliation and the establishment of minimum service requirements could be justified when the duration and impact of a strike endangered the life, safety or health of all or part of the population. The Committee had acknowledged the need for government to determine the situation based on the particular circumstances it faced. Case No. 3320 (Argentina) concerned allegations of violations of freedom of association and the right to collective bargaining in the public education sector. The Committee had considered education essential and therefore concluded that the limited period for compulsory conciliation between the parties before the strike put forward by the administrative authority was reasonable. Case No. 3316 (Colombia) concerned the right to strike in the airline industry. The Committee had concluded that, while the air transport sector as a whole was not an essential public service, its importance could justify the establishment of minimum service levels to meet basic needs without calling into question the right to strike for a majority of workers in the sector.
- 430.** With respect to Case No. 3271 (Cuba), he expressed concern at the lack of progress on freedom of association and the lack of Government recognition of trade union federations. The situation in Belarus was a cause of particular concern, since fresh allegations of violations of trade union and human rights had been received from the complainant in December 2020, and given the lack of progress in implementing the

Commission of Inquiry's recommendations from 2004. Note had been taken of new cases and withdrawals of complaints, particularly the three new cases concerning serious and urgent matters that should be examined as a priority at the Committee's next session. With respect to the article 26 complaint concerning the Bolivarian Republic of Venezuela, the report referred to the previous examination of the complaint, as Case No. 2254, before referral to a Commission of Inquiry, and he noted the Governing Body's discussion on that issue at its current session. The Employers' group supported the adoption of the Committee's reports.

- 431. Speaking on behalf of the Government group of the Committee**, which consisted of members appointed by the Governments of Iraq, Japan, Nigeria, Panama and Switzerland, a Government member from Switzerland said that the Committee had analysed 22 individual cases and discussed its working methods, notably introducing criteria to filter out complaints in relation to which the Committee could not provide relevant recommendations. They included the time elapsed since the alleged events and the follow-up given to a case at the national level, and would not apply to serious or urgent cases. They had been introduced following tripartite dialogue and would enable the Committee to focus on the most important cases and ensure balance in its work.
- 432. Speaking on behalf of the group of GRULAC**, a Government representative of Barbados welcomed the changes to the Committee's working methods. There should be greater clarity in the Committee's terminology, with cases being declared closed in a timely manner to avoid ambiguity. He recalled that cases could be closed if a government or complainant failed to provide information within 18 months of their last examination. He expressed concern that a large and increasing proportion of the Committee's work related to countries in his region, painting a misleading picture of respect for freedom of association at the global level. The Committee should ensure regional balance in its examination of cases, and be mindful that recommendations were sometimes issued before a government had been given a reasonable opportunity to respond, or did not reflect those responses.
- 433. A Government representative of Mexico** welcomed the Committee's review of its admissibility criteria, which should provide certainty for organizations and governments. She called on the Committee to analyse why such a high proportion of cases came from her region so as to support governments in promoting and respecting freedom of association. To that end, direct dialogue with governments and complainants should be strengthened, taking into consideration each country's circumstances and legal system. She welcomed the report's reference to complementarity between the Committee and other ILO standards supervisory bodies, which would avoid duplication in the examination of cases. The delay between receiving governments' comments and their review by the Committee should be decreased to ensure that the Committee's analysis was based on up-to-date information. She supported the call for clarity when declaring cases closed and welcomed the comments made by the Chairperson of the Committee on the 18-month rule.
- 434. A Government representative of Cuba** said that the Committee should declare inadmissible all cases of a political nature. The allegations made against her Government in Case No. 3271 were false and pursued political aims promoted by foreign powers, discrediting her Government's promotion and protection of workers' rights. Such actions damaged the Organization. The complainant could not be deemed a trade union organization under Article 10 of Convention No. 87, and comprised individuals who lacked an employment relationship and were funded by foreign powers to subvert the social and political order in Cuba. In the light of the comprehensive and timely

information provided by her Government, the Committee should dismiss and close the case. The complainants sought to legitimize mercenary activities and manipulate international mechanisms; the ILO's supervisory mechanisms should not be subjected to actions that compromised their objectivity, impartiality and non-selectiveness. The Government of Cuba did not accept the Committee's recommendations as reflected in its report.

Decisions

435. The Governing Body took note of the introduction to the Report of the Committee, contained in paragraphs 1–53, and adopted the recommendations made in paragraphs: 79 (Case No. 3320: Argentina); 123 (Cases Nos 2761 and 3074: Colombia); 157 (Case No. 3112: Colombia); 266 (Case No. 3316: Colombia); 286 (Case No. 3371: Republic of Korea); 317 (Case No. 3312: Costa Rica); 354 (Case No. 3271: Cuba); 366 (Case No. 2923: El Salvador); 374 (Case No. 3258: El Salvador); 391 (Case No. 3330: El Salvador); 415 (Case No. 3350: El Salvador); 433 (Case No. 3347: Ecuador); 454 (Case No. 3367: Ecuador); 477 (Cases Nos 2967 and 3089: Guatemala); 501 (Case No. 3179: Guatemala); 512 (Case No. 3249: Haiti); 571 (Case No. 3337: Jordan); 580 (Case No. 3275: Madagascar); 599 (Case No. 3018: Pakistan); 640 (Case No. 3323: Romania); and adopted the 393rd Report of its Committee on Freedom of Association as a whole.

(GB.341/INS/12/1)

436. The Governing Body took note of the fourth annual report which covers the year 2020.

(GB.341/INS/12/1(Add.1), paragraph 4)

437. A Government representative of Belarus said that his Government had shown consistent goodwill and cooperation with the Commission of Inquiry, had adhered closely to agreements and plans made jointly with the ILO, and took the recommendations contained in the 394th Report of the Committee on Freedom of Association very seriously. It was, however, deeply concerned by the attempts to include in the Commission's recommendations matters relating to the events that had followed the presidential elections in August 2020. The protests had been conducted illegally, with the intention to destabilize, and had involved numerous acts of aggression and violence against law enforcement officers. The protests had been of a political nature, and had violated the legal order regulating mass gatherings and strikes. The Government of Belarus had upheld its obligations to prevent chaos and destabilization, and to protect the security of its citizens. The inclusion of a political matter in the recommendations of the Commission of Inquiry seriously undermined the dialogue on their implementation. The Government of Belarus was counting on the Committee on Freedom of Association to take heed of its concerns.

Decision

438. The Governing Body approved the Committee's recommendations of the Committee as set out in paragraph 60 of document GB.341/INS/12/2.

(GB.341/INS/12/2)

13. Report of the Director-General

13.1. Regular report (GB.341/INS/13/1)

- 439. The Chairperson** presented the document and proposed that the Governing Body observe a minute of silence in memory of the former Governing Body members whose obituaries were included in the document. He then invited Governing Body members wishing to pay tribute to the memory of the deceased to do so in writing.
- 440. The Employer Vice-Chairperson** said that while some agenda items benefited from the efficiency of virtual meetings, others required face-to-face exchanges, particularly where social dialogue was necessary to reach consensus. The COVID-19 pandemic had exposed pre-existing structural socio-economic flaws, and the need for the ILO's social dialogue and tripartism was greater than ever. Action must be decisive and go beyond bold rhetoric, and there must be an awareness that Geneva-based solutions were not appropriate in many contexts around the world, particularly with regard to issues such as mental health, which had been put under great strain by unprecedented unemployment, especially among the young. The Governing Body therefore had a collective responsibility to be truly globally inclusive. His group noted with sadness the obituaries of the former Governing Body members included in the document.
- 441.** He stressed the importance of implementing Conventions effectively once they had been ratified. While the ratification by Spain of the 1986 Amendment was welcome, he urged governments to take the steps necessary to bring about its entry into force as soon as possible; ratification by more Member States was required, including by three Members of chief industrial importance.
- 442.** After noting the appointments of Mr Shinichi Akiyama and Mr Philippe Vanhuynegem to roles within the Office, he turned to the recent publications mentioned in the document. In particular, his group would have appreciated a more balanced approach in the publication entitled *World Employment and Social Outlook 2021: The role of digital labour platforms in transforming the world of work*, with more attention paid to the significant opportunities offered to individuals and workers by digital transformation. Furthermore, the Office must consider the role of the constituents before it advocated so strongly for measures such as those set out in that publication, which included the taxation of digital platforms and collective bargaining for the self-employed. The constituents must receive balanced information that allowed them to enter into discussions and take appropriate decisions.
- 443.** The current Governing Body session would be his last as Employer Vice-Chairperson, and he reflected on the significant work undertaken during his time in the role, including the historic ILO Centenary Declaration for the Future of Work.
- 444. The Worker spokesperson** said that although it was preferable to meet in person, every effort should be made to ensure proper outcomes at the current virtual Governing Body session. While workers and unions continued to suffer the effects of the pandemic, they were taking action to alleviate the situation, and they expected the ILO to assume a leading role not only in the midst of the crisis, but also during the recovery and beyond. She conveyed her group's condolences to the colleagues and families of those whose obituaries were included in the document. Additionally, the death of Mr Adjia François Djondang, a former Governing Body member from Chad, had recently been reported.
- 445.** Her group welcomed the ratifications of the Protocol of 2014 to the Forced Labour Convention, 1930; the ratification by Namibia of the Domestic Workers Convention, 2011

(No. 189), and the Violence and Harassment Convention, 2019 (No. 190); and the ratification by Spain of the 1986 Amendment. Lastly, she welcomed Mr Shinichi Akiyama and Mr Philippe Vanhuynegem to their new posts.

446. Speaking on behalf of the Government group, a Government representative of Chile said that it was necessary to demonstrate flexibility and innovation in the way the challenges caused by the COVID-19 crisis were addressed. Social dialogue, multilateralism and international cooperation were and would be essential to build back better and achieve a more inclusive and sustainable world. Consensus was fundamental to making progress towards overcoming the economic and health crisis resulting from the pandemic.

447. Speaking on behalf of the Africa group, a Government representative of Mauritania welcomed the seven ratifications of international labour Conventions and four ratifications of the Protocol of 2014 to the Forced Labour Convention, 1930, received since the 340th Session. He noted with appreciation the ratification of the 1986 Amendment by the Government of Spain. However, the delayed ratification of the Instrument, in particular by three States of chief industrial importance, had continued to undermine the entry into force of the amended Constitution for the past three decades. The Office should pursue its work with Member States to promote the implementation of the Instrument.

Decision

448. The Governing Body:

- (a) **took note of the information contained in document GB.341/INS/13/1 regarding obituaries, membership of the Organization, progress in international labour legislation, internal administration and publications and documents;**
- (b) **paid tribute to the memory of Mr Peter Tomek and invited the Director-General to convey its condolences to the family of Mr Tomek, to the Federation of Austrian Industries, and to the International Organisation of Employers (IOE);**
- (c) **paid tribute to the memory of Mr Kjeld Jakobsen and invited the Director-General to convey its condolences to the family of Mr Jakobsen, to the Central Única dos Trabalhadores of Brazil, and to the International Trade Union Confederation (ITUC);**
- (d) **paid tribute to the memory of Mr Makhosi C. Vilakati and invited the Director-General to convey its condolences to the family of Mr Vilakati and to the Government of the Kingdom of Eswatini;**
- (e) **paid tribute to the memory of Mr Julio Roberto Gomez Esguerra and invited the Director-General to convey its condolences to the family of Mr Gomez Esguerra and to the General Confederation of Labour of Colombia.**

(GB.341/INS/13/1, paragraph 32)

Summary of written statements concerning obituaries ³

Mr Peter Tomek

449. The Employers' group paid tribute to the memory of Peter Tomek, who had served as the Austrian Employers' delegate to the International Labour Conference on several occasions and as a member of the ILO Governing Body from 2002 to 2008. During that time, he had been a regular member of a number of Governing Body committees. In 2005, he had served as Vice-Chairperson of the ILO's Seventh European Regional Meeting, held in Budapest. His support had been instrumental to the Employers' group and he had been highly regarded at the international level by employers, workers and ILO colleagues alike. Due to his friendly and charming personality and great competence and wisdom, he had been appreciated by all those who had had the privilege to work with him in the context of the ILO.

Mr Makhosi C. Vilakati

450. The Africa group paid tribute to Makhosi C. Vilakati, former Minister of Labour and Social Security of the Kingdom of Eswatini, who had made his mark in the administration despite spending only just over two years in office. His wisdom and foresight had been appreciated by many of his colleagues. He had been very active at the 14th African Regional Meeting, held in Abidjan in 2019, at which the African tripartite constituents had adopted the Abidjan Declaration *Advancing Social Justice: Shaping the Future of Work in Africa*. He had been planning to host, in 2021, the mid-term review of the implementation plan for that Declaration in the margins of the 4th Session of the African Union's Specialized Technical Committee on Social Development, Labour and Employment. The Africa group extended its heartfelt condolences to Mr Vilakati's family and to the people and the Government of Eswatini.

Mr Julio Roberto Gómez Esquerro

451. The National Employers' Association of Colombia (ANDI) paid tribute to Julio Roberto Gómez Esquerro, who would be remembered for his innate ability to lead organized workers and for his tireless work in the trade union movement in Colombia, Latin America and worldwide. His intellectual talent and determination to promote workers' interests had led in him to take leadership positions in the General Confederation of Labour of Colombia for more than 25 years; in the Latin American Confederation of Workers; and in the Democratic Trade Union Alternative for the Americas, an organization that, surprisingly, had not yet been recognized by the ILO. At the international level, he had been a regular member of the Governing Body, a role in which he had reinforced the value of peaceful understanding.

452. Julio Roberto could have occupied the highest ranking role in Government on world of work matters, but he preferred with dignity to devote all his efforts to strengthening the trade union movement along the lines of the social doctrine of the Catholic Church, and had been recognized for that by Pope John Paul II.

453. He had been known for his good nature, sense of reason and good manners, which had opened the door for agreements and had also shone through when conveying disagreement to others. The clarity and transparency of his actions had inspired trust and could be summed up by a phrase that he had often used: "Clear accounts preserve

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

friendships". He had left behind a legacy that inspired workers to emulate his achievements.

13.2. First Supplementary Report: Report of the Technical Meeting on Achieving Decent Work in Global Supply Chains (Geneva, 25–28 February 2020) (GB.341/INS/13/2)

454. The Governing Body had before it a joint amendment to the draft decision proposed by the Employers' and Workers' groups and a subamendment to it submitted by IMEC. The amendment and subamendment had been circulated by the Office to all groups.

455. The amendment proposed by the Employers' and Workers' groups read:

28. The Governing Body, in seeking the implementation of the 2016 International Labour Conference resolution concerning decent work in global supply chains and the ILO programme of action on decent work in global supply chains, adopted the two-step process outlined below.

- (1) The Office will be tasked to conduct an in-depth review to clearly identify if there are any gaps in the current body of normative and non-normative measures, including means of implementation and other measures, to facilitate a discussion on options to ensure decent work in supply chains, including at sectoral level, where appropriate. The review to be delivered by November 2021 should provide the basis for a review by a tripartite working group of a manageable size and observing regional balance, to be established by November 2021.
- (2) This working group will further develop, with the support of the Office, the building blocks for a comprehensive strategy on achieving decent work in supply chains, taking into account the 2019 ILO Centenary Declaration for the Future of Work, the One-ILO approach and relevant outcomes of the 109th Session (2021) of the Conference, and will present its report to the Governing Body for discussion at its 344th Session (March 2022) with a view to deciding on appropriate follow-up action.
- (3) Decisions of the working group shall be taken by consensus. Representatives shall make every effort to reach an agreement that is generally accepted, so that a decision can be adopted without formal objections. Where it is not possible to reach consensus on a specific issue, the divergent views shall be set out in its report to the Governing Body.

456. The subamendment submitted by IMEC proposed adding the phrase "and shared with the constituents" after "The review to be delivered" in the second sentence of subparagraph (1).

457. The Worker spokesperson recalled that the 105th Session of the International Labour Conference had produced detailed conclusions on decent work in global supply chains, informing a programme of action that had entailed two expert meetings and one technical meeting. While the latter had failed to adopt any conclusions, the COVID-19 pandemic had only increased the urgency of the issue by demonstrating the importance of global supply chains and exacerbating decent work deficits within them. Other international actors were already taking action, while increasingly excluding the ILO because of its lack of progress.

458. Expressing her group's frustration at that course of events, she drew attention to the need for the ILO to resume its leading role in the world of work, including with regard to decent work in global supply chains. She therefore welcomed the recent developments that had allowed the Employers' and Workers' groups to propose a joint amendment to

the draft decision, which must lead to the full implementation of the conclusions of the 105th Session of the Conference. Her group would accept the subamendment submitted by IMEC.

- 459. The Employer spokesperson** said that the COVID-19 pandemic had revealed the acute importance of global supply chains, international trade and investment. The measures implemented to contain the virus had broken down supply and value chains at the global level, causing the impoverishment of millions of workers. However, global trade had allowed countries to source urgently needed personal protective equipment, and the global market represented the best hope for recovery.
- 460.** Her group agreed that the ILO had an important role in increasing policy coherence with regard to the potential contribution of trade policies to progress in living standards. It had significant potential to address the root causes of many challenges to human and workers' rights, particularly informality. She disagreed that the ILO was being marginalized in work on supply chains. Indeed, it led the global fight against child and forced labour, supported companies and constituents through awareness-raising and capacity-building and had facilitated a call to action for the garment industry to mitigate the impact of the pandemic.
- 461.** Nevertheless, a review of the ILO's decent work interventions in global supply chains had also highlighted a number of concerns, including its failure to define global and domestic supply chains, the lack of an overarching strategy, and insufficient coordination between departments. Those concerns must be addressed urgently. Her group welcomed the joint proposed amendment, which built on the discussions of the expert meeting held in February 2020. It was heartening to see agreement on an approach to developing a comprehensive strategy on achieving decent work in global supply chains that took into account, inter alia, the ILO Centenary Declaration for the Future of Work. Her group would accept the subamendment proposed by IMEC.
- 462. Speaking on behalf of the Government group,** a Government representative of Chile expressed regret that the technical meeting had not agreed conclusions to guide the work of the Office, particularly in light of the ILO's central role in promoting decent work in global supply chains and the urgency of that work in the context of the COVID-19 pandemic. His group supported the consensus reached by the social partners on the draft decision, which would allow the Office to implement the 2016 International Labour Conference resolution and the ILO programme of action on decent work in global supply chains. His group also supported the subamendment to the draft decision proposed by IMEC. The Office should allocate the resources required to ensure a high-quality review of normative and non-normative measures prior to the establishment of the proposed tripartite working group in November 2021.
- 463. Speaking on behalf of the Africa group,** a Government representative of Côte d'Ivoire recognized the important role of global supply chains in the growth of international trade. A policy on the sustainability of global supply chains would enable enterprises to have a positive impact on society by promoting decent work and good governance. Global supply chains should create work environments that encouraged productivity and required the application of international and national labour standards. The group agreed that the Office needed a comprehensive strategy, especially given the impact of the COVID-19 pandemic on supply and demand, productivity and employment. Reiterating his group's concerns regarding the decent work deficit in Africa, he said that a strategy would facilitate efforts to combat corruption and child labour, and would protect vulnerable workers. While it was regrettable that a consensus had not been reached during the technical meeting, he welcomed the consensus reached on the draft

decision, with the amendment proposed by the Workers' and Employers' groups and the subamendment submitted by IMEC, which his group supported.

- 464. Speaking on behalf of IMEC,** a Government representative of France expressed regret that the technical meeting had been unable to reach consensus conclusions, but welcomed the fact that the social partners had since reached agreement on a draft decision. The proposed timeline was acceptable, and would enable the Governing Body to make informed decisions on follow-up action in March 2022. Her group had proposed a subamendment in order to further emphasize the need for transparency in the work of the Office and its relationships with constituents. The ILO should continue to play a central role in the promotion of decent work in global supply chains, and the Office should allocate sufficient resources to complete that work.
- 465. Speaking on behalf of the EU and its Member States,** a Government representative of Germany said that North Macedonia, Montenegro, Albania, Iceland and Norway aligned themselves with the statement. She expressed deep regret that the technical meeting had not adopted conclusions and therefore welcomed and supported the draft decision, the proposed amendment that had been agreed by the Workers' and Employers' groups and the subamendment proposed by IMEC. As the only tripartite international organization, the ILO must take a leading role in promoting decent work in global supply chains. Noting the proposed timeline for the next steps, she emphasized the importance of continuing work to realize the programme of action to implement the conclusions of the 2016 International Labour Conference.
- 466. A Government representative of Japan** expressed support for the joint proposal from the Workers' and Employers' groups, which exemplified the spirit of the ILO by seeking consensus and proposing a scope of the review that would be broad and open. Her Government would like to continue to engage in this significant issue whose importance had been made more apparent by the COVID-19 pandemic.
- 467. A Government representative of the United Kingdom** outlined efforts taken by her Government to promote socially sustainable business and to combat modern slavery by introducing legislation and an online registry for modern slavery statements and by publishing reports from businesses and public bodies on steps taken to address modern slavery in supply chains. More needed to be done to prevent, investigate and punish exploitative employment practices in supply chains. She welcomed the agreement reached by the social partners on the way forward and expressed support for the proposed review and development of a comprehensive strategy on achieving decent work in global supply chains.
- 468. A Government representative of the United States** said that the ILO's tripartite structure, expertise and role in the supervision of international labour standards meant that it had a central role to play in realizing decent work in global supply chains. He welcomed the agreement that had been reached to move that work forward. Global supply chains made important contributions to economic growth and development, but it was regrettable that instances of abuse of labour rights occurred in those chains. An in-depth review was required to determine whether the ILO's standards were fit for purpose and to identify how gaps should be filled; that would ultimately lead to a proposed strategy to be considered by the Governing Body. He supported the sector-oriented data-driven approach to developing replicable and scalable interventions to promote decent work in global supply chains and enhance transparency. The Office should allocate sufficient resources for that work. He supported the draft decision.

- 469. A Government representative of Mexico** highlighted the importance of decent work and economic development through global supply chains, which brought with it a need for strengthened cross-border social dialogue. In that regard, her Government had recently adopted reforms to its labour relations system to ensure that all persons participating in national or international supply chains were able to exercise their fundamental rights. She emphasized the connectedness resulting from international trade and global supply chains, many of which began in low- and middle-income countries. In the current context of the COVID-19 pandemic, that gave rise to additional challenges, including the need for equitable access to vaccines. Finally, she supported the draft decision, and the amendment and subamendment proposed by the social partners and IMEC, respectively.
- 470. A Government representative of Bangladesh** welcomed the proposed review of the gaps in the ILO's standards. However, he reiterated the need to take into account the work culture, macroeconomic strength and socio-economic profile of each Member State when evaluating efforts concerning the transition to decent work and decent work in global supply chains. The constructive contribution of the social partners would be crucial. The COVID-19 pandemic had highlighted the need to address the issues in global supply chains, and to seek the compliance of all parties. He urged the Office to redouble its efforts to enable the Governing Body to make further decisions in March 2022.
- 471. A representative of the Director-General** (Deputy Director-General for Policy) thanked constituents for their valuable comments and assured the Governing Body that the Office would act promptly to implement the steps proposed in the draft decision. She recognized the unique role of the ILO as the only tripartite international organization, and said that the Office would ensure policy coherence, internally and externally, continuing to promote the "One ILO" approach when developing and implementing programmes and projects. The COVID-19 crisis had deeply affected the world of work, including decent work in global supply chains. She looked forward to working on the proposed in-depth review, which was to be submitted to the Governing Body in November 2021, and to supporting the work of the proposed tripartite working group to develop building blocks for a comprehensive strategy on achieving decent work in global supply chains, which would support the ILO's work in that regard.
- 472. The Employer spokesperson** thanked all governments for their important contributions. She reiterated the ILO's key role in achieving decent work in global supply chains, and agreed that it was time to review the ILO's actions to ensure coherence and improve the situation on the ground in global supply chains. She emphasized that the process must be inclusive and it must address the issue of informality. The principles set out in the Centenary Declaration should guide the work of the proposed tripartite working group.
- 473. The Worker spokesperson** welcomed the joint support for the ILO's work to address the issue of decent work in global supply chains, and emphasized that while the draft decision would lead to the implementation of the 2016 International Labour Conference conclusions and the ILO programme of action on decent work in global supply chains, other work under that programme of action must still continue. She thanked the Deputy Director-General for her commitment to implementing the draft decision and initiating the proposed "gaps analysis".

Decision

- 474. The Governing Body, in seeking the implementation of the 2016 International Labour Conference resolution concerning decent work in global supply chains and**

the ILO programme of action on decent work in global supply chains, adopted the two-step process outlined below:

- (1) The Office will be tasked to conduct an in-depth review to clearly identify if there are any gaps in the current body of normative and non-normative measures, including means of implementation and other measures, to facilitate a discussion on options to ensure decent work in supply chains, including at sectoral level, where appropriate. The review to be delivered and shared with the constituents by November 2021 should provide the basis for a review by a tripartite working group of a manageable size and observing regional balance, to be established by November 2021.
- (2) This working group will further develop, with the support of the Office, the building blocks for a comprehensive strategy on achieving decent work in supply chains, taking into account the 2019 ILO Centenary Declaration for the Future of Work, the One-ILO approach, and relevant outcomes of the 109th Session (2021) of the Conference, and will present its report to the Governing Body for discussion at its 344th Session (March 2022) with a view to deciding on appropriate follow-up action.
- (3) Decisions of the working group shall be taken by consensus. Representatives shall make every effort to reach an agreement that is generally accepted, so that a decision can be adopted without formal objections. Where it is not possible to reach consensus on a specific issue, the divergent views shall be set out in its report to the Governing Body.

(GB.341/INS/13/2, paragraph 28, as amended by the Governing Body)

13.3. Second Supplementary report: Documents submitted for information only

Decision

475. The Governing Body took note, by correspondence, of the information contained in the following documents:

- Work plan on the strengthening of the supervisory system: Proposals on further steps to ensure legal certainty and information on other action points in the work plan (GB.341/INS/INF/1)
- Addendum to the 2020 Report of the Committee of Experts on the Application of Conventions and Recommendations (Geneva, 25 November–12 December 2020) (GB.341/INS/INF/3)
- Report on the status of pending representations submitted under article 24 of the ILO Constitution (GB.341/INS/INF/4(Rev.1))
- Approved symposia, seminars, workshops and similar meetings (GB.341/INS/INF/5)
- Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO (GB.341/INS/INF/6(Rev.1))
- Progress on coordinated action taken by United Nations organizations and the social partners to follow-up on the Resolution concerning maritime labour issues and the COVID-19 pandemic (GB.341/INS/INF/7)

- Preparations for the V Global Conference on Child Labour (GB.341/POL/INF/1)
- Programme and Budget for 2020–21:
 - Position of accounts as at 31 December 2020 (GB.341/PFA/INF/1/1)
 - Collection of contributions from 1 January 2021 to date (GB.341/PFA/INF/1/2)
- Progress report on the implementation of the Information Technology Strategy 2018–21 (GB.341/PFA/INF/2)
- Follow-up to the report of the Chief Internal Auditor for the year ended 31 December 2019 (GB.341/PFA/INF/3)
- External audit plan (GB.341/PFA/INF/4)
- Composition and structure of the staff at 31 December 2020 (GB.341/PFA/INF/5)
- Decisions of the United Nations General Assembly on the report of the International Civil Service Commission (GB.341/PFA/INF/6)
- Decisions of the United Nations General Assembly on the report of the 67th Session of the United Nations Joint Staff Pension Board (2020) (GB.341/PFA/INF/7)
- Matters relating to the Administrative Tribunal of the ILO: Report of the United Nations Secretary-General on the jurisdictional set-up of the United Nations common system (GB.341/PFA/INF/8)

(GB.341/INS/13/3, paragraph 3)

13.4. Third Supplementary report: Report of the Committee set up to examine the representation alleging non-observance by Nepal of the Indigenous and Tribal Peoples Convention 1989 (No. 169) (GB.341/INS/13/4)

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

Decision

- 476.** The Governing Body declared that the representation had been withdrawn and closed the case.

(GB.341/INS/13/4, paragraph 9)

13.5. Fourth supplementary report: Reports of the two Committees set up to examine the representation alleging non-observance by Turkey of the Freedom of Association and Protection of the Right to Organise Convention 1948 (No. 87) and the Termination of Employment Convention 1982 (No. 158) (GB.341/INS/13/5)

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

Decision

477. The Governing Body:

- (a) on the recommendation of the Committee set up to examine the representation alleging non-observance by Turkey of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87):
 - (i) approved the report of the Committee in Appendix I of document GB.341/INS/13/5;
 - (ii) requested the Government to take into account in the context of the application of Convention No. 87, the observations made in paragraphs 17–31 of the Committee’s conclusions and in particular, in paragraph 31, wherein the Committee urged the Government that a full, independent and impartial review be made with regard to all those workers who suffered from reprisals and retaliatory acts for their membership in the dissolved unions;
 - (iii) invited the Government to provide information in that respect for examination by the Committee of Experts on the Application of Conventions and Recommendations (CEACR); and
 - (iv) made the report publicly available and closed the representation procedure.
- (b) on the recommendation of the Committee set up to examine the representation alleging non-observance by Turkey of the Termination of Employment Convention, 1982 (No. 158):
 - (i) approved the report of the Committee in Appendix II of document GB.341/INS/13/5;
 - (ii) requested the Government to take into account, in the context of the application of Convention No. 158, the observations made in paragraphs 34 and 35 of the Committee’s conclusions;
 - (iii) invited the Government to provide information in that respect for examination and further monitoring, as appropriate, by the CEACR; and
 - (iv) made the report publicly available and closed the representation procedure.

(GB.341/INS/13/5, paragraph 9)

14. Reports of the Officers of the Governing Body

14.1. First report: Follow-up to the representation alleging non-observance by Chile of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

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

Decision

- 478.** Noting that the Committee of Experts on the Application of Conventions and Recommendations (CEACR) had welcomed the information communicated by the Government as well as the measures taken to give effect to the recommendations

made in the context of the representation presented by the College of Teachers of Chile AG, and trusting that the Government would continue to provide the information requested by the CEACR on the application of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) in the context of the regular reporting cycle, the Governing Body, on the recommendation of its Officers, decided:

- (a) that the establishment of a tripartite committee was not necessary; and
- (b) to close the representation procedure.

(GB.341/INS/14/1, paragraph 9)

14.2. Second report: Representation alleging non-observance by Ecuador of the Indigenous and Tribal Peoples Convention, 1989 (No. 169)

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

Decision

- 479.** In the light of the information contained in document GB.341/INS/14/2, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable and to set up a tripartite committee to examine it.

(GB.341/INS/14/2, paragraph 5)

14.3. Third report: Representation alleging non-observance by Uruguay of the Protection of Wages Convention, 1949 (No. 95), and the Social Security (Minimum Standards) Convention, 1952 (No. 102)

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

Decision

- 480.** In the light of the information contained in document GB.341/INS/14/3, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable and to set up a tripartite committee to examine it.

(GB.341/INS/14/3, paragraph 5)

14.4. Fourth Report: Representation alleging non-observance by Chile of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

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

Decision

- 481.** In the light of the information contained in document GB.341/INS/14/4, and taking into consideration the recommendation of its Officers, the Governing Body decided

that the representation was receivable and to set up a tripartite committee to examine it.

(GB.341/INS/14/4, paragraph 5)

14.5. Fifth report: Representation alleging non-observance by Poland of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Collective Bargaining Convention, 1981 (No. 154)

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

Decision

482. In the light of the information contained in document GB.341/INS/14/5, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable with regard to Conventions Nos 87 and 98 and, as it relates to Conventions dealing with trade union rights, to refer it to the Committee on Freedom of Association for examination in accordance with articles 24 and 25 of the Constitution of the ILO.

(GB.341/INS/14/5, paragraph 5)

14.6. Sixth report: Representation alleging non-observance by Guinea of the Labour Inspection Convention, 1947 (No. 81), the Protection of Wages Convention, 1949 (No. 95) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

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

Decision

483. In the light of the information contained in document GB.341/INS/14/6, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable and to set up a tripartite committee to examine it.

(GB.341/INS/14/6, paragraph 5)

14.7. Seventh report: Representation alleging non-observance by Peru of the Hours of Work (Industry) Convention, 1919 (No. 1)

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

Decision

- 484.** In the light of the information contained in document GB.341/INS/14/7, and taking into consideration the recommendations of its Officers, the Governing Body decided that the representation was receivable and that it would be examined by the tripartite committee set up to examine the representation alleging non-observance by Peru of Convention No. 1 declared receivable in November 2020.

(GB.341/INS/14/7, paragraph 6)

15. Calendar of actions to be taken regarding the election of the Director-General (GB.341/INS/15)

- 485.** The Governing Body had before it an amendment to the draft decision, which had been proposed by IMEC and circulated by the Office to all groups, which read:

The Governing Body decided the following timetable for the appointment of the Director-General:

- (a) The Chairperson of the Governing Body calls for candidatures on 21 June 2021.
- (b) Last date for the reception of candidatures: 1 October 2021.
- (c) Asks the Office to prepare for its 342nd Session (June 2021) a set of options for potential amendments to paragraph 12 of the rules governing the appointment of the Director-General to provide for additional opportunities for interaction with candidates [before the regular hearings in private sitting].
- (d) The Governing Body conducts the regular candidates' hearings at the 344th Session (March 2022) of the Governing Body.
- (e) The Governing Body conducts the ballot for the election of the Director-General at the 344th Session (March 2022) of the Governing Body.
- (f) 1 October 2022: The term of office of the Director-General commences.

- 486.** The Worker spokesperson agreed that there needed to be an appropriate interval between the ballot and the taking up of office of the Director-General elect in October 2022, and between the candidates' hearings and the ballot. It was also important for there to be an appropriate period during which candidates could be nominated and at least two months between the closure of the call for candidatures and the date of the ballot. The call for candidatures should take place after the 109th Session (June 2021) of the International Labour Conference, once the new Chairperson of the Governing Body had been elected. The deadline for the reception of candidatures could be fixed at mid-October 2021 so that the Office could inform the Governing Body at its 343rd Session (November 2021) of the candidatures received. However, her group could accept setting that deadline at 1 October 2021, in line with IMEC's proposal.

- 487.** Her group would prefer the hearings of candidates to be conducted at a dedicated sitting at the end of the 343rd Session (November 2021), and not at the 344th Session (March 2022) as proposed by IMEC, but agreed with IMEC that the ballot for the election of the Director-General should take place at the 344th Session (March 2022). Such a calendar would allow enough time for a transitional period. She had reservations about the new subparagraph (c) proposed by IMEC on potential amendments to the rules governing the appointment of the Director-General to allow for additional opportunities for interaction with candidates. The Governing Body should hold a discussion at its 342nd Session (June 2021) on whether such additional opportunities were necessary and desirable. Her group would only agree to such opportunities if they were in full respect of the ILO's tripartite nature.

- 488. The Employer spokesperson** noted that past practice had varied greatly when determining the election calendar. In order to ensure a fair and transparent process, the ballot should be conducted no later than the 344th Session (March 2022) of the Governing Body, which would provide for a six-month handover period before the Director-General elect assumed office. She disagreed with the Workers' proposal that hearings should be held at the 343rd Session (November 2021), as it was still unclear which format that session would take and furthermore the ballot should not take place several months after the hearings. It was critical to maximize the chances to hear from all candidates and for Governing Body members to ask questions and receive the candidates' responses, without being confronted by the inherent limitations of virtual participation. It would therefore seem most appropriate both to initiate the hearings and to conclude the process for the appointment of the Director-General during the 344th Session (March 2022). That approach would also accommodate practical and financial implications, as Governing Body members would not have to come to Geneva for a special session. Three months seemed a reasonable deadline for the nomination of candidates, as had been the case in 2016. The Employers took a positive stance towards the proposal to increase possibilities for interaction with the candidates, assuming that all three groups of constituents would be involved. They therefore supported the draft decision as amended by IMEC, but wished to have more information about the rationale and objective of the proposal contained in the new subparagraph (c).
- 489. Speaking on behalf of the Government group,** a Government representative of Chile said that it was essential for Governing Body members to have meaningful opportunities to know the Director-General candidates, hear their views and understand their visions and proposals. Transparency, openness and equality were critical for the good governance of the ILO. Additional opportunities to interact with the candidates on a level playing field would be beneficial to all. Noting that the election was taking place in a context that was very different than in the past, he said that providing live-streamed forums for candidates would allow greater opportunities for all constituents, and the broader international community, to learn about the strategic direction proposed by the candidates. Further details on the options that could be considered in that regard would be welcome.
- 490. Speaking on behalf of the Africa group,** a Government representative of Nigeria said that, in line with paragraphs 1–7 of the rules governing the appointment of the Director-General of the ILO, the call for candidatures should open on 1 August 2021, with a closing date of 1 October 2021, giving more than the requisite two months for submission of candidatures and thereby accommodating any delays arising from the COVID-19 pandemic. The hearing of the candidates in a private sitting should be conducted at the 343rd Session (November 2021) of the Governing Body. The ballot for the election should be held during the Governing Body's subsequent session in March 2022. June–September 2022 should be sufficient for the transition period. The election process should be transparent, open and equal for all. In the event of a staff member wishing to stand, under no circumstances should the Organization's resources be used for campaign purposes; any internal candidate should go on special leave without pay during the process.
- 491. Speaking on behalf of GRULAC,** a Government representative of Barbados said that the COVID-19 pandemic posed additional challenges in the process of electing the next Director-General. Given the uncertainties regarding the format of future Governing Body sessions, every effort must be made to ensure a democratic, transparent, open and inclusive process, with equal conditions for all candidates. GRULAC supported the draft decision as amended by IMEC.

- 492. Speaking on behalf of IMEC,** a Government representative of Canada said that IMEC looked forward to a transparent, open and competitive election process, held to the highest standards with full respect for the rules governing the appointment of the Director-General of the ILO, with regard to ethics and conduct. Recalling the Joint Inspection Unit report on Selection and Conditions of Service of Executive Heads in the UN System Organizations, which recommended that hearings and meetings with candidates should be more inclusive of all Member States, IMEC believed that all ILO constituents would benefit from additional opportunities to interact with candidates, and not just with Governing Body members in a private sitting. In its proposed amendments to the draft decision, IMEC suggested a call for candidatures to be launched on the Monday following the closure of the 109th Session of the Conference, with a closing date of 1 October 2021. The Office should propose options for further interaction with candidates, and potential dates for those additional forums; the private hearings with Governing Body members and the election itself should take place in March 2022.
- 493. Speaking on behalf of the EU and its Member States,** a Government representative of Germany said that North Macedonia, Montenegro, Serbia, Albania and Norway aligned themselves with her statement. The Director-General of the ILO was a position of high authority and great responsibility, particularly at a time when the ILO had such a crucial role in the post-pandemic recovery. The election was therefore a particularly serious matter. There was no rule that stipulated a certain sequence in Director-General appointments, either from the perspective of geographical regions or from the perspective of a rotation of constituents. Every effort should be made to encourage female candidates, with a view to redressing the gender balance in senior decision-making positions. Consideration must be given to allowing ample time for the transition of the Director-General elect into his or her new role. With that in mind, the call for candidatures should be issued in June 2021, the deadline for submission should be in October, and the additional interaction could take place in an appropriate format between the November 2021 and March 2022 sessions of the Governing Body. The hearings and election could take place during the March 2022 session of the Governing Body, which would give the Director-General elect sufficient time to prepare for his or her new role. The EU supported the draft decision, as amended by IMEC.
- 494. The Director-General** said that there was obvious consensus on some elements of the calendar before the Governing Body: the ballot should take place at the Governing Body session in March 2022; and the call for candidatures should be launched by the incoming Chairperson of the Governing Body after the 109th Session of the Conference, with the exact date to be determined in line with the dates of the Governing Body session, which remained to be decided. It also seemed clear that the closing date for receipt of candidatures should be in October 2021. The timing of the formal hearings, in closed session of the Governing Body, remained under discussion: opinion was divided between November 2021 and March 2022. Waiting until March 2022 would allow more time for face-to-face meetings to become a possibility, although holding the hearings and the election itself at the same session of the Governing Body might be too tight a time frame. The amendment proposed by IMEC called for, in addition to the statutory hearings, other opportunities for a wider audience among the membership to interact with candidates, thereby allowing Member States of the Organization that were not members of the Governing Body, as well as constituents from the other groups, to participate. Further consideration would need to be given to the practicalities of how and when such additional interaction might be achieved and whether any amendments to the rules would be required. Such interaction would indeed be in the interests of

openness, transparency and democracy. In the event of an internal candidate from the Office, the necessary provisions would be put in place to ensure that ILO resources were not used for any electoral purpose. While consensus seemed to be within reach, he suggested suspending the discussion for further consultations before a decision was passed.

495. The Worker spokesperson said that her group appreciated the efforts to ensure a process of full integrity, through which a candidate would be sought to uphold the ILO's tripartite and normative mandate. While her group would prefer in-person hearings, the circumstances were such that it was unclear when face-to-face meetings would be possible. The hearings should be held in November 2021; combining them with the election itself in March 2022 would not allow sufficient time for Governing Body members to assimilate the information from the candidates. While the proposal from IMEC to broaden the scope for interaction was welcome, she would welcome further insights into what that interaction might entail. It would be more appropriate to hold those exchanges after the private hearings with Governing Body members.

496. The Employer spokesperson said that, in her experience, it was best to hold hearings immediately before elections, so that those who were voting had information from the candidates fresh in their minds when casting their ballots. With regard to additional opportunities for interaction with candidates, perhaps non-members of the Governing Body could be invited to attend the hearings as observers. Such an approach would save time and would be fully inclusive. She agreed that a short suspension in the discussion could be used to seek consensus.

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

497. The Governing Body had before it a revised draft decision, which had been prepared and circulated by the Office following consultations, and which read:

The Governing Body:

(a) approved ~~decided~~ the following timetable for the appointment of the Director-General:

~~(a)~~ 1 July 2021: The Chairperson of the Governing Body calls for candidatures.

~~(b)~~ 1 October 2021: Last date for the reception of candidatures.

~~(c)~~ 14–15 March 2022 (344th Session of the Governing Body): The Governing Body conducts candidate(s) hearings ~~(xxth Session of the Governing Body)~~.

~~(d)~~ 25 March 2022 (344th Session of the Governing Body): The Governing Body conducts the ballot for the election of the Director-General ~~(xxth Session of the Governing Body)~~.

~~(e)~~ 1 October 2022: The term of office of the Director-General commences; and

(b) requested the Office to prepare for its 342nd Session (June 2021) options to provide for additional opportunities for interaction with candidates before the regular hearings in private sitting.

498. The Worker spokesperson supported the revised draft decision. During consultations, her group had said that they wished to see, under subparagraph (b), additional opportunities for interaction that took place sufficiently in advance of the formal hearing before the Governing Body.

499. The Employer spokesperson agreed to the proposed wording. Her group considered it important to have a compact process, without much time between the informal interactions, the hearings and the election. A pragmatic approach would be to open up the hearings to observers from the three groups who were not members or deputy

members of the Governing Body, as had been done during negotiations on the Centenary Declaration.

Decision

500. The Governing Body:

- (a) **approved the following timetable for the appointment of the Director-General:**
 - 1 July 2021: The Chairperson of the Governing Body calls for candidatures;**
 - 1 October 2021: Last date for the reception of candidatures;**
 - 14–15 March 2022 (344th Session of the Governing Body): The Governing Body conducts candidate(s) hearings;**
 - 25 March 2022 (344th Session of the Governing Body): The Governing Body conducts the ballot for the election of the Director-General;**
 - 1 October 2022: The term of office of the Director-General commences; and**
- (b) **requested the Office to prepare for its 342nd Session (June 2021) options to provide for additional opportunities for interaction with candidates before the regular hearings in private sitting.**

(GB.341/INS/15, paragraph 9, as amended by the Governing Body)

16. Composition, agenda and programme of standing bodies and meetings (GB.341/INS/16(Rev.1))

- 501.** In preparation for the adoption of a decision by correspondence, the Office held a briefing session for Governing Body members on this item on 31 March 2021.
- 502.** The Screening Group agreed to put the item forward for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members by a communication of 14 April 2021.

Decision

503. The Governing Body, upon the recommendation of its Officers, decided by correspondence:

- (a) **to approve the appointment of Dr Bakuza (United Republic of Tanzania) and Dr Howe (Barbados), and the renewal of the appointments of Ms Chisholm (South Africa), Ms Vaillant (Uruguay) and Ms Vavrus (United States) to the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART);**
- (b) **to authorize the Director-General to invite the International Council of Nurses and the World Council of Churches to participate as observers at the 109th Session of the International Labour Conference and to endorse the proposals made in relation to the invitation of intergovernmental and international non-governmental organizations as observers to the following official meetings listed in Appendix II to document GB.341/INS/16(Rev.1): Technical meeting on the impact of digitalization in the finance sector; Meeting of experts to revise the 1992 code of practice on safety and health in construction; and Meeting of experts to discuss and adopt a code of practice on safety and health in textiles, clothing, leather and footwear;**

- (c) to approve the holding of the Workers' Symposium on the date proposed, with the format and composition to be determined at the 342nd Session (June 2021) of the Governing Body;
- (d) to approve the establishment of a tripartite committee to consider further improvements to the approved methodology of SDG indicator 8.8.2 on labour rights, and the date and composition of its meeting;
- (e) to approve the holding of a meeting of experts for the tripartite validation of the technical guidelines on general principles of labour inspection on the dates proposed;
- (f) to renew the nominations of Mr Mike Gaunt and Mr Tasos Zodiates to represent the Employers and Workers respectively for the work of the Office in the Radiation Safety Standards Committee during its term 2021–23;
- (g) to take note of the programme of meetings as approved by its Officers, subject to regular review depending on the evolution of the COVID-19 pandemic.

(GB.341/INS/16(Rev.1), paragraph 31)

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

- 504. The Government of India** noted that extending an invitation to the World Council of Churches to participate as an observer at the 109th Session of the International Labour Conference could result in requests from other similarly placed religious organizations.
- 505. The group of industrialized market economy countries (IMEC)** stated that the ILO must ensure that its work continued to contribute to the global recovery from the COVID-19 crisis. Adjustments to innovative meeting arrangements should ensure effective participation of all constituents on an equal footing, including consideration of different time zones, with high priority given to maintaining business continuity. The future resumption of face-to-face meetings would require careful consideration of differing national circumstances.
- 506.** IMEC expected the first meeting of the Tripartite Working Group on options to ensure decent work in supply chains to be held as soon as possible after the November 2021 session of the Governing Body. The two items on inequalities and the world of work, and skills and life-long learning would be held under the auspices of the 109th Session of the International Labour Conference. IMEC expressed the hope that those outcomes would be adopted as soon as possible and noted that it would constructively engage in consultations with other groups regarding feasible timing. It would welcome the tripartite meeting of experts on decent work in the platform economy being held in the first half of 2022.
- 507.** It was critically important to the world of work that the ILO's standards were up to date, robust and relevant. IMEC regretted the postponement of the Sixth Meeting of the Standards Review Mechanism Tripartite Working Group (SRM TWG) to September 2021. It urged the Office to proceed with its work and all SRM TWG constituents to be innovative and flexible in their approach.

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

17. Progress report on the follow-up to the resolution concerning remaining measures on the subject of Myanmar adopted by the Conference at its 102nd Session (2013) (GB.341/INS/17 and GB.341/INS/17(Add. 1))

508. The Governing Body had before it a proposal by the Employers' group to amend the draft decision by deleting subparagraph (a), removing the word "complete" from original subparagraph (e), and amending original subparagraph (b) to read:

(b)(a) expressed profound concern about developments since 1 February and ~~called on the military authorities to respect the will of the people, respect democratic norms and restore the democratically elected Government~~ supported the call of the United Nations Secretary-General on the military authorities to stop deadly violence and the unacceptable use of lethal force, intimidation and harassment against peaceful demonstrators and called on the full respect of fundamental rights at work, and in particular those relating to justice and democratic institutions in line with the ILO Declaration on Fundamental Principles and Rights at Work and the ILO Centenary Declaration for the Future of Work;

509. The Governing Body also had before it a further proposal to amend the draft decision, which had been made and subsequently subamended by the Government of United States, which read:

38. The Governing Body:

- (a) endorsed the statements of the Director-General on 10 and 23 February 2021 calling for the restoration of democratic order and civilian rule in Myanmar, and for workers, including civil servants, and employers to be able to ~~peacefully~~ exercise their right to ~~protest~~ peaceful assembly, and for a halt to the intimidation of workers;
- (b) expressed profound concern about developments particularly since 1 February and called on the military authorities to respect the will of the people, respect democratic ~~norms~~ institutions and processes, and restore the democratically elected Government;
- (c) expressed its grave concern about the arrest, intimidation, ~~and~~ threats and acts of violence against trade unionists, as well as the declaration that 16 labour organizations were illegal, and called on the military authorities to immediately cease such activities, and to release from detention and drop any charges against trade unionists who have peacefully participated in protest activities;
- (d) expressed its grave concern about measures or orders issued ~~since 1 February 2021~~ curtailing freedom of ~~speech-expression~~ and freedom of peaceful assembly, recalling that freedom of peaceful assembly and freedom of opinion and expression are essential for the exercise of freedom of association. It called for the immediate repeal of such measures or orders and for guarantees of the freedom of the social partners to undertake their functions without threat of intimidation or harm;
- (e) reaffirmed that all Member States have an obligation to apply fully, in law and in practice, the Conventions that they have voluntarily ratified and that Myanmar therefore has an obligation to comply fully with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). It urged Myanmar to uphold ~~commitments~~ its obligations under Convention No. 87 and to ensure that workers and employers are able to exercise their freedom of association rights in a climate of ~~complete~~ freedom and security, free from violence, arbitrary arrest, and detention;

- (f) called for the Civil Services Personnel Law, the Settlement of Labour Disputes Law, and the Labour Organization Law to be amended without delay, ~~once the democratically elected government has been restored~~, consistent with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and through appropriate tripartite consultation;
- (g) urged Myanmar to respect and protect the status of the ILO Liaison Office in Myanmar (ILO–Yangon) and all ILO staff in Myanmar and to refrain from undue interference in its operations ~~consistent with~~ in keeping with the principles of the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947;
- (h) requested the Office to report to the Governing Body on what additional measures the ILO can take to promote a restoration of worker rights;
- ~~(h)~~(i) requested the Director-General to report to the 342nd Session (June 2021) of the Governing Body on developments in Myanmar.

510. The Chairperson noted that the amendments and subamendments presented by the United States would only receive further consideration if they received the support of another group or member of the Governing Body.

511. A representative of the Director-General (Deputy Director-General for Management and Reform), providing an update to the addendum that covered the period up to 8 March 2021, said that the UN had since reported that 211 people had been killed, including children as young as 14. At least 2,400 people had been arrested while taking part in peaceful demonstrations, and there were increasing reports of sexual violence against women. Media reports indicated that protests and resistance were continuing, while the UN reported that tens of thousands had fled the Yangon area. Six townships, where a number of ILO staff members resided, had been placed under martial law. Reports further indicated that the public health system had collapsed, COVID-19 assistance had halted and the security forces were occupying a number of hospitals. An ongoing banking crisis that had left the ILO's bank accounts frozen had disrupted supply chains and logistics nationwide, and the World Food Programme had indicated that there was an emerging food crisis.

512. It was reported that 23 categories of crime were subject to court martial, and severe penalties were being imposed on civilians involved in demonstrations. Media reports stated that a number of factories in Yangon had been burned down. The ILO had received reports that workers had been arrested and loaded into trucks when trying to collect their pay, and union officials had been forced into hiding for fear of arrest for their involvement in the protests. ILO constituents, particularly trade unions, were reporting high levels of incidents of arrest or intimidation of their members. Therefore, the situation had worsened since the issuance of the addendum. The ILO would continue to monitor developments and was in daily contact with colleagues and frequent contact with its constituents in the country, who would be looking for indications of support from the Governing Body.

513. The Worker spokesperson, speaking on a point of order, said that the person who was due to speak on behalf of the Government of Myanmar was not recognized by the Workers as a representative of the legitimate Government of Myanmar, which had been freely elected in November 2020.

514. A Government representative of Myanmar drew attention to Myanmar's cooperation with the ILO on labour-related issues concerning its nationals working in the country and overseas. The DWCP, signed in September 2018, had led to the establishment in February 2020 of the National Committee on Implementation of the National Complaint

Mechanism on Forced Labour. Reform of labour law, with the assistance of the social partners and development partners, including the ILO, was an ongoing process, and tripartite discussion was taking place on the draft Labour and Employer Organization Law.

515. The ILO statement on Myanmar issued on 23 February 2021 was one-sided and based on unreliable allegations without evidence. The request for protection of employees who were not involved in the civil disobedience movement and wished to work peacefully should be respected. The ILO Liaison Office in Myanmar could communicate with the Ministry of Labour, Immigration and Population about allegations of door-to-door searches for trade unionists conducted by the police and military.
516. As to the content of the Office's progress report, she said that the Tatmadaw (military) had assumed state responsibilities on 1 February 2021 in accordance with sections 417 and 418(a) of the 2008 Constitution due to the failure of the Union Election Commission to address irregularities in the process of the multiparty general election held on 8 November 2020. The State Administration Council had expressed its commitment to restoring the democratic system and maintaining the democratic transition in accordance with the Constitution. Peaceful demonstrations had turned into riots and mobs attempting to further the civil disobedience movement through coercion and intimidation. Section 144 of the Criminal Code had been imposed in some cities on 8 February; the authorities were addressing the disturbances in keeping with domestic law and practice. Some civil servants had been threatened and had therefore been absent from their duties, despite the requirement for the civil service to carry out the tasks of successive governments. Those who did not respect peace and stability were threatening administrative officials and legal action was being taken in response.
517. Under the Labour Organization Law of 2011, employees had to register to form workers' organizations; 16 organizations that were not registered had therefore been identified as illegal organizations in February 2021.
518. With regard to the temporary suspension of the ILO's bank account in Myanmar, the Central Bank of Myanmar was enhancing its electronic payment system. UN bodies could transfer their funds via bank transfer or cheque to provide humanitarian or development assistance, and the Government would coordinate with the bank to facilitate the process.
519. By the end of 2020, more than 8,000 Myanmar national seafarers had been returned by relief or charter flights, and a further 45 national seafarers from abandoned ships had managed to return to Myanmar with the cooperation of the Government and other relevant organizations. In February 2021, more than 1,000 Myanmar migrant workers had been returned from Malaysia by ship, while 70 fishery workers who were stranded on the Andaman Islands had been returned by ship in March 2021.
520. Myanmar faced complex challenges and needed understanding and constructive support to promote and protect human rights, including labour rights. Myanmar remained committed to continuing its engagement with the ILO, in line with existing laws and national priorities and needs. She urged the ILO Liaison Office in Myanmar to cooperate more closely with the Ministry of Labour, Immigration and Population to avoid misunderstandings and work for the betterment of Myanmar workers and employers.
521. **The Worker spokesperson** expressed her group's shock that the military had overturned ten years of progress towards democratic governance in Myanmar. She commended the Director-General's urgent and appropriate action in February calling for the restoration of democratic order and civilian rule, and for workers to be able to exercise their right to protest peacefully. In a democracy, electoral fraud should be

addressed through the courts or a civil dispute resolution process. The Confederation of Trade Unions of Myanmar (CTUM), the most representative workers' organization in Myanmar, had immediately denounced the military coup d'état, withdrawn from all tripartite mechanisms and joined the civil disobedience movement, calling for comprehensive sanctions against the military if it refused to return the country to democracy. She called for the Committee Representing Pyidaungsu Hluttaw (CRPH), which represented elected members of Parliament, to be returned to power immediately.

- 522.** Hundreds of people participating in the civil disobedience movement had been arrested and detained. On 14 March, the military had occupied the Hlain Tharyar industrial zone, which was a union stronghold, and opened fire on protesters. Two trade union leaders were among those killed at protests across the country. Furthermore, trade union offices and the homes of union leaders had been raided, resulting in a number of murders. The military had declared at least 16 unions illegal and had retaliated against striking workers, and private sector employees had been dismissed. Information just received indicated that, between 14 and 18 March, at least 10 unionized factories had been set on fire and 223 workers shot dead. Her group was also concerned at the prospect of an increase in forced labour as a result of the increased military control and conflict.
- 523.** Governments must act immediately and must not indirectly finance the coup. They must redouble efforts to restore a civilian government based on the results of the 2020 national election and support protesters working to that end. The call by the Myanmar people for comprehensive economic sanctions should be heeded.
- 524.** Employers needed to go beyond statements of concern and refusals to meet with the military authorities, and must not retaliate against workers. It seemed that only one multinational company had suspended its operations in the country. In compliance with their due diligence obligations, foreign companies must make it clear that their continued business and investment in the country was dependent on respect for human and labour rights and the rapid restoration of civilian government.
- 525.** Myanmar must ensure that seafarers affected by the ongoing crisis could be safely repatriated, in accordance with the provisions of the Maritime Labour Convention, 2006, as amended (MLC, 2006). The Workers supported the UN country team guidance on engagement with Myanmar in the present context and agreed that the ILO should follow that guidance and only continue activities that met one or more of the criteria listed in paragraph 29 of the addendum to the progress report. Expressing solidarity with the ILO staff in Myanmar, she called for every effort to ensure the safety of all staff. The freezing of the Office's bank accounts was alarming, and she called on Myanmar to protect the status of the ILO under the Convention on the Privileges and Immunities of the Specialized Agencies. In view of the deteriorating human and labour rights situation in Myanmar, the treatment of the ILO and the heightened risk of forced labour in the country, there was no prospect of progress on decent work in Myanmar and no opportunity for meaningful and equal dialogue. The military must stop the violence and the shooting of protesters. The bloodshed and terror must end. The military junta must step aside. Neither the workers of Myanmar, nor the Workers' group at the ILO, recognized the military government.
- 526.** The Workers supported the draft decision as amended and subamended by the United States, with the exception of the subamendment to subparagraph (f). In that regard, while she agreed that the laws should be amended through tripartite consultations, it was worth recalling that unions had withdrawn from all tripartite bodies and several union leaders were in hiding. Thus, a genuine process of consultation would not be

possible until the democratically elected government had been restored. Her group therefore preferred the initial amendment to subparagraph (f) proposed by the United States.

- 527.** The Workers could not support the amendments proposed by the Employers' group. It was extremely worrying that the Employers' group would challenge the concept of democracy as a basic principle of the ILO. Indeed, as noted in the Centenary Declaration, the experience of the past century had confirmed that continuous and concerted action by governments and representatives of employers and workers was essential to the achievement of social justice and democracy and the promotion of universal and lasting peace. The Employers should rather have focused on strengthening support for a role for business in addressing the terrible situation in Myanmar.
- 528. The Employer spokesperson** said that his group shared the concern expressed by the international community for the people of Myanmar. The findings of the progress report, particularly paragraphs 15–31, were of concern, and the Employers wished to express their appreciation of the ILO staff on the ground. Despite the progress that had previously been achieved in Myanmar, including on the elimination of forced labour, the implementation of the complaints procedure and the DWCP, and the attention paid to the issue by the Governing Body, the present situation in the country threatened the core ILO value of freedom of association. The right to organize and form employers' and workers' organizations was a prerequisite for social peace and an essential element of freedom of speech. The Employers strongly supported the core principles and rights of the ILO and urged the Government of Myanmar to fully respect freedom of association. The worsening situation in the country also had an impact on private sector activities and direct investment. Careful action was also needed to preserve livelihoods and the foundation provided by employment for sound government and sound participation in the international system.
- 529.** Referring to his group's proposed amendments to the draft decision, he said, with respect to the proposed deletion of subparagraph (a), that the Employers had not been consulted with regard to the two statements issued by the Director-General in February 2021. Language taken from the ILO Declaration on Fundamental Principles and Rights at Work and the Centenary Declaration had provided the basis for the proposed amendments to subparagraph (b). The reference in both of those subparagraphs to restoring the democratically elected government went beyond the purview of the ILO's mandate. His group did not object to including references to the importance of democracy for freedom of association, where that approach was coherent with article 26 of the ILO Constitution or the cases or other decisions of the Committee on Freedom of Association. That was not the case for the draft decision. His group understood that the UN Secretary-General and the UN Special Rapporteur on the situation of human rights in Myanmar were taking serious action on the matter and applying pressure with regard to the democratic control of the country, and the Employers supported that approach.
- 530.** His group proposed the deletion of the word "complete" from subparagraph (e) because even the commercial trading and property rights of representative organizations were subject to the wider law and therefore never enjoyed completely unfettered freedom. With those points in mind, the Employers were able to accept the remaining text of the draft decision.
- 531. Speaking on behalf of the EU and its Member States,** a Government representative of Germany said that Albania and Norway aligned themselves with his statement. Expressing solidarity with the people of Myanmar, he condemned the military coup, and called for the de-escalation of the crisis and an immediate end to the state of emergency.

The legitimate civilian government should be restored, and the newly elected parliament opened, with the immediate and unconditional release of all political leaders. Military and police repression of peaceful demonstrators, and the use of lethal violence, were unacceptable. The shooting of unarmed civilians and medics constituted flagrant breaches of international law. Any violation of freedom of association should be condemned. Trade unions and workers' organizations had been declared illegal, leaving many vulnerable workers unrepresented. The National Stakeholder Forum on Decent Work and Labour Law Reform had been suspended and with it, tripartite cooperation and relations.

- 532.** The EU and its Member States condemned any attacks or acts of intimidation against ILO staff in Myanmar. The EU was ready to work with partners to restore democracy, the rule of law and good governance in Myanmar and lent its full support to the continued efforts in that regard of the Special Envoy of the UN Secretary-General on Myanmar. It was ready to adopt restrictive measures targeting those directly responsible, while avoiding measures that could adversely affect the people of Myanmar, especially the most vulnerable. Workers' rights – in particular freedom of association – must be upheld; progress in that regard was being undermined. Humanitarian access must be unhindered and the protected status of international missions in Yangon guaranteed. The EU supported the draft decision as amended, and subsequently subamended, by the United States.
- 533. Speaking on behalf of Canada and the United Kingdom,** a Government representative of Canada welcomed the update on recent developments in Myanmar, in particular regarding the impact of the military coup on the ILO's constituents and its work in the country. She condemned the arrests of political opposition figures and deplored the escalating use of force on workers seeking to hold peaceful protests, as well as the harassment and intimidation against trade unionists, workers and employers exercising their freedom of association. Such actions were fundamentally incompatible with democracy.
- 534.** The Governments of Canada and the United Kingdom, which had announced targeted sanctions against nine Myanmar military officials, expressed solidarity with the people of Myanmar, and called on the military to exercise restraint, release those in arbitrary detention and uphold democratic processes. Crises provided fertile ground for unscrupulous recruiters, forced labour and trafficking in persons. The military must refrain from undue interference in ILO operations and allow the Office and the social partners to undertake their work without threat of intimidation or harm. Canada and the United Kingdom supported the draft decision as amended and subsequently subamended by the United States, but did not support the amendments proposed by the Employers' group.
- 535. Speaking on behalf of Australia and New Zealand,** a Government representative of Australia expressed grave concern regarding the escalating violence and rising death toll in Myanmar, and condemned the use of lethal force and violence against civilians. She urged the security forces to exercise restraint and refrain from violence in response to peaceful protests and to engage in dialogue to return to civilian rule. The ILO's fundamental values of freedom of association and the right to organize must be upheld and Myanmar must meet its obligations under ILO Conventions and cease practices of violence, arbitrary arrest and detention. Thanking the Office for its ongoing monitoring and reporting of the situation, she expressed support for the draft decision as amended and subsequently subamended by the United States.

- 536. A Government representative of Japan** expressed deep concern about the situation in Myanmar. The military must cease violence against civilians immediately, release all those detained, including State Counsellor Daw Aung San Suu Kyi, and restore democracy swiftly. Workers and employers must be allowed to perform their functions without threat of intimidation or harm, and to exercise their freedom of association in a climate free from violence, arbitrary arrest and detention. The Governing Body must closely follow the developments in Myanmar. The Office must report to the Governing Body at its next session. Japan supported the original draft decision.
- 537. A Government representative of the United States** said that an assault on democracy was an assault on the core values of the ILO. The situation in Myanmar was preventing the exercise of fundamental human and workers' rights. The military must relinquish power and respect the will of the people. The impact that the coup was having on workers and unions was of serious concern. Attacks against protesters, union leaders and workers, including civil servants, were unacceptable. He applauded the workers who were engaging in peaceful protests and the employers who were taking action to safeguard their rights. The Office's statements issued in February 2021 were welcome; more information would be appreciated on measures the Office could take to support the restoration of workers' rights.
- 538.** Regarding the draft decision as proposed by the Office, his Government had submitted several amendments and subsequent subamendments, which generally aimed to give a broader resonance to the decision, including by using terminology that was widely understood and accepted across the UN system. With that in mind, several of the proposals brought the wording into line with that of the International Covenant on Civil and Political Rights. Those changes aligned closely with language in a resolution on Myanmar due to be presented to the United Nations Human Rights Council at its next session. Several more of the proposals were related to legal accuracy. The addition, in subparagraph (c), of the words "condemns acts of violence against trade unionists and calls for the release of detained trade unionists" ought to be self-explanatory. In subparagraph (f), his Government's primary concern was that labour organizations had withdrawn from the National Tripartite Dialogue Forum, thereby precluding the possibility of tripartite consultation. Calling for the amendment of legislation "without delay" suggested that the military government was being encouraged to act without the participation of the unions; the proposed subamendment clarified that labour laws should be amended only with tripartite consultation. In subparagraph (g), the proposed subamendment retained the reference to the Convention on the Privileges and Immunities of the Specialized Agencies, but removed any reference to Myanmar's obligations under the Convention, since it was not a State party. Regarding the addition of new subparagraph (h) requesting the Office to report to the Governing Body on additional measures that the ILO could take to promote the restoration of workers' rights, suggestions for specific measures would be welcome.
- 539. A Government representative of Switzerland** said that his Government was deeply concerned by recent events in Myanmar, and condemned the military coup and the use of violence by security forces. Dialogue and democratic processes should be restored immediately. The Special Envoy of the UN Secretary-General on Myanmar could play a key role in that regard. The recent developments were seriously undermining progress made over recent years, particularly with respect to fundamental labour rights. All parties should refrain from violence and intimidation, and should respect fundamental rights, including freedom of expression and the right to peaceful assembly, which were closely linked to the right to freedom of association and the right to unionize. Employers and workers should be able to exercise those rights in full safety and security. Union

rights had been violated, and freedom of communication had been curtailed, with the targeting of internet access. The ILO team in Myanmar had a key role to play in promoting Myanmar's socio-economic development, following the guidance of the UN country team, and the military must therefore allow it the full freedom to fulfil its mandate without interference. Switzerland stood by the people of Myanmar on the road to restoring peace, and was convinced that international cooperation had a key role to play in that regard. His Government supported the draft decision as amended, and subsequently subamended, by the United States.

- 540. A Government representative of China** noted that Myanmar had continued to deepen its cooperation with the ILO under the framework of the DWCP on areas such as occupational safety and health, social protection, the COVID-19 response, job creation, skills training and the elimination of child labour. Good progress had been made: the ILO Liaison Office in Yangon had received fewer complaints of forced labour in 2020 than in preceding years, and under-age recruitment by the military had reduced. Technical meetings had been organized to discuss the labour law reform. The authorities in Myanmar must take due account of the remarks and recommendations made by the Office and the social partners, to advance that reform, with support from the ILO.
- 541. A Government representative of the Russian Federation** said that the aim of the discussion was to evaluate Myanmar's upholding of its obligations to the ILO, not to discuss its internal political situation. The authorities in Myanmar had been making consistent efforts to improve the social and labour relations system; clear progress had been made in respect of the implementation of the DWCP and towards the elimination of forced labour. It was worth noting that, despite the challenges posed by the COVID-19 pandemic, the labour law reform in Myanmar was still ongoing, and the ILO Minimum Age Convention, 1973 (No. 138), had been ratified. The establishment of a national grievance mechanism was also commendable. The ILO's contribution to those achievements was appreciated. The problems noted in the report would take time to overcome, but the authorities had taken practical steps to reaffirm their commitment to cooperate with the ILO. The international community should recognize the progress made, and provide the necessary support. The Governing Body should not consider the matter any further.
- 542. The Director-General**, responding to comments made in support of the amendments proposed by the Employers' group, said, with regard to the two statements he had issued in February 2021, that he had exercised the prerogatives and authority conferred on the Director-General in response to a situation that required an urgent reaction, and he considered the statements to have been appropriate to the circumstances. The suggestion that those statements and some aspects of the original draft decision, in reference to matters of democratic process, went beyond the purview of the ILO were both surprising and concerning. Several resolutions of the International Labour Conference and language in the decisions of ILO's supervisory bodies made it abundantly clear that the mandate and work of the ILO related closely to matters of democracy and required engagement in that regard. The Report of the Director-General to the 79th Session (1992) of the Conference entitled *Democratisation and the ILO* made that case at length. Over the years, statements to the Conference made by high-level government representatives, including President Mandela in 1990, Aung San Suu Kyi in 2012 and President Santos of Colombia in 2018, had also shown clearly that the ILO's responsibilities encompassed the areas addressed in the draft decision currently before the Governing Body. To depart from that principle and the ILO's history of achievement would be worrying, and he therefore hoped that the Employers' group might rethink the repudiation of the principles and practices that the ILO had followed for 100 years.

- 543. A Government representative of Myanmar** thanked the participants in the discussion for their encouragement and continued support, and for their expressions of concern regarding the current situation in Myanmar. She also thanked the Director-General for his comments. The understanding and constructive cooperation of the international community, and the joint efforts of the Ministry of Labour, Immigration and Population with the ILO Liaison Office in Yangon, would contribute significantly to improving the situation currently faced by workers and employers in Myanmar. Every effort would be made to continue to cooperate with the ILO.
- 544. The Worker spokesperson** requested that the Employers withdraw their amendment, which no other constituent had endorsed. It was very worrying that the Employers were proposing to remove support for the clear and perfectly appropriate position taken by the Director-General concerning the restoration of democratic order and civilian rule. The use of even stronger language by the Director-General would be welcome. Concerning the Employers' comment on the ILO's limited purview, she recalled that the Committee on Freedom of Association had considered that a system of democracy was fundamental for the free exercise of trade union rights. Furthermore, it was undisputable that the current situation in Myanmar was one of military rule with no possibility for trade unions or enterprises to exercise freedom of association. Regarding the references made to the progress made on the DWCP in Myanmar and other key issues, it was impossible to know whether the progress achieved before the coup would continue, particularly given the recent reports of trade union rights violations and increased probability of forced labour. She reiterated her group's support for the draft decision as amended by the Government of the United States, with a preference for the original amendment to subparagraph (f) proposed by that Government.
- 545. A Government representative of the United States** noted the support expressed for the amendments proposed by his Government, and accepted the Workers' preference for the original amendment to subparagraph (f) of the draft decision.
- 546. The Chairperson** said that given the support expressed by a large number of speakers for the amendments proposed by the Government of the United States, and the critical situation prevailing in Myanmar, the Governing Body could adopt the draft decision.
- 547. A Government representative of Japan** said that, although what was referred to in his statement was support for the original draft decision, it was not intended to oppose developments in the discussions.
- 548. The Employer spokesperson** said that there had been an understanding among the Officers that they would attempt to reach consensus, and that the Employers therefore wished to pursue the discussions rather than decide by majority.
- 549. The Worker spokesperson** said that the Governing Body generally tried to forge consensus, but the Employers were challenging the exact point on which the other constituents agreed.

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

- 550. The Employer spokesperson**, after commending the Chairperson for his coherent adherence to the rules applicable to the Governing Body, according to which every effort should be made to reach a consensus, said that the tense debate, in particular the tone and accusatory approach of the Worker spokesperson towards the Employers' group, had distracted attention from the serious and urgent matters at hand. The Employers would not accept attempts to assert moral superiority when it came to democracy,

having suffered the effects of other groups' weak positions when democracy had been oppressed in the past.

- 551.** It was regrettable that the Director-General had accused the Employers' group of disengaging from democratic principles, when the group's nuanced position clearly related to good governance with regard to the statements he had issued. As leader of the house, the Director-General should attempt to reach consensus rather than deepen division. The Employers' group had a rich history at the ILO of defending democratic principles, including in the Committee on Freedom of Association and the Conference Committee on the Application of Standards, in some cases without the backing of the Workers' group. He urged the Governing Body not to misinterpret his group's position, which centred mainly on the fact that the Governing Body had never before referred to the concept of restoring democracy in its decisions. The Employers had therefore proposed amendments that referred instead to democratic institutions and principles, drawing on language used in the ILO Declaration on Fundamental Principles and Rights at Work and the Centenary Declaration. The amendments were also intended to express strong support for the statement by the United Nations Secretary-General that sought an end to the violence. It was vitally important that the Governing Body should aim to provide effective support for employers, workers, free trade unions and employers' organizations in Myanmar, where freedom of association was being challenged. In that respect, he reiterated his group's support for the significant efforts being undertaken by the ILO Liaison Office in Myanmar.
- 552.** Given the critical nature of the situation and the need for a united effort, his group could support the draft decision as amended by the United States. The Governing Body's actions in the case at hand would set a precedent, and a coherent and consistent approach should be applied to similar cases in future.
- 553. The Worker spokesperson** welcomed the Employers' group's acknowledgement of the importance of speaking with a united, strong voice when pronouncing on the situation in Myanmar and appreciated its acceptance of the proposals before the Governing Body. The fact that something had not been done in the past did not mean that it could never be done; unique situations required unique responses. In the particular context of Myanmar, it was important for the Governing Body to refer to the restoration of democratic order. In the future, she and her Employer counterpart would continue to hold each other to account with respect to consistency and principles. Her thoughts, and those of her group, were with the President of the CTUM, and 25 trade union leaders, who were "wanted" by the military regime, and with all the other trade union colleagues who were being pursued for their trade union activity. The Workers' group stood with them and wanted to reassure them that the ILO would act together, unanimously.
- 554. A Government representative of the United States** expressed appreciation for the Employers' comments, and said that since there seemed to be a general preference for the original wording of his delegation's amendment to subparagraph (f), he wished to withdraw the subamendment and reinstate the proposed amendment: "once the democratically elected Government has been restored".
- 555. Speaking on behalf of the EU and its Member States**, a Government representative of Germany said that Montenegro, Albania and Norway aligned themselves with her statement. The EU, condemning the military coup in Myanmar and calling for an immediate de-escalation of the crisis, stood ready to work with all those willing to support democracy, the rule of law and good governance, and to ensure respect for human rights, including labour rights, and fundamental freedoms. The EU supported the draft decision as amended, and subsequently subamended, by the United States.

- 556. A Government representative of the Russian Federation** said that, while obstacles were slowing the pace of change in Myanmar, there was no lack of political will; the authorities were striving to overcome the obstacles they faced and bring about the necessary labour reforms in a continuous, evolutionary process reflecting the needs of the national economy and society. The international community should recognize that progress and provide the necessary support, particularly in the light of the challenges posed by the COVID-19 pandemic.
- 557. A Government representative of Myanmar** expressed her gratitude to the delegation of the Russian Federation for its support. She expressed her sincere hope that the situation in Myanmar would improve swiftly. The continued and constructive cooperation of the ILO and the international community would be of the utmost importance for Myanmar's workers and employers. Her Government was committed to continuing to cooperate with the ILO in promoting and protecting labour rights in Myanmar.

Decision

558. The Governing Body:

- (a) **endorsed the statements of the Director-General on 10 and 23 February 2021 calling for the restoration of democratic order and civilian rule in Myanmar, for workers, including civil servants, and employers to be able to exercise their right to peaceful assembly, and for a halt to the intimidation of workers;**
- (b) **expressed profound concern about developments particularly since 1 February and called on the military authorities to respect the will of the people, respect democratic institutions and processes, and restore the democratically elected Government;**
- (c) **expressed its grave concern about the arrest, intimidation, threats, and acts of violence against trade unionists, as well as the declaration that 16 labour organizations were illegal, and called on the military authorities to immediately cease such activities, and to release from detention and drop any charges against trade unionists who have peacefully participated in protest activities;**
- (d) **expressed its grave concern about measures or orders issued curtailing freedom of expression and freedom of peaceful assembly, recalling that freedom of peaceful assembly and freedom of opinion and expression are essential for the exercise of freedom of association. It called for the immediate repeal of such measures or orders and for guarantees of the freedom of the social partners to undertake their functions without threat of intimidation or harm;**
- (e) **reaffirmed that all Member States have an obligation to apply fully, in law and in practice, the Conventions that they have voluntarily ratified and that Myanmar therefore has an obligation to comply fully with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). It urged Myanmar to uphold its obligations under Convention No. 87 and to ensure that workers and employers are able to exercise their freedom of association rights in a climate of freedom and security, free from violence, arbitrary arrest, and detention;**

- (f) **called for the Civil Services Personnel Law, the Settlement of Labour Disputes Law, and the Labour Organization Law to be amended without delay, once the democratically elected government has been restored, consistent with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);**
- (g) **urged Myanmar to respect and protect the status of the ILO Liaison Office in Myanmar (ILO–Yangon) and all ILO staff in Myanmar and to refrain from undue interference in its operations in keeping with the principles of the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947;**
- (h) **requested the Office to report to the Governing Body on what additional measures the ILO can take to promote a restoration of worker rights; and**
- (i) **requested the Director-General to report to the 342nd Session (June 2021) of the Governing Body on developments in Myanmar.**

(GB.341/INS/17(Add.1), paragraph 38, as amended by the Governing Body)

Other business

Tribute to the outgoing Employer Vice-Chairperson of the Governing Body

559. The Employer spokesperson expressed sincere and profound gratitude for the time, energy and creativity that Mr Mdwaba had devoted to the group and to the ILO, and for standing by his principles of proper governance, integrity and coherence when defending the Employers' positions. She commended his dedication to reinvigorating and transforming the Organization and the wider international multilateral system, and the contribution of his experience and values gained from his participation in reconstructing post-apartheid South Africa. He had demonstrated courage in the ILO plenary and in the Employers' group on countless occasions, as well as a capacity to bring people together to work towards a common cause. He had also united the constituents to promote tripartism as the best way to resolve conflicts and differences. The Employers had been deeply honoured to have Mr Mdwaba as their first spokesperson from Africa. She highlighted his efforts to harness the ILO Centenary Declaration for the Future of Work and the related resolution for the modernization of the ILO, to contribute to the Organization's response to the COVID-19 crisis, and to ensure the continued functioning of ILO governance despite the limitations of a virtual environment. He had also been a pioneer in the business and human rights arena. The ILO would always be grateful for his strong leadership and inspiration, and his contributions would influence its work and collaborations for decades to come.

560. The Worker Vice-Chairperson said that the Workers had very much welcomed Mr Mdwaba's election as the first chairperson of colour in the Employers' group, which had been a sign that the world was changing. However, many in her group looked back on the previous four years as a period of frustration and lack of progress. The Employers and Workers had not managed to resolve the issue of the right to strike, which the Employers still refused to recognize as the corollary of the fundamental rights of freedom of association and collective bargaining. The Employers had made the issue of precarious employment a taboo, which had paralysed the ILO's necessary work on the matter and had prevented the Organization from pursuing its constitutional mandate and the Decent Work Agenda. The Employers' group had also been in total denial about the key issue of global supply chains and their impact on the ILO agenda, for several

years. The world of work was in crisis and needed the ILO's tripartite leadership to guide it forwards, which meant overcoming their differences and finding common ground and solutions together. She wished Mr Mdwaba well in his personal life and wisdom in the further pursuit of his career.

- 561. Speaking on behalf of the Government group,** a Government representative of Chile thanked Mr Mdwaba for his active participation in the Organization, and in particular for sharing his knowledge, and demonstrating his capacity for dialogue and leadership. He had been a key driver of social dialogue and collaboration with the social partners.
- 562. A Government representative of Lesotho** said that it had been an honour to work with Mr Mdwaba, whose dedication, passion and work ethic were qualities to which many aspired. His humour and wisdom would always be remembered.
- 563. A Government representative of Peru** said that Mr Mdwaba had represented the interests not only of the Employers but also of Africa, and had raised the level of tripartite dialogue in the Organization. She thanked him for his excellent work, and in particular for the support that he had provided when her Government had chaired the Governing Body.
- 564. A Government representative of Brazil** said that his Government wished to express the recognition, appreciation and admiration that it had developed over the years for the work, energy and wisdom of Mr Mdwaba. His Government had had the pleasure of working together with the Employers on many issues but it had also had moments of disagreement with the group, during which Mr Mdwaba had deployed his much-feared rhetorical arsenal. He thanked him for the camaraderie that they had developed in the Governing Body room and wished him all the best in his future endeavours.
- 565. An employer member from Bangladesh** expressed praise for the qualities and values demonstrated by Mr Mdwaba within his group. He had taught many of his colleagues what it meant to be a team player and how to put the group and collective interest first. He had made a great difference in the Employers' group through his matchless contributions.
- 566. An employer member from the Americas** commended the work carried out by Mr Mdwaba and recognized in particular the links established between his region and Africa in the Employers' group.
- 567. An employer member from the Africa region** said that he had greatly appreciated Mr Mdwaba's commitment and attention to detail. He was convinced that Mr Mdwaba's replacement, Ms Hornung-Draus, would be equal to the task.
- 568. An employer member from Asia and the Pacific** said that the Employers' group had been fortunate to have effective and worthy spokespersons who had pursued their cause with dignity and distinction, and that Mr Mdwaba had continued that legacy. He had delivered the group's message on many major labour and social policy issues faithfully, honestly and with remarkable intensity. He had had very strong opinions but had demonstrated great patience and respect for the opinions of others in order to reach consensus.
- 569. The Director-General** said that it would take a long time to list all of the qualities that Mr Mdwaba had brought to the task that he had performed. All of the Governing Body members, without exception, had been witness to the energy, dynamism and eloquence that he had displayed in representing the interests of his group. The Director-General had had the opportunity to work with Mr Mdwaba at the G20, where he had often led for the Business 20 constituency, in the United Nations and in his home country, South

Africa. His ability to provide a linkage between the realities of local and national working life and the international arena was of particular note. Regarding the ILO's Centenary work, he had played a very particular role in ensuring that the Global Commission on the Future of Work had had the necessary leadership for it to produce the results achieved. Mr Mdwaba's passage at the ILO would certainly be remembered.

570. The Chairperson, speaking in a personal capacity, said that he had found Mr Mdwaba to be well prepared and forceful in putting forward his views. He expressed appreciation for Mr Mdwaba's use of humour to help resolve issues, even during tense sittings of the Governing Body, and for the spirit of compromise he had shown. Although some issues remained unresolved, that was the nature of tripartite consultations at the ILO. The fundamental issues between Workers, Employers and Governments would always require much debate.

571. The outgoing Employer Vice-Chairperson said that he wished to thank everyone for their comments. Expressing gratitude for the time spent with colleagues and peers, he said that where he came from there was a saying, that those who met for a reason would definitely meet again. Tripartism required deep respect; disrespect sullied everything and came in many forms, not only via manipulation, bullying or violence, but also from the demonstration of a feeling of deserved superiority over a person. Having lived half his life in apartheid South Africa and the other half in the new South Africa, he had an intuitive feel for such things. It was in such moments, when he sensed from another that feeling of superiority, that he struggled to remain calm. Recalling his experiences as a young man, raised in the midst of great adversity, he highlighted that many members of the Governing Body travelled between the luxury microcosm of ILO headquarters in Geneva and those parts of the world where people struggled to access clean water. To borrow a phrase, the Governing Body members were in the same storm, but on different boats. Finally, he highlighted the traditional three-legged pot as a symbol of tripartism; the pot cooked slowly, but made the best meal.

572. The Chairperson wished Mr Mthunzi Mdwaba well in his future endeavours.

Closing remarks

573. The Worker spokesperson stated that her group condemned, in the strongest terms, the coup d'état by the military authorities of Myanmar on 1 February 2021. The situation in Myanmar was worsening by the day, and had already seen the deaths of hundreds of citizens, including children, and workers who had been exercising their right to freedom of association and peaceful protest; thousands more had been arrested. The President of the Confederation of Trade Unions of Myanmar, who was a former member of the Governing Body, and 25 of his fellow union leaders appeared on a list of those wanted by the military; other trade union leaders were under surveillance and many remained in hiding. Commending the States and businesses that had suspended their association with the military in Myanmar, she called on others to do the same. The military must cease the killing and repression of citizens and immediately release those imprisoned for participating in the civil disobedience movement. Her group fully supported the call by the country's labour movement for a return to constitutional democracy and respect for the results of the November 2020 elections. The Workers' group welcomed the Governing Body's call on the military authorities to respect the will of the people, respect democratic norms and restore the democratically elected Government. Her group stood in solidarity with the trade union members, workers and people of Myanmar.

574. Another pressing issue globally was the need for equal access to vaccines as a precondition for a sustainable and socially just recovery from the COVID-19 pandemic.

The Workers' group called on ILO constituents and the Office to join efforts to safeguard the inalienable human right to life and health, including in the development and implementation of recovery plans. Vaccines and other vital measures to save lives in the pandemic constituted a common good, and significant public money had been invested in their development. Universal, free and immediate access to safe and tested vaccines for all must be a priority, alongside fair distribution across all levels of society. The Workers' group opposed vaccine nationalism. Governments must clearly signal their commitment to Sustainable Development Goal 3 by immediately suspending patents on COVID-19 vaccines, tests, treatments and other public health tools; indeed, the Director-General of the WHO had called for the waiver of patents in the current public health emergency. The necessary technology and inputs should be transferred to all regions so that more countries could begin their own vaccine production. There must be universal access to all medicines, tests, personal protective equipment, software and other equipment necessary for prevention and for the treatment of patients. Failure to act immediately would mean that unequal access to vaccines would exacerbate inequalities in the world of work and between countries and regions, threatening decades of progress on reducing poverty and achieving decent work for all.

- 575. The Employer spokesperson** expressed absolute solidarity with the Workers' group in the face of the disgraceful situation in Myanmar. Freedom of association must be protected at all costs.
- 576.** He agreed that the COVID-19 pandemic risked widening inequalities between countries owing to unequal access to preventive measures. To date, more than three quarters of vaccine doses had been administered in just ten countries. The WHO had called on countries to work together to accelerate the vaccination of health workers and older adults. However, vaccination was not the only problem. Measures such as social distancing, hand hygiene and masks were critical, but poor conditions meant that they were impossible in some places, causing the pandemic to become a human catastrophe. The Employers' group called for global solidarity and fully supported the observation of the WHO Director-General that the fight against COVID-19 could be won only with global effort. The International Organisation of Employers had been very engaged from the outset of the pandemic. The Governing Body had also called for more pronounced leadership by the ILO.
- 577. Speaking on behalf of the Government group**, a Government representative of Chile thanked the Chairperson and all those who had made the session possible in such challenging circumstances. In the face of legitimate differences in opinion between Governing Body members, social dialogue had continued and had allowed the Governing Body to reach decisions. Working together would allow the ILO to continue its leadership role in the world of work to bring about a better recovery.
- 578. The Chairperson** commended the participants for achieving results on all items on the agenda, including deciding on a way forward for one long-standing item. He thanked all those who had made the session possible, including those who had shared the chairing responsibilities.