



Governing Body

347th Session, Geneva, 13–23 March 2023

Institutional Section

INS

Minutes of the Institutional Section

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Opening remarks

1. **The Chairperson** welcomed participants to the 347th Session of the Governing Body, noting that the work carried out and the decisions taken in respect of policy and the Programme and Budget for 2024–25 would mark a new chapter in the life of the ILO.
2. **The Director-General** made an introductory statement to the Governing Body. The statement is reproduced in its entirety in Appendix I.
3. **The Employer Vice-Chairperson** said that, in a context where the international order and the world of work were undergoing profound change and where conflict and instability were putting significant pressure on the multilateral system, employers and their representative organizations played an integral part in addressing the challenges being faced, through their participation in policymaking and their engagement with trade unions and governments. Tripartism and bipartite social partnership were instrumental in developing trust and creating favourable conditions for sustainable growth and employment creation.
4. The 347th Session of the Governing Body offered an opportunity to provide guidance to the Office on how to translate the spirit and the text of the ILO Centenary Declaration for the Future of Work into action. The Employers fully supported the establishment of the Global Coalition for Social Justice, which would strengthen the role of the ILO in pursuing its social justice mandate. The contribution of the social partners, which provided a bridge between governments and the world of work, would enhance the work of the United Nations (UN) in that regard. Nevertheless, it was disappointing that no tripartite consultations had been held since the 346th Session of the Governing Body on that matter and that clarity on financing was still lacking. The Coalition must be conceived on the understanding that sustainable enterprises were a prerequisite for social justice and the tripartite constituents needed to be consulted regarding its governance structure.
5. While several informal tripartite consultations had been undertaken in the context of preparing the Office document on ensuring legal certainty in the context of the work plan on the strengthening of the supervisory system, the document neither adequately reflected the views of the majority of groups expressed during those consultations nor reflected a compromise. She hoped that the discussion in the Governing Body would pave the way for a constructive and internal ILO solution to the question of the interpretation of international labour Conventions. Referring questions of interpretation to the International Court of Justice under article 37(1) of the ILO Constitution should be a last resort.
6. She trusted that, in the discussions on decent work in the platform economy, the Governing Body would decide against adopting a damaging “one-size-fits-all” approach and holding a standard-setting discussion on that fast-evolving sector. Furthermore, she hoped that the discussions on the programme and budget would not become a debate on policy issues, which should be discussed by the International Labour Conference.
7. The Employers’ group was deeply concerned about the decision by the Government of Nicaragua to revoke in an illegal and arbitrary manner the legal status of an employer organization, the High Council of Private Enterprise (COSEP), and its 18 member associations. She urged the Director-General to intervene as a matter of urgency.
8. She trusted that the Director-General would be able to articulate long-lasting solutions to the challenges being faced and called on all members of the Governing Body to facilitate a way forward in their discussions.

9. **The Worker Vice-Chairperson**, noting the enormous impact that conflicts and natural disasters were having on populations, workers, enterprises and governments worldwide, and expressing solidarity with all the victims of those conflicts and disasters, said that it was essential for the ILO to continue to lead on its mandate for social justice and peace. The recent corruption scandal involving Qatar was regrettable and the International Trade Union Confederation (ITUC) had taken steps to address any internal issues. Given the unfortunate spillover effect on the ILO, its constituents must stand together to defend the integrity of its unique system and continue to explain that, for any country, improving compliance with international labour standards was a positive development.
10. The ILO should also show a strong and united position in respect of its supervisory system. However, the question of legal certainty in matters of interpretation had remained unresolved for 11 years. The independence and authority of the supervisory system was fundamental and must not be called into question. The Governing Body should develop a procedural framework for addressing the matter of legal certainty in the future.
11. The Workers were deeply concerned about colleagues around the world who were experiencing discrimination and repression as a result of their work championing workers' rights. She highlighted the imprisonment of Governing Body member Aliaksandr Yarashuk in Belarus, the detention of Elizabeth Tang and her sister in the Hong Kong Special Administrative Region, China, the murder of Thulani Maseko in Eswatini, the plight of Palestinian workers and the repression of workers in Myanmar.
12. She called on all members of the Governing Body to find constructive solutions to outstanding issues and move forward with the decisions that were needed to ensure the proper functioning and credibility of the ILO.

1. Approval of the minutes of the 346th Session of the Governing Body (GB.347/INS/1)

Decision

13. **The Governing Body approved the minutes of its 346th Session, as amended.**
(GB.347/INS/1, paragraph 2)

2. Agenda of the International Labour Conference

2.1. Agenda of future sessions of the Conference (GB.347/INS/2/1)

14. The Governing Body had before it two amendments to the draft decision, which had been circulated by the Office.
15. **The Employers' group** proposed amending the draft decision to indicate that: the item on the agenda of the 113th Session (2025) on decent work in the platform economy would be a general discussion; the general discussion on promoting transitions to formality would be placed on the agenda of the 113th Session (2025); the consolidation of instruments on chemical hazards would be placed on the agenda of the 114th Session (2026); and the recurrent discussion on the agenda of the 114th Session (2026) would be on social dialogue. It also proposed adding a new subparagraph after (d), to read "decided to place an item on the evaluation of the Social Justice Declaration on the agenda of the 114th Session (2026) of the Conference".

16. **The Workers' group** proposed amending the draft decision to indicate that: the item on the agenda of the 113th Session (2025) on decent work in the platform economy would be for standard-setting with a double discussion; the consolidation of instruments on chemical hazards would be placed on the agenda of the 114th Session (2026); and the recurrent discussion on the agenda of the 114th Session (2026) would be on social dialogue.
17. **The Employer spokesperson** noted that the Governing Body had decided in the meantime that the discussion on the platform economy would be standard-setting through a double discussion. He emphasized that all standards needed to be set through a double discussion. The two-year iterative process of reports, questionnaires, discussion, refinement and re-discussion was fundamental to proper standard-setting. Furthermore, it was a fundamental tenet that simultaneous standard-setting should be embarked on only in the most exceptional circumstances, so that all countries, even those with only one Government, Employer and Worker member in their delegation, could participate, and experts in standard-setting within the groups could contribute. Simultaneous standard-setting also tested the capacity of the Office. He clarified that the Employers' group had stated in the November 2022 discussion on the Conference agenda that it would not oppose a decision on simultaneous standard-setting for 2025 on an exceptional basis, but would be opposed to it beyond 2025.
18. The Employers' group had proposed to place an item on the evaluation of the ILO Declaration on Social Justice for a Fair Globalization, 2008, as amended in 2022, (Social Justice Declaration) on the agenda of the 114th Session (2026), because it was a fundamental connection between the needs of constituents and the Organization's activities and hence reviewing the follow-up to ensure that it remained effective was crucial. Furthermore, the last review had been in 2016, before the pandemic and the addition of the fifth fundamental principle and right at work. Moreover, it was critical to review one of the ILO's principal Declarations and its follow-up, to support the proposed Global Coalition for Social Justice.
19. Under his group's proposals, a general discussion on informality would take place in 2025, when the first discussion of standard-setting on the platform economy and the second discussion on standard-setting on biological hazards would also be held. In 2026, the second discussion on standard-setting for decent work in the platform economy would take place, along with the evaluation of the Social Justice Declaration and the recurrent discussion on social dialogue. As a result, the first discussion of the standard-setting item on the consolidation of instruments on chemical hazards would have to be placed on the agenda of the 115th Session (2027) of the Conference – rather than the 114th (2026) as indicated in the group's proposed amendment – so that it would not coincide with the second discussion on the platform economy, as had been decided in the interim.
20. **The Worker spokesperson** said that her group supported the holding of a general discussion on tackling informality in 2025. The discussion should take into account the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), and focus on policies to address decent work deficits, including in relation to freedom of association and the extension of social protection to workers in the informal economy. The discussion should have a rights-based focus on the application of labour standards and address the increasing informalization of formal jobs. It should consider innovative approaches developed by constituents to address challenges, and a mapping exercise of what had already been done would be a useful part of the preparatory work.
21. It was important to move forward with the normative agenda on global supply chains, as provided for in output 5 of the ILO strategy on decent work in global supply chains. There would be an opportunity for standard-setting on global supply chains in 2027, following the

preparatory work to identify the challenges of cross-border supply chains, implementation gaps and national circumstances.

22. The Workers' group strongly supported the proposal to convene a technical meeting on access to labour justice in the second half of 2024 and to allocate the necessary resources in the Programme and Budget for 2024–25. Access to labour justice was key to ensuring that workers' rights were enforced effectively, and there was a need for further consolidated and up-to-date ILO guidance, including through standard-setting action. Her group remained flexible on the need for the Governing Body to have a policy discussion on the matter.
23. She welcomed the Office's proposal to provide the Governing Body with additional information on the protection of workers' personal data in the digital era at its 349th Session (October–November 2023), and requested a summarized analysis of the use and dissemination of the 1997 ILO code of practice and related capacity-building activities so that the Governing Body could decide whether updating it would be the best and most cost-effective option.
24. Concerning the effective protection of whistle-blowers in the public sector, she recalled that the conclusions of the 2022 technical meeting called on the Office to conduct studies, gather statistics and research with a view to informing decisions by the Governing Body on the acknowledged need for future action and discussion. The Office should report on its findings at upcoming sessions of the Governing Body, with a view to advancing a possible standard-setting item.
25. The follow-up to the recommendations of the Standards Review Mechanism Tripartite Working Group (SRM TWG) was a matter of institutional priority, as confirmed on numerous occasions by the Governing Body. The Workers' group would therefore prefer to hold the first discussion on chemical hazards at the 114th Session (2026) of the Conference. While it was preferable to avoid having two standard-setting items on occupational safety and health (OSH) at the same session of the Conference, it was also desirable to accelerate the follow-up to the recommendations of the SRM TWG. However, if the majority preferred to have the first discussion on chemical hazards in 2027, the Workers' group could support the consensus.
26. Concerning the items on ergonomics and manual handling and on the guarding of machinery, while it would be preferable to avoid having two standard-setting items on OSH in the same year, there had been many occasions where the Conference had discussed setting two or more standards at the same session, and she asked the Office what was feasible. Creative ways were needed to speed up the process to keep the body of labour standards up to date and fit for purpose, and allowing the Conference to consider on an ad hoc basis two standard-setting items in one year was a pragmatic way to address the issue. The Workers' group could support a double discussion on ergonomics either in 2028–29 or at a later stage, but asked the Office whether a technical meeting followed by a single discussion could also be a viable option. The group could support a single discussion on the revision of instruments concerning the guarding of machinery either in 2029 or later. She requested the Office to provide proposals at future Governing Body sessions and in tripartite discussions on how the implementation of the recommendations of the SRM TWG could be accelerated.
27. As to the recurrent discussions, while the link between them and the ratification of ILO Conventions and reporting through General Surveys remained too weak, they still served a relevant purpose. The Workers' group favoured a review of their modalities by the Governing Body in 2025. To allow time for recurrent discussions to be framed in response to the developments of the Global Coalition for Social Justice and related UN summits, her group did not support the proposed in-depth evaluation of the Social Justice Declaration at the 114th Session (2026) of the Conference, but could support a Conference resolution requesting

the Governing Body to undertake a full evaluation in time to inform decisions on the new cycle, or entrusting the evaluation to the General Affairs Committee. The Workers' group supported initiating a new cycle of recurrent discussions in 2026, starting with the strategic objective of social dialogue. In relation to the timing of the new cycle, the group supported a two-year interval between the discussion on the General Survey by the Committee on the Application of Standards (CAS) 2024 and the recurrent discussion. She strongly opposed the postponement of the selection of instruments on employment policy, which would mean that there would be no General Survey discussion in 2026. She concluded by stressing the importance of holding the discussion of General Surveys in the CAS annually and the need to strengthen the follow-up to conclusions; that issue should be included in the discussion on the modalities of recurrent discussions and the Governing Body's discussion on strengthening the supervisory system.

28. **Speaking on behalf of the Africa group**, a Government representative of Niger reiterated his group's commitment to the strategic and coherent approach to setting the agenda of the Conference. In light of the recent unprecedented changes in the world of work, it was necessary to include on the agenda of future sessions of the Conference items related to economic recovery. The Organization needed to address issues of social protection, combating informality and precarious work, and new forms of work in the face of increasing digitalization. The Africa group considered that serious discussions were needed to ensure decent work in the platform economy and supply chains, but that standard-setting was premature. Moreover, a discussion on innovative approaches to tackle informality was needed.
29. On the consolidation of instruments on chemical hazards, the Africa group was in favour of convening a technical conference followed by a single discussion rather than a double discussion. As to the proposed evaluation of the Social Justice Declaration, it would be appropriate to hold it in 2026 and also to begin a new cycle of recurrent discussions in 2026 to allow the Global Coalition for Social Justice, if launched, three years to produce results and to enable the Office to decide on appropriate parameters for the evaluation. As the document stated, that would accommodate the inclusion of technical items of strategic importance on the agenda of the 2025 session.
30. Regarding the draft decision, the standard-setting discussion on decent work in the platform economy had already been decided, but the Africa group believed that it was premature. The group's preferences would be for the item on tackling informality to be placed on the agenda of the 114th Session (2026) of the Conference and the item on the consolidation of instruments on chemical hazards to be placed on the agenda of the 115th Session (2027) of the Conference. The group agreed that the new cycle of recurrent discussions should begin with social dialogue.
31. **Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)**, a Government representative of Colombia, underscoring the need for the Organization to have a clear, solid and up-to-date body of international labour standards, highlighted the particular importance of the annual discussion on technical items due to the implications of whether they were addressed with a view to standard-setting action, a general discussion or a recurrent discussion. A normative instrument that would regulate decent work in the platform economy was urgently needed. Therefore, GRULAC would prefer that to be included as a double discussion standard-setting item on the agenda of the 113th Session (2025) of the Conference. Additionally, her group supported a general discussion on innovative approaches to tackle informality, which the COVID-19 pandemic had exacerbated. A normative instrument that provided rules on exposure to hazardous chemicals at work was needed, as indicated by the SRM TWG. GRULAC would therefore prefer that to be placed as a double discussion on the

agenda of the 115th Session (2027) of the Conference. Furthermore, her group firmly supported the three-step procedure proposed in paragraph 19 of the document to tackle the issue of access to labour justice. GRULAC supported subparagraph (d) of the draft decision as being consistent with the discussions held and recommendations made by the SRM TWG and agreed with new subparagraph (e) as proposed by the Employers' group.

- 32. Speaking on behalf of the Asia and Pacific group (ASPAG)**, a Government representative of Australia said that a substantial portion of the labour force in the Asia and the Pacific region worked in the informal economy and many workers lacked basic protections; her group was therefore open to a general discussion. However, she asked how a general discussion would add value to Recommendation No. 204. Looking at innovative ways to progress the recommendations of the SRM TWG to support the Organization's commitment to a robust, up-to-date body of standards was a priority for her group, which remained open to a double normative discussion on chemical hazards at the 114th Session (2026) of the Conference. Regarding the holding of two standard-setting discussions at one Conference and consecutive years of standard-setting discussions, she asked the Office to consider how it could ensure the fair and equal participation of all constituents. ASPAG remained flexible on options to look at ergonomic and manual handling and the guarding of machinery and was interested in hearing from other participants on modalities to support that work. Her group supported the commencement of a new cycle of recurrent discussions in 2026, with an interim report to be presented to the Governing Body ahead of an in-depth review of the Social Justice Declaration at the 119th Session (2031) of the Conference. The Governing Body needed to consider whether the tripartite technical meeting on access to labour justice should occur before or after the completion of the review of relevant instruments by the SRM TWG. ASPAG supported a policy paper on the protection of whistle-blowers and the protection of workers' personal data for consideration by the Governing Body at its 349th Session (October–November 2023) to inform decision-making.
- 33. Speaking on behalf of the group of industrialized market economy countries (IMEC)**, a Government representative of France underscored the importance of institutional coherence, preparation time, flexibility and tripartite engagement in setting the Conference agenda. The agenda should also reflect changes in the world of work, constituents' priorities and the conclusions of the SRM TWG. In terms of format, his group welcomed the return to in-person meetings, which improved the quality of discussions. Although IMEC would have preferred to reach consensus on the item on decent work in the platform economy, it looked forward to future discussions on that key issue. Regarding informality, the transition of workers and economic units from the informal to the formal economy was indeed of vital importance in addressing decent work deficits and achieving the Sustainable Development Goals (SDGs). However, a general discussion was not urgently required as Recommendation No. 204 provided ample guidance on the matter; any further discussion would need to be carefully prepared.
- 34.** Following up on the recommendations of the SRM TWG was a crucial part of the ILO's normative mandate. The double standard-setting discussion on chemical hazards should therefore be placed on the agenda of the 114th Session (2026) of the Conference. Furthermore, to promote consistency and productivity, the other OSH issues of ergonomics and manual handling and the guarding of machinery should be dealt with in 2028 and 2029, respectively. In that area, IMEC would prefer a single discussion preceded by a tripartite technical meeting, but could accept a double discussion if that achieved consensus. Although IMEC appreciated the Office's efforts to cover a broad range of issues, agendas should remain sufficiently flexible to respond to emerging or urgent priorities. In particular, the group wished to retain the

possibility of organizing a standard-setting discussion on decent work in supply chains from the 115th Session (2027) of the Conference, even if a standard-setting discussion on OSH were, exceptionally, held in parallel. The Office should also further consider the normative and non-normative options in the context of the proposed future item on “harnessing the fullest potential of technological progress”, drawing on the general discussion on a just transition at the 111th Session (2023) of the Conference. Lastly, on the protection of whistle-blowers in the public service and access to labour justice, IMEC encouraged the Office to carry out additional research with a view to deciding on the next steps at the 349th Session of the Governing Body.

35. **A Government representative of Eswatini** said that although an expert meeting would have been preferable, he supported the proposal to convene a tripartite technical meeting on access to labour justice in the second half of 2024 and to allocate the necessary resources in the Programme and Budget proposals for 2024–25. Access to labour justice remained fundamental to the quest for social justice, and the Office should continue providing its support to labour dispute resolution agencies to improve their effectiveness.
36. **A Government representative of Mexico** said that his Government had significant experience in the area of access to labour justice, having developed and implemented with ILO support a self-diagnostic tool for dispute resolution institutions with substantial success, and would actively participate in discussions on access to labour justice with a view to its placement on future Conference agendas.
37. **A representative of the Director-General** (Assistant Director-General, Governance, Rights and Dialogue) said that, although the practice was more common in the past, more than one standard-setting item could be addressed in a single Conference session provided that the items were not related to OSH, as that would put significant pressure on the same technical department. Turning to the item on ergonomics and manual handling, the Office would advise against holding a single discussion preceded by a tripartite technical meeting; a double discussion would be preferable due to the amount of work required to revise the standards on manual handling and incorporate ergonomics, which had not yet been covered by standards. However, a single discussion could be held on the guarding of machinery. Regarding the added value of a general discussion on informality, while Recommendation No. 204 was relatively recent, the COVID-19 pandemic had significantly affected the dynamics of informal work. A general discussion would provide an opportunity to assess the impact of the pandemic and the responses introduced by Member States and constituents, and to exchange innovative approaches to addressing informality, including the informalization of the formal economy. In conclusion, she confirmed that all comments would be taken into account in preparing the document on the agenda of future sessions of the Conference for the 349th Session of the Governing Body.
38. **The Worker spokesperson** confirmed her support for the inclusion of the item on innovative approaches to tackling informality on the agenda of the 113th Session (2025) of the Conference. Her group would prefer the item on chemical hazards to be addressed in 2026, but could accept its examination in 2027. On subparagraph (d) of the draft decision, she supported the initiation of a new cycle of recurrent discussions in 2026, but questioned the Employers’ proposal to place an item on the evaluation of the impact of the Social Justice Declaration on the agenda of the 2026 session. Such evaluation should instead take place at the 349th Session of the Governing Body.
39. **The Employer spokesperson** confirmed that his group had agreed that informality should be discussed at the Conference in 2025. As the item on chemical hazards was to take place on the basis of a double discussion, it would be most appropriate to start that in 2027; however, that

decision could be taken subsequently. Concerning the recurrent discussions and the evaluation of the Social Justice Declaration, the excerpt from its follow-up contained in Appendix II to document GB.347/INS/2/1 referred to evaluation by the Conference; an evaluation carried out by the Governing Body would not allow participation by all parties to the Declaration. However, should it prove difficult to carry out an evaluation of the recurrent discussions in the same year as a substantive concurrent discussion, his group was open to discussing alternative arrangements.

40. **Speaking on behalf of ASPAG**, a Government representative of Australia reiterated that her group would accept the proposal to hold a general discussion on tackling informality in 2025.
41. **Speaking on behalf of IMEC**, a Government representative of France said that he could be flexible regarding the date of that discussion. He could also accommodate the Employers' proposal regarding the evaluation of the impact of the Social Justice Declaration if that would facilitate consensus.
42. **The Worker spokesperson** said that her group did not agree to placing an item on the evaluation of the impact of the Social Justice Declaration on the agenda of the 2026 session. A full evaluation would be carried out at a later date; there was no reason why an interim evaluation could not be discussed by the Governing Body. Her group would prefer that the slot on the agenda of the 2026 session be used for another discussion. She asked the Office to clarify which elements of the draft decision needed to be settled at the current session.
43. **The representative of the Director-General** (Assistant Director-General, Governance, Rights and Dialogue) said that the evaluation in question did pertain to the Conference, but that did not preclude the Governing Body from holding an initial discussion about the modalities of recurrent discussions or of the eventual evaluation by the Conference. In any case, should the Governing Body decide to initiate a new cycle of recurrent discussions under the Social Justice Declaration in 2026, no slots would be available for that evaluation. As for the outstanding points of the draft decision, consensus had been reached on examining the item on tackling informality at the 113th Session (2025) of the Conference. Concerning the 114th Session (2026) of the Conference, the only outstanding item was that on chemical hazards, as per subparagraph (c) of the draft decision, but that did not have to be decided immediately.
44. **The Employer spokesperson** proposed that the decision on subparagraph (c) be deferred to allow a more focused discussion by the Governing Body later in 2023.
45. **The Worker spokesperson** said that the decision could be deferred; however, the SRM TWG had long stressed the urgency of ensuring that the ILO had a robust, up-to-date body of standards on chemical hazards. The Office would be ready to handle that work in 2026, once the standard-setting item on biological hazards had been dealt with at the 112th Session (2024) and the 113th Session (2025) of the Conference. Although she agreed that some flexibility should be retained in agendas to address urgent matters, it would be better to decide directly to place the item on chemical hazards on the agenda of the 114th Session (2026). On the Social Justice Declaration, she clarified that a full evaluation should not be carried out by the Governing Body if that was indeed the role of the Conference; nevertheless, it would be useful to discuss modalities of recurrent discussions at the 349th Session of the Governing Body. On that basis, the agenda of the 114th Session (2026) would include the second discussion on decent work in the platform economy, the first discussion on chemical hazards and the recurrent discussion on the strategic objective of social dialogue.
46. **Speaking on behalf of GRULAC**, a Government representative of Colombia confirmed that her group would prefer the discussion on chemical hazards to take place in 2026.

47. **Speaking on behalf of IMEC**, a Government representative of France concurred that the discussion on chemical hazards should be placed on the agenda for 2026.
48. **Speaking on behalf of ASPAG**, a Government representative of Australia reiterated that her group was also open to holding a double standard-setting discussion on chemical hazards starting at the 2026 session.
49. **The Chairperson** asked whether there was consensus on placing the item on chemical hazards on the agenda of the 114th Session (2026).
50. **The Employer spokesperson** said that, although a majority might favour such a decision, that did not necessarily constitute consensus. As the decision did not need to be made straight away, it should be deferred to the 349th Session of the Governing Body.
51. **The Worker spokesperson** said that it was unclear how positions would change in the intervening period. A significant majority wanted the item to be discussed in 2026 and understood that having two standard-setting items on the same agenda represented an exceptional case.
52. **The Employer spokesperson** said that his group simply wanted to consider the practicalities more closely. Following the vote on the item on decent work in the platform economy, an exception had already been made to allow two standard-setting items on the agenda of the 2025 session. It did not make sense to immediately repeat that exception without further discussion.
53. **The representative of the Director-General** (Assistant Director-General, Governance, Rights and Dialogue), returning to the Social Justice Declaration, confirmed that the Governing Body could evaluate the modalities of the recurrent discussion. However, the full evaluation of the impact of the follow-up to the Social Justice Declaration should be carried out by the Conference.
54. **The Chairperson** asked whether the Governing Body could accept subparagraph (c) of the draft decision if both options were left to indicate that the item on chemical hazards would be placed on the agenda of either the 114th Session (2026) or the 115th Session (2027).
55. **The Worker spokesperson** reiterated that she did not believe positions would change during the intersessional period but could accept that proposal as a basis for moving forward.
56. **The Employer spokesperson** welcomed the proposal. His group would also give further thought to the follow-up of the Social Justice Declaration.

Decision

57. **The Governing Body:**
 - (a) decided to place on the agenda of the 113th Session (2025) of the Conference an item on decent work in the platform economy for standard-setting on the basis of a double discussion;
 - (b) decided to place on the agenda of the 113th Session (2025) of the Conference an item on innovative approaches to tackling informality and promoting transitions towards formality to promote decent work for a general discussion;
 - (c) decided to place on the agenda of the 114th Session (2026) or of the 115th Session (2027) of the Conference an item on the consolidation of instruments on chemical hazards for standard-setting on the basis of a double discussion;

- (d) **decided to initiate in 2026 a new cycle of recurrent discussions under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022, and to place an item on the strategic objective of social dialogue on the agenda of the 114th Session (2026) of the Conference for a recurrent discussion;**
- (e) **requested the Office to take into account the guidance provided in preparing the document concerning the agenda of future sessions of the Conference for the 349th Session (October–November 2023) of the Governing Body.**

(GB.347/INS/2/1, paragraph 48, as amended by the Governing Body.)

2.2. Arrangements for the 111th Session (2023) of the Conference (GB.347/INS/2/2)

- 58. **The Employer spokesperson** said that document GB.347/INS/2/2 addressed important practical considerations to ensure that the Conference was as successful as possible for everyone. His group welcomed the return to in-person sessions as experience had shown that in-person dialogue was most effective for achieving positive and productive outcomes. Attendance was a constitutional obligation for all Member States and remote participation should be permitted only where there was a valid reason for not attending in person. The Office should actively encourage participation and remind Member States that their delegations must be complete and tripartite.
- 59. Given the uncertainty of the venue and the potentially disruptive effect of commuting between ILO headquarters and the Palais des Nations on the functioning of the Conference, he asked the Governing Body to keep the secretariats of the groups informed about the impact of the renovation works on the 112th Session (2024) and the 113th Session (2025) of the Conference, and to update and consult with them on the tentative order of business and draft working methods and preparation of the various committees and their respective venues.
- 60. Statements by Government representatives in plenary sittings should be limited to one per Member State and have a maximum duration of four minutes. Pre-recorded video statements should be allowed only in exceptional circumstances, in order not to discourage high-level participants and guests from attending in person. Each group should ensure that the majority of its delegation attended committee meetings in person and online participation should be permitted subject to an authorization procedure, to be agreed by the groups' respective secretariats. Conversely, observers should not be allowed to attend in person, owing to the shortage of available rooms and should connect remotely.
- 61. Meetings of drafting groups and voting in committees should be conducted in person only. The new electronic voting system to be used in plenary should be intuitive and user-friendly, provide user guidance and be compatible with all operating systems. The Office should provide clear guidance to groups on the functioning of the system immediately prior to and during a vote and in advance of the Conference session.
- 62. Regarding the tentative programme of work, his group agreed that the opening sitting should take place on the morning of 5 June 2023 and the technical committees start work at 3.30 p.m. that day. Evening sittings should be actively avoided. He requested the Office to present a revised programme of work showing sittings ending at 6.30 p.m. As for the recurrent discussion and the general discussion committees, three sittings – one on Monday afternoon and two on Tuesday – should be sufficient for general statements. The precise working arrangements remained to be finalized through informal consultations between the Office and the groups. He welcomed the time management measures set out in paragraph 40 of the

document and stressed the importance of beginning sittings punctually. Furthermore, the tentative conclusions drafted by the Office to be distributed to the groups during the night of 7 June should be as concise as possible and distributed by 8 p.m. at the latest, in order to allow delegates to properly prepare for the start of the drafting group on 8 June. The draft conclusions should be short and better reflect all views expressed. They should be distributed on the official web pages of each committee and each group secretariat informed by email as soon as available. Lastly, the allocation of 90 minutes for the adoption of committees' reports in plenary appeared suitable and should be managed strictly. Individual government delegates should be encouraged to channel their interventions through regional group representatives wherever possible.

63. With regard to standing committees, each group should determine how to organize itself for the work of the Credentials Committee, including in relation to nominating substitutes. The arrangements of the CAS should, as usual, be determined during informal consultations, which should take into account the post-COVID-19 context. It did not seem appropriate for the Office to pre-empt the decision of how many cases would be considered. In relation to technical committees, the Employers' group supported the option proposed by the Office to submission of amendments to the draft conclusions on 10 June. He expressed regret that despite his group's repeated calls for simultaneous drafting in the ILO's three official languages, the proposed working methods for the drafting group continued to foresee drafting and displaying text solely in English, which did not reflect the diversity of participants. The Employers' group asked the Office to take measures to allow for drafting in all three languages. On the understanding that its comments would be duly considered, the group supported the draft decision.
64. **The Worker spokesperson** warmly welcomed the return to a fully in-person Conference, including full delegations, international non-governmental organizations and the general public. In-person communications were important not least because they allowed for informal exchanges and negotiations, which facilitated the achievement of consensus. While continuing to benefit from the online participation facilities developed over recent years, the status of participants should be clearly delineated, as suggested in the document. Member States had a constitutional obligation to send tripartite delegations to the Conference and incomplete delegations did not have voting rights.
65. Her group would nominate its Officers of the Conference and the committees soon but would only confirm following a meeting of the group on 4 June, in which Workers' delegates must be allowed to participate in order to ensure the Officers' democratic legitimacy. She invited all delegations to take note of that date when making travel, accommodation and other arrangements.
66. Her group looked forward to learning how to use the new electronic voting system, which should be user-friendly, and agreed to maintain the option of conducting a vote by show of hands or roll call in committees. The group agreed with the Conference plenary schedule and the statement delivery time limits proposed by the Office, but did not agree with the Employers' group proposal to reduce the limit to four minutes. The CAS should resume the practice of considering 24 cases, as there was no reason to reduce that number in a post-COVID-19 context. As to the programme of work for the technical committees, her group supported the option of submitting amendments to the draft conclusions on 10 June to allow more time for negotiation in the second week of the Conference. The Workers' group did not agree with the Employers' group that shorter draft conclusions were necessarily better. Conciseness was desirable, but not always possible when different views must be reflected. Similarly, although the positions of regional groups helped to foster a sense of developing majorities on positions,

her group would not discourage individual governments from speaking. Concerning the 2024 and 2025 sessions of the Conference, her group encouraged the Office to secure a sufficiently large venue as soon as possible and to organize safe and smooth transport between ILO headquarters and that venue. The Workers' group supported the draft decision.

- 67. Speaking on behalf of GRULAC**, a Government representative of Colombia said that further information on the high-level launch of the Global Coalition for Social Justice, in line with the results of the Governing Body's discussion of document GB.347/INS/4, would be welcome. For GRULAC, it was important to consider the lessons learned from holding the Conference sessions in 2021 and 2022 in virtual and hybrid format, respectively. She welcomed the fact that the session would be fully in-person with the option of remote access. While in-person participation was preferable, there were myriad legitimate reasons for needing remote access to discussions; therefore, her group agreed that plenary sittings should be accessible online in real time and that there should be the option of making pre-recorded video statements. While her group agreed that there should be no remote connection for drafting groups, it disagreed that online participants in committees should have only passive participation. While prioritizing in-person participants, remote attendants should be given the possibility to take the floor to ensure equal conditions for participation for all. As to the preparatory process, she asked the Office to organize briefing sessions for governments at a time that suited all groups. On the understanding that its comments would be duly considered, GRULAC supported the draft decision.
- 68. Speaking on behalf of the Africa group**, a Government representative of Nigeria said that reverting to an in-person format afforded delegates the opportunity to build consensus and would allow proceedings to run smoothly. It was important to be mindful of the workload required for different items on the agenda, especially the standard-setting discussion on apprenticeships. Noting that the Conference would be held at Palais des Nations, he expressed the hope that the seating arrangements in the room would properly reflect the Organization's tripartite structure. He commended the Office for its use of technology to improve the functioning of the Conference, including delegate registration, voting and documents management, and asked to continue adapting in the return to an in-person format. He welcomed the initiation of the preparatory process, such as the call for nominations of Officers of the Conference and of committees. His group appreciated the imminent publication of a detailed Conference guide, with regular updates, on the Conference web page and would appreciate information on the use of a differentiated badge system for delegates to manage limited room capacity. He welcomed the restrictions on committee and drafting group meeting hours, which would help the Conference to practise what it preached. Concerning the 2024 and 2025 sessions, his group would appreciate the presentation of detailed information at the 349th Session of the Governing Body on the state of discussions between the Office and the Swiss authorities, including regarding the venue and cost-sharing options. On the understanding that its comments would be duly considered, the Africa group supported the draft decision.
- 69. Speaking on behalf of IMEC**, a Government representative of Canada said that her group appreciated that the proposed arrangements for the 111th Session of the Conference followed the Governing Body's guidance and built on the experience gained during the pandemic. With regard to the venue, she requested to receive information on the arrangements for the 2024 and 2025 sessions as soon as possible and encouraged the Office to identify cost-saving measures and explore all available options with the host Government. IMEC supported a fully in-person session with an option for passive online participation, but would welcome the possibility for fully remote participation in group coordination meetings. In drafting groups,

the in-person format was indispensable to ensure effective negotiation and achieve consensus-based outcomes. Furthermore, her group supported the possibility for delegates who were unable to attend to make pre-recorded video statements during plenary sittings. Giving high-level officials the opportunity to address the plenary before and during the World of Work Summit would also be welcome.

70. Concerning the preparatory process, she reiterated the importance of full tripartite consultations and preparatory meetings open to all Member States for building consensus and facilitating discussions in committees. With regard to voting, she agreed with the approach outlined in the report, noting the importance of in-person voting without special arrangements. Her group looked forward to receiving further information about the new electronic voting system and encouraged the Office to ensure clear and timely communication on how and when voting would take place. IMEC encouraged the Office to continue strict compliance with time allocation for the adoption of committee reports.
71. It was important for the Conference to have in-person political engagement at high-level events. Therefore, IMEC would appreciate further information on the high-level segment, including the possibility of allowing political participation at multiple levels. The group would also appreciate efforts to make meeting rooms available to Member States for bilateral meetings.
72. In respect of committees, IMEC agreed that the CAS should resume its practice of considering 24 cases and encouraged the Office to continue to consider improvements in that Committee's working methods, including good practices arising from its previous virtual and hybrid sessions. Regarding the two different options presented for the preparation of draft conclusions, her group recommended retaining the 2022 practice of bringing drafting groups forward to the first Thursday and the submission of amendments to the first Saturday, to enable committees to devote all sittings in the second week to discussion of the draft conclusions. The time schedules of the recurrent discussion and the general discussion committees should also be assessed with a view to having a more meaningful programme of work during the first week that would encourage greater participation and make better use of participants' time on site. IMEC reiterated the importance of after-hours support, including the availability of basic sustenance, since committees often held late sittings, and urged the Office to put in place measures to ensure the safety of delegates working late, including by providing accessible transport.
73. **A Representative of the Director-General** (Director, Official Meetings, Documents and Relations Department) said that the 111th Session of the Conference would differ from the 2022 session, which had been held in hybrid format, by returning to a fully in-person format with remote participation as an added feature. That addition demonstrated that the idea was not to go back to 2019 practices, but to take into account lessons from the experience acquired during the pandemic, as well as from the guidance provided by the Governing Body at its 346th Session (October–November 2022). Another significant difference with regard to the previous session was that this year there would be no shortage of space as more rooms would be available at the Palais des Nations, although the availability of the Assembly Hall remained uncertain. He thanked Governing Body members for the extremely rich feedback and advice provided and assured that the Office would be reaching out to the various groups to discuss arrangements further in the following weeks.
74. **The Employer spokesperson** underscored the importance of providing transport for participants, many of whom were young people in a strange city. Prior to the pandemic, shuttle

buses had been available to take participants to the central train station, which was a very good safety measure. Improved access to food during the Conference would also be welcome.

Decision

75. The Governing Body:

- (a) **decided that the 111th Session of the International Labour Conference would be held in person, with the option of following remotely under the conditions described in paragraph 8 of document GB.347/INS/2/2;**
- (b) **endorsed the tentative programme of work in the appendix to the document, subject to any adjustments that might be necessary until its adoption by the Conference at the opening sitting of the 111th Session; and**
- (c) **requested the Office to implement all the arrangements outlined in the document, taking into account the guidance provided.**

(GB.347/INS/2/2, paragraph 43)

3. Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022 (GB.347/INS/3)

- 76. **The Employer spokesperson** called for greater and more determined efforts to give effect to the fundamental principles and rights at work in practice, both by countries that had not yet ratified the fundamental Conventions and those who had. Follow-up to the 1998 Declaration provided an important opportunity for governments and the social partners to identify the action needed for the effective implementation of its principles. ILO technical assistance had proved useful to Member States in respecting and implementing the fundamental rights, therefore the lack of requests in relation to some fundamental principles and rights at work, such as child labour, was concerning. The annual review was not an end in itself, but a starting point to identify actions required of Members and the ILO. The reporting rate of under 50 per cent was a concern, and was lower than 2021. It was also concerning that some States had provided reports on the Protocol of 2014 to the Forced Labour Convention, 1930, but did not update their information in relation to the other fundamental Conventions and vice versa. The online questionnaire tool, which was intended to facilitate and streamline reporting for States, did not seem to be realizing its full potential. The Office must take all necessary measures to improve the reporting rate in 2023, as coherent and consistent reporting was a prerequisite for effective follow-up.
- 77. The structure and objectives of the annual report needed to be rethought so that included analysis and discussion highlighting current circumstances, progress and regress, and opportunities for technical and programmatic work. As the Employers' group had stated one year previously, the review should contain more information on efforts to realize the principles of the fundamental Conventions in States that had not yet ratified all of them. Furthermore, ratifications should not be the only means of determining progress in promoting principles and rights; the review should be a tool to help States to respect, promote and implement fundamental principles and rights at work.
- 78. It was important that reports from Member States should be of equal quality. Moreover, the review should list countries that had taken action in particular areas. Better communication between the Office and Member States must also be a priority in order to ensure timely

transmission of information. The review needed to include a more qualitative analysis to enable constituents to assess their circumstances at the national level, and to present a clearer picture of good practices and encourage peer learning. The Employers' group considered that the e-questionnaire tool needed to be adapted; the group was continuing work in that area and would be happy to discuss it with the Office in greater depth. One positive aspect of the review was the increase in comments submitted by the social partners, either directly or through Government reports; the Employers' group would discuss with the Office how to enhance participation and feedback from employers' organizations.

79. The Employers' group considered that the review should cover not only ratifications but also technical cooperation and capacity-building, as they were crucial to the successful implementation of standards and realization of the fundamental principles and rights at work. The example of Uzbekistan in eliminating systemic child labour and forced labour in its cotton harvesting had shown what could be done when there was political will from governments, effective technical cooperation from the ILO and other international bodies, and collective action by social partners; it was therefore regrettable that such important information had not been included in the review.
80. The follow-up mechanism was an important tool in ensuring that the fundamental principles and rights were implemented appropriately and without delay. It was time to rethink the way in which the questionnaire was prepared so that the report could help countries create circumstances conducive to complying with their human rights responsibilities and making progress in closing any gaps between the Declaration's aspirations and the reality on the ground. He requested the Office to take account of his group's comments in its preparatory work for the recurrent discussion on the strategic objective of fundamental principles and rights at work, which was an item on the agenda of the 112th Session of the International Labour Conference (2024). The Employers' group supported the draft decision.
81. **The Worker spokesperson** noted that 38 Member States had not yet ratified all the fundamental Conventions; 104 additional ratifications were needed to achieve universal ratification. It was disappointing that the number of reports received had fallen, which might be due to the introduction of the online tool. She expressed satisfaction that the online tool had been used for almost all of the reports received, and encouraged the Office to address the challenges faced by some governments in using the system. The Workers' group welcomed the increased submission of comments by workers' and employers' organizations, and would continue to promote the practice among workers' organizations.
82. She noted with regret that no new ratifications had been received for 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). She proposed that the Office should aim to achieve full ratification by region. Her group urged countries in Asia and the Pacific that had not yet ratified those two fundamental Conventions to work towards ratifying them. It was regrettable that some countries still limited freedom of association and the right to collective bargaining; she urged the Office to provide the necessary support to maintain momentum in ratification and implementation of the two Conventions.
83. She urged States that had not yet done so to ratify the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), and encouraged the 28 Members that had indicated their intention to ratify the Protocol of 2014 to the Forced Labour Convention, 1930, to continue their efforts. She also called on Malaysia and Singapore, which had denounced Convention No. 105, to ratify it again.

84. The universal ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), was something to be proud of. She congratulated Bangladesh and Liberia on their ratification of the Minimum Age Convention, 1973 (No. 138), while noting that 12 Member States had yet to ratify it. She acknowledged the fact that all countries in the Arab States and Europe had ratified both fundamental Conventions on child labour, and invited the Africa region to encourage Somalia to ratify Convention No. 138, and the Americas region to encourage Saint Lucia and the United States of America, in order to achieve full ratification in their respective regions. She noted with concern that the Asia and the Pacific region had the lowest number of ratifications of Convention No. 138, with nine countries yet to ratify it.
85. She welcomed the ratification by Liberia of the Equal Remuneration Convention, 1951 (No. 100), in June 2022, but lamented the fact that no new ratifications of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), had been registered in the reporting cycle; she therefore urged the 16 countries that had not yet ratified one or both of those Conventions to do so. She acknowledged the various legislative changes, promotional activity and challenges encountered, as reflected in the document, and called on the Office to provide the requested technical assistance to maintain momentum in terms of ratifications and effective implementation. She supported the draft decision.
86. **Speaking on behalf of the Africa group**, a Government representative of Senegal commended the Office for the quality of the document and noted that ratifications of the Protocol of 2014 to the Forced Labour Convention, 1930, were still under 40 per cent. It was, however, encouraging that 24 Member States had indicated their intention to ratify it, five of them from Africa. The Organization was moving closer to its goal of universal ratification of the fundamental Conventions, although 38 Member States required further encouragement. African countries had ratified virtually all of the fundamental Conventions; the group urged other Member States to do the same. He noted with satisfaction that Conventions Nos 29, 105, 138, 100 and 111 were very close to achieving universal ratification. However, for others, such as Conventions Nos 87 and 98, progress seemed to have stagnated, and the percentage of Member States that had not ratified the Protocol remained relatively high. Despite the fact that the online system was intended to facilitate reporting, under 50 per cent of Member States had submitted a report, which was partly due to unfamiliarity with the online tool or problems with the email distribution list based on protocol information. To overcome such obstacles, the Office should provide technical support and training to officials involved in preparing the reports. The Africa group supported the draft decision.
87. **Speaking on behalf of GRULAC**, a Government representative of Colombia said that the fact that most of the reports from governments provided useful information on their intentions, the challenges faced and the actions taken in realizing fundamental principles and rights at work was crucial, as it provided the Office with guidance on how to help States to overcome gaps in law or in practice. Latin America and the Caribbean had a high rate of ratification of the fundamental Conventions. Nevertheless, there were still many challenges to address and the technical assistance provided by the Office was important in overcoming them.
88. It was encouraging that approximately 72 per cent of the countries that submitted a report had a national policy and plan of action to combat trafficking in persons; the Office should continue to develop joint strategies with constituents to combat it. She highlighted the intergovernmental and tripartite work by the Latin America and the Caribbean Free of Child Labour Regional Initiative to consolidate progress and accelerate the elimination of child labour in the region through action plans with concrete goals and budgets. Significant progress had also been made in the application of ILO Conventions Nos 100 and 111 in the region; some countries had been at the forefront in securing the rights for communities

especially vulnerable to discrimination and championing gender equality. The ILO and its Member States must redouble their efforts to close remaining gaps to include all groups vulnerable to discrimination, at the regional, global and national levels. GRULAC remained committed to continuing awareness-raising initiatives and formulating new policies in pursuit of respect for the fundamental rights, and supported the draft decision.

89. **Speaking on behalf of ASPAG**, a Government representative of the Islamic Republic of Iran said that the incorporation of the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), into the fundamental Conventions in 2022, the period covered by the report, was an important turning point in the realization and integration of the fundamental principles and rights at work. Although the Declaration's follow-up would not include developments for those Conventions until 2024, it might be helpful to include general information on new ratifications to promote fundamental principles and rights at work.
90. Overall, the report reflected the interest, dedication and efforts of governments in many countries to respect, promote and realize the fundamental principles and rights at work. It was commendable that eight new ratifications had been registered during the reporting period, with six from his region. However, the composition of the registered ratifications, and alarming decrease in the number of ratifications of the Protocol of 2014 to the Forced Labour Convention, 1930, alongside a slight increase in the number of ratifications of fundamental Conventions, merited due consideration. He encouraged the Office to replicate its ratification campaigns, concentrating on the most ratified Convention, the Convention No. 29, and to provide the technical assistance requested by Member States that had confirmed their intention to ratify. The follow up report should include additional information on the Office's responses to requests for technical assistance from the Member States.
91. Although positive progress had been made with regard to reporting rates on Conventions Nos 87, 98 and 100, rates for other Conventions and the Protocol had decreased. He acknowledged the challenges and technical difficulties encountered by Member States in adapting to online reporting, and encouraged the Office to address technical difficulties and make the system more user-friendly to encourage a significant increase in reporting rates. The review underscored the challenges that Member States, especially in the Asia and the Pacific region, faced in ratifying and implementing the principle of freedom of association and the right to collective bargaining. Although the slight rise in reporting rates for Conventions Nos 87 and 98 was encouraging, additional efforts were needed to analyse the obstacles to ratification posed by the national, legal and socio-economic conditions of Member States, followed by appropriate technical assistance from the ILO. With those comments, ASPAG supported the draft decision.
92. **Speaking on behalf of IMEC**, a Government representative of Iceland said that there had been no new ratifications of Conventions Nos 87 and 98 during the reporting period and they therefore remained the least ratified of the fundamental Conventions; she therefore welcomed the news that some countries (five for Convention No. 87 and three for Convention No. 98) had indicated ratification was likely, as well as the improved reporting rates in respect of those Conventions. The additional ratifications of Conventions Nos 29 and 105 during the reporting period, as well as of the Protocol, were also welcome. The Office should continue to provide technical assistance in that regard. IMEC hoped the launch of the Forced Labour Observatory would contribute to the elimination of new forms of forced labour and human trafficking covered by the Protocol.

93. She highlighted the success of the Worst Forms of Child Labour Convention, 1999 (No. 182), which had achieved universal ratification in August 2020, making it the fastest ratified agreement in the history of the UN. The important and positive information presented in the report about promotional activities and policy and legal developments could serve as inspiration and best practice for other Member States. Some Member States had reported on challenges, with some requesting technical assistance. IMEC thanked the social partners for their contributions, including their perspectives on the situation and prospect of ratification in the countries concerned.
94. She noted with concern the reduction in the number of reports received compared to the previous year. The process of reporting must be made as easy as possible. She welcomed the fact that the overwhelming majority of reporting States had submitted their reports via the new online tool; the Office must take into account any technical problems to enhance future online reporting. She also welcomed the continued flexibility shown in enabling governments to submit reports via the paper form, which some Member States continued to prefer. IMEC supported the draft decision and encouraged the Office to continue its technical cooperation to address obstacles to ratification and realization of the fundamental principles and rights at work.
95. **Speaking on behalf of the European Union (EU) and its Member States**, a Government representative of Sweden said that Albania, Bosnia and Herzegovina, North Macedonia, Republic of Moldova, Montenegro, Norway and Türkiye aligned themselves with his statement. He aligned his statement with that delivered by IMEC. He commended the Office on the annual review. Full realization of the fundamental principles and rights at work was a prerequisite for an equitable and just global labour market and society; that was why the EU comprehensively addressed effective implementation of core labour standards in its trade instruments. The Office should continue its efforts to facilitate digital reporting for Member States and deliver an improved reporting response in future.
96. There had been encouraging progress in several countries with regard to the four categories of fundamental principles and rights at work. In particular, he welcomed the commitment to awareness-raising initiatives and the development and improved implementation of new policies and laws, which in some cases included taking steps towards ratification of the relevant instruments. It was less encouraging that several countries had neither ratified nor expressed the intention to ratify several of the fundamental normative instruments considered by the report. Moreover, full realization of fundamental principles and rights at work was hampered in several countries by challenges such as lack of data and awareness, the absence of resources and capacities, and political instability.
97. The emergence of new technologies and the effects of the COVID-19 pandemic had also been mentioned by some countries as significant challenges with the potential to impact the realization of those rights and principles in the future. Those challenges must be addressed and requests for assistance taken into consideration. He welcomed the launch of the Forced Labour Observatory, expressing confidence that the Office would continue to encourage ratification of the fundamental Conventions and the Protocol and support full realization of the fundamental principles and rights of work, including in the context of tripartite social dialogue. The EU and its Member States remained strongly committed to global progress in line with the ILO Centenary Declaration for the Future of Work and the 2017 resolution concerning the second recurrent discussion on fundamental principles and rights at work. Commending the Office for its efforts, he supported the draft decision.

98. **A representative of the Director-General** (Director, International Labour Standards Department) thanked the members of the Governing Body for their comments and suggestions. She acknowledged the Employers' interest in continuing the discussion and the support expressed regarding the importance of technical assistance. She explained that the reason Uzbekistan's success in eradicating child labour in its cotton industry after ten years of effort had not been mentioned in the report was because it had ratified the Convention. She thanked the Governing Body for its encouragement.
99. **The Employer spokesperson** said that everyone must play their part – by fulfilling the commitments they had entered into, increasing ratification rates and taking action to overcome the disparities that existed in every region of the world.

Decision

100. The Governing Body:

- (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 2022 period;**
- (b) **invited the Office to continue 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 ensure priority follow-up to requests for technical assistance to address obstacles to ratification and realization of the fundamental principles and rights at work;**
- (c) **reiterated its support for the mobilization of resources with a view 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 the Protocol of 2014 to the Forced Labour Convention, 1930.**

(GB.347/INS/3, paragraph 125)

4. Update on the Global Coalition for Social Justice (GB.347/INS/4)

101. The Governing Body had before it two amendments to the draft decision: the Workers' group proposed to replace, in subparagraph (a), the words "its launch" with "through a high-level event", and the Employers' group proposed the following amended version:

31. The Governing Body:

- (a) ~~endorsed~~ took note of the Director-General's proposal to forge a Global Coalition for Social Justice, including its presentation ~~launch~~ during the 111th Session of the International Labour Conference (June 2023);
- (b) requested the Director-General to take into account its guidance and in the further development of the Global Coalition for Social Justice, and in close consultation with tripartite constituents: to report on progress at its 349th Session (October–November 2023).
 - (i) a governance structure, including criteria and procedure for partners' engagement, and the respective allocation of resources; and
 - (ii) an action plan which includes specific outcomes and thematic and functional areas, based on the ILO's mandate and in line with the Centenary Declaration.
- (c) requested the Director-General to report on its development at its 349th Session (October–November 2023).

- 102. The Employer spokesperson**, reiterating points previously made by her group, supported efforts to strengthen policy coherence and promote collaboration on social justice, but stressed the need to avoid duplication of ILO activities. Most importantly, the Coalition should increase the visibility and importance of the ILO within the UN system. It must focus on activities with direct national impact and its scope must encompass the needs of business, particularly small and medium-sized enterprises, and address youth employment and women's economic empowerment. It should enhance and broaden existing initiatives and programmes and avoid duplication.
- 103.** However, key questions remained unanswered regarding the Coalition's aims, plans and expected outcomes; its added value and impact on the ground; and decision-making on its priorities and partners. It was unclear how the Coalition would be governed, how it would be coordinated with multilateral processes and initiatives, and how much it would cost. Its scope remained broad and nebulous, and inconsistent with the priorities agreed in the Centenary Declaration. Also necessary was clarity on how the Coalition was linked to the Centenary Declaration, the Global Call to Action, the Global Accelerator on Jobs and Social Protection for Just Transitions, and other global initiatives.
- 104.** It was concerning that the Coalition would include workstreams on topics outside the ILO's mandate, whereas the Governing Body had emphasized the need to remain within the world of work. There must be a clear, shared understanding of the Coalition's goals, modalities and value added for intended stakeholders to engage more meaningfully in support of its objectives.
- 105.** The Coalition offered an opportunity to strengthen the ILO's role in the implementation of the UN Secretary-General's *Our Common Agenda*, but the Office document suggested that the Coalition's role was limited to mobilizing political, technical and financial support for the 2025 World Social Summit and did not present clear outputs or a role for ILO constituents to shape any outcome of the Summit.
- 106.** The document included commitments to integrate tripartism and social dialogue, but without practical measures. It was stated that there would be no financial implications, but also that in 2023, costs associated with the development of the Coalition and related activities would be covered by existing resources. Moreover, outcome 8 and enablers A and B of the Programme and Budget proposals for 2024–25 portrayed the Coalition as requiring significant financial resources, including staff costs, and activities such as research, advocacy and dialogue would imply additional resources. Clarity on the potential cost and sustainability of the initiative was imperative.
- 107.** All thematic areas listed were already part of the ILO's current programme; thus, the need for the Coalition, and its added value, were unclear. Social protection was mentioned without reference to sustainability, indicating a misalignment with the Conference recurrent discussion on social protection. Fundamental aspects of social justice, such as skills, lifelong learning, women's empowerment and the youth perspective, had not been included. Most concerning was that the enabling environment for sustainable enterprises had been subsumed under "productive and freely chosen employment", instead of being a stand-alone item.
- 108.** The functional areas also closely resembled the ILO's current work. The influence of the social partners was unclear, as were the budgetary implications. Questions persisted on the eligibility criteria for partners, the decision-making and whether there would be a tripartite steering committee. Outreach to companies should not bypass the International Organisation of Employers (IOE). The Office had said in consultations that a governance structure for the Coalition was not yet necessary, but paragraph 27 of the document stated that its activities

would be coordinated by Coalition partners. The document stated that the Coalition would not be a new entity; yet, the plans had all the hallmarks of an entity, requiring Secretariat support and funding.

109. The Employers' group supported the concept of a global coalition, but its endorsement required a revision of the proposed document to establish a process to operationalize it, identifying clear objectives, processes, deliverables and a governance structure. The Employers' group could support the Workers' group's proposed amendment on holding a high-level panel at the 2023 session of the Conference. The Employers' group's own amendment aimed to achieve clarity on the questions raised before proceeding.
110. **The Worker spokesperson** supported the Director-General's initiative to galvanize coordinated action against global inequality. The Coalition had the ambition and the potential to advance the ILO's mission significantly. It must be constituent-driven, with collective and coordinated efforts at all levels. He agreed with the Coalition's proposed action to tackle inequalities through the protection of workers' rights, and with its particular attention to the most vulnerable and marginalized individuals.
111. The group also agreed with the stated purpose and scope of the Coalition. It could operate without a separate governance framework, provided there were regular, structured discussions in existing governance forums to guide its direction through tripartite engagement at all levels. The Coalition's work should be structured around the strategic objectives of the Social Justice Declaration and the seven thematic areas of the 2021 Conference resolution concerning inequalities and the world of work. He expressed the hope that other groups would agree to focus on shifting investment from military industries to health, education and other public services, just transitions and industrial transformation for peace and resilience. If the Coalition's work was in line with agreed Declarations and conclusions, it would not require additional structures and governing mechanisms; it would also facilitate regular reporting. Redefining priorities for the Coalition's work would risk diverting from agreed priorities and might generate extended debates before the Coalition could move to action. He sought clarification on the various workstreams, as similar experience within Alliance 8.7 had shown that it was difficult to ensure that they contributed to the overall initiative.
112. As to the thematic areas, he agreed with the proposed focuses of promoting labour rights as human rights; following up on the recommendations of the supervisory system; expanding fiscal space for increased investment in social protection; and including decent jobs in socially sustainable anti-crisis frameworks and recovery programmes. Nonetheless, the initial idea for anti-crisis frameworks had been to create linkages across the UN system and with international financial institutions, to have agreed mechanisms that combined crisis-related funds with ILO interventions, whereas the reference in paragraph 14 appeared to be only in the context of social protection. It was important to revert to stronger language on such collaboration.
113. The focus on expanding employment was welcome; however, the issue of minimum wages was lacking. Tackling working poverty and inequality should be an overarching priority. The work on employment as presented focused on supply-side measures. Promoting an enabling environment for enterprise and productive growth without national pro-employment microeconomic and industrial policy plans, and just transition strategies without safeguarding living wages and collective bargaining rights, would risk exacerbating inequality and social injustice. He welcomed the focus on inequalities, but action to reduce wealth inequality and address diminishing shares of labour income was missing.

114. The Workers' group also supported the focus on a just transition. However, the protection of workers' rights should not be equated with support for business, as the ILO had no mandate for business promotion. He recognized the need for sustainable finance for development, highlighted the importance of fair taxation and debt cancellation, and emphasized that workers and their organizations must be engaged at all levels to ensure that investments strengthened decent work. The anticipated outreach efforts to have labour provisions included in trade agreements were welcome. There should be further engagement and capacity-building of constituents on socially just trade and investment policies. As part of the Trade Policy Review Mechanism of the World Trade Organization (WTO), the Office could prepare reports on labour standards in countries under review. However, work on trade should not be limited to social clauses and trade reviews; the Coalition should aim to place social justice at the heart of negotiations of bilateral, regional and multilateral agreements under the WTO.
115. As to the functional areas, he asked how the envisaged social justice report related to existing ILO flagship reports. The ILO should consider undertaking joint research with the Division on Globalization and Development Strategies of the United Nations Conference on Trade and Development (UNCTAD) to identify the impact of current trade and investment rules on social justice and to create new understanding among the institutions involved. Beyond trade, the Office could research linkages between sustainable and pro-employment microeconomic frameworks and labour institutions and policies, to showcase the ILO's added value in sustainable development.
116. In relation to governance and participation, the unconditional open participation envisaged was concerning. Clear rules and safeguards should be instituted, based on governments' commitment to the supervisory system and companies' commitment to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), to ensure alignment with international labour standards, tripartism and the overall ambition of the Coalition. Enabling or reviewing and strengthening existing due diligence structures of the ILO would be essential. Periodic discussion in the Governing Body would not suffice to shape the work of the Coalition; therefore, there must be continual consultation. Further clarifications were required on the terms of reference and membership of the envisaged small group of Coalition partners.
117. The group agreed with framing the Coalition as a contribution to the UN Secretary-General's *Our Common Agenda*, including the call for a renewed social contract, with the World Social Summit in 2025 as a key moment. That vision and timeline would allow the Coalition to grow in political support and ambition.
118. The Workers' group supported holding a high-level event during the Conference in June 2023. However, it should not be framed as the launch of the Coalition, as the short timeline might be detrimental to fostering ownership among constituents. He therefore proposed amending the draft decision to replace "its launch" by "through a high-level event".
119. **Speaking on behalf of the Government group**, a Government representative of Germany expressed appreciation for the two fruitful consultation sessions on the added value of the global Coalition and on its international and institutional framework, and looked forward to further consultations before the planned launch. Coherence among multilateral actors was a key objective of the initiative in fighting inequalities. Multilateralism was fundamentally important and the need to ensure decent work was at the heart of multilateral engagements. The Coalition should seek to elevate international labour standards – the cornerstone of the ILO's mandate – and social dialogue – its competitive advantage. While the Coalition's ambition encompassed a broad social justice mandate, the ILO's contributions should be grounded in

issues related to the world of work, as that was where the Organization could exert leadership and add value.

120. The Office document had taken account of comments and questions from constituents, yet some questions on the impact of governments and the operationalization of the Coalition remained. Many regional groups and individual governments had expressed general, and continuing, support for the Director-General's initiative. The Office should heed the questions and remarks from all constituents, keep constituents informed and involve them in the upcoming preparations for the launch.
121. Questions also remained regarding how the Coalition would contribute to the Office's internal governance, whether the 25 partners mentioned constituted the small group of Coalition partners, and whether the group would include governments, social partners and international organizations. She asked which potential partners had been approached, which of them had agreed to join the Coalition and whether they would have to make specific commitments before joining. She also requested clarification on the actual impact the Coalition sought on the ground, and how Member States could contribute to that impact.
122. **Speaking on behalf of the Africa group**, a Government representative of Eswatini welcomed the initiative, which would strengthen partnerships and enhance collaboration in the quest for social justice. However, his group had several questions that had not yet been answered. He asked: how the Coalition would link the UN Sustainable Development Cooperation Frameworks and the development of Decent Work Country Programmes (DWCPs), particularly in light of UN General Assembly resolution 72/279; what was meant by the statement that the Coalition would not be a new institutional entity and would not have a separate or distinct existence from that of its partners; and whether it would be a Coalition, or a Global Forum for Social Justice, as referred to in paragraph 24 of the document. He enquired about the extent of the consultations undertaken with UN policy coordination structures and the outcomes, the level of political approval that would be required to establish the Coalition, and the procedures for obtaining that approval. He asked how the Coalition would fit into the existing framework of instruments supporting delivery of the 2030 Agenda for Sustainable Development, and when negotiations with potential partners on the strategy and terms of the Coalition would be concluded. Finally, he questioned the procedural correctness of the inclusion of the launch of the Coalition in the letter of convocation to the 111th Session (2023) of the Conference before the Governing Body had concluded its discussion. His group proposed that a tripartite task force should be established to support and guide the Office in its work on the Coalition. The Africa group reserved its position on the draft decision pending a response from the Office to the questions raised, but would support a consensus-based decision.
123. **Speaking on behalf of GRULAC**, a Government representative of Colombia said that the Global Coalition for Social Justice would provide greater policy coherence at the international level and within the ILO and would enable actors to work together to combat the many challenges that the multilateral system might face. The quest for social justice went beyond the world of work to involve progress towards greater human development and dignity, with a focus on human rights and gender. She welcomed the inclusion of a thematic area on addressing inequality, discrimination and exclusion in all its forms and combatting violence and harassment, as that was essential to achieve social justice.
124. She requested more information about the structure and governance of the Coalition, in particular on the small group of Coalition partners that would coordinate activities. The Governing Body should define the appointment criteria, working methods, and participation and accountability mechanisms of the group, as transparency, tripartism and social dialogue

should be fundamental pillars of the Coalition. The Office should also organize tripartite consultations to determine the needs of each region. She noted that the costs associated with the Coalition in 2023 would be covered by existing resources; however, any costs would need to be included in the programme and budget proposals for future bienniums. She asked the Office to confirm that the initiative was not expected to have any budgetary implications.

125. GRULAC considered that the amendments proposed by the Workers' and Employers' groups both had elements that merited further deliberation.
126. **Speaking on behalf of ASPAG**, a Government representative of the Philippines noted that at the 17th Asia and the Pacific Regional Meeting (2022), Member States had agreed to work collectively towards the promotion of social justice and the fundamental rights and principles at work, and to engage in consultations on developing the Global Coalition for Social Justice, which would contribute to the wider UN agenda for a new social contract. The Coalition would seek to address the growing inequalities within and between countries and advance social justice. The success of the Coalition would require full, equal and democratic participation in ILO's governance; policy coherence with the multilateral system; strong tripartism; and global solidarity. The document did not sufficiently address the importance of the democratization of the ILO and of ensuring the fair representation of all regions, as called for in the Singapore Statement. As 60 per cent of the world's labour force was in the Asia and the Pacific, the region's voice must be heard.
127. The group agreed that the Coalition should include the broadest number of relevant participants. The involvement of actors from other international organizations, international financial institutions and other stakeholders would demonstrate the global solidarity required for the Coalition to be effective. She asked which of the potential members had already expressed an interest in joining the Coalition, and what criteria would be used to determine the relevant stakeholders.
128. She urged the Office to exercise caution in referring to the Coalition in documents until its structure and governance had been finalized. She requested clarification on the nature and objective of launching the Coalition during the 111th Session (2023) of the Conference. The group supported the launch of the Coalition, but it had to be at the right time. ASPAG therefore supported subparagraph (b) of the draft decision, but reserved its position on subparagraph (a).
129. **Speaking on behalf of IMEC**, a Government representative of Belgium said that the Coalition could provide a human-centred approach to addressing increasing social unrest and growing inequalities, within the fundamental framework of multilateralism. The Office should highlight the critical role of freedom of association and collective bargaining in combating inequality and achieving social justice. The purpose and scope of the Coalition should be more clearly defined. Advocacy was an important method of creating awareness and understanding of the Coalition's goals, but a limited number of clearly defined activities to which Member States could contribute should be identified. The emphasis of the Coalition should be on labour rights. The proposed thematic areas could be based more closely on the ILO's strategic objectives, and the proposed functional areas could be aligned to activities with an impact on the ground. She welcomed the focus on fostering knowledge generation on social justice, which was in line with the output on enhanced communication in the Programme and Budget proposals for 2024–25. The added value of tripartism and the content of international labour standards should be the focus of communication and action.
130. She welcomed the fact that the proposed recurring report on the state of social justice in the world would build on existing flagship reports, and supported links with the Research

Department and the Turin Centre. The Office should undertake research prior to determining how the proposed report could best add value to existing relevant reports, and provide more detailed information on it at the October–November 2023 session of the Governing Body.

131. The Coalition presented an important opportunity to better integrate tripartism and social dialogue into multilateral cooperation, and would support countries in promoting freedom of association and collective bargaining, which was critical in achieving social justice. The Coalition's secretariat should have a mandate to ensure regular social dialogue and should foster exchange between Coalition partners. The Coalition should enable the Office and constituents to examine all economic and financial policies in light of the fundamental objective of social justice.
132. The group had several questions concerning the governance structure of the Coalition. She therefore asked: whether the Coalition would be an open forum and how interactions with external partners would be organized; who the proposed 25 partners would be; which international organizations would serve as coordinating partners; what the outcomes were of the Director-General's exchanges with multilateral organizations; whether international financial institutions had shown willingness to work with the Coalition; what the decision-making processes within the Coalition would be; who would be considered as leaders within each workstream; whether any partner joining the Coalition would have to pledge to undertake certain actions in support of social justice, combating inequality and promoting decent work; how the participation of the social partners and the centrality of the ILO's values and principles would be ensured; what the composition and structure of the small group of Coalition partners responsible for the coordination of activities would be; and, finally, what activities were envisaged under the various workstreams. Subject to those comments and the response of the Office, IMEC could support the draft decision.
133. **Speaking on behalf of the EU and its Member States**, a Government representative of Sweden said that Albania, Bosnia and Herzegovina, North Macedonia, the Republic of Moldova, Montenegro, Serbia, Ukraine, Georgia, Iceland, Norway and Armenia aligned themselves with her statement. The EU and its Member States aligned themselves with the statement made on behalf of IMEC. She expressed support for the Global Coalition for Social Justice and its multilateral approach and highlighted the need for an appropriate balance of tripartite ILO constituents and other interested partners.
134. It would be essential to ensure that the Coalition added value to the existing landscape. Indeed, the fact that it was embedded within existing international structures meant that the duplication of work would be avoided. The Office should clarify aspects of the governance of the Coalition, including its role in political dialogue, the implementation of official development assistance and donor coordination. She asked how the small group of partners tasked with coordinating the Coalition's activities would be chosen and what their mandate would be; whether the Director-General would chair the Coalition; what the various workstreams would entail and how they would be organized to ensure that focus was not lost. She requested information regarding the outcomes of the Director-General's meetings with potential partners; the international organizations that would be invited to join the Coalition and the long-term commitment of those partners and organizations to the goals of the Coalition.
135. She welcomed the inclusion of multilateral development banks in the Coalition. It was likely that the Coalition would have financial implications, and she asked the Office to provide further details on planning for such an eventuality. The conclusions of the discussion on social justice at the 111th Session (2023) of the International Labour Conference should be taken into account in the work of the Coalition. She encouraged the Office to involve constituents in

preparations for the launch of the Coalition and other related activities. Pending the provision of the information requested by the Office, the EU and its Member States supported the draft decision in its original form.

136. **Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)**, a Government representative of Indonesia said that his group aligned itself with the statement made on behalf of ASPAG and supported the creation of the Global Coalition for Social Justice, which reflected his group's priorities. ASEAN's theme for the year, "ASEAN Matters: Epicentrum of Growth", promoted cooperation and partnership in addressing global challenges, including the social justice deficit. It focused on the socio-economic aspects of development. Since the quest for social justice went beyond the world of work, ASEAN extended priorities in the area of decent work to initiatives in multiple sectors, such as health, education and training. His group stood ready to engage with the Coalition's partners and participants to address the social justice deficit and wished to discuss further the plans to launch the Coalition at the 111th Session of the International Labour Conference.
137. **A Government representative of China** welcomed the establishment of the Global Coalition for Social Justice as a platform for deepening practical cooperation. The Coalition should adopt a people-first philosophy aimed at improving well-being, supporting vulnerable groups, enhancing social cohesion and promoting development, and it should effectively protect the rights of workers by enhancing multilateral coordination to address global problems facing the world of work.
138. Greater policy coordination between the ILO and other international organizations was welcome, as was the planned synergy between the Coalition and other multilateral mechanisms. The Coalition must allow for extensive consultation, joint contributions and shared benefits, enabling the tripartite constituents' full participation in decision-making. Its composition should respect the principle of equitable geographical representation regardless of participants' level of economic development. Effective synergies should be developed between the Coalition and the Global Development Initiative proposed by Chinese President Xi Jinping to support the implementation of 2030 Agenda for Sustainable Development.
139. **A Government representative of Brazil** highlighted that it was of utmost importance that the Global Coalition for Social Justice paid special attention to the rights of vulnerable groups, such as lesbian, gay, bisexual, transgender, queer, intersex, and asexual persons+, refugees and indigenous peoples while addressing gender inequality, exploitation, violence, harassment and stigmatization in the public and private sectors.
140. The Coalition should seek to increase coherence in the multilateral system through development cooperation. He reaffirmed Brazil's commitment to improving South-South cooperation within the Coalition, and he requested clarification of the composition of the group of partners that would coordinate the Coalition's activities and the Coalition's possible budgetary and financial impact. Brazil was firmly committed to working with ILO leadership and the tripartite system to achieve results, as effectiveness should be the main driver of the Coalition.
141. **A Government representative of France** noted the emerging consensus that the Global Coalition for Social Justice was in line with the ILO's mandate to promote policy coherence in the multilateral system and responded to the need for greater convergence in employment and social policy. Cooperation and coherence should be promoted to better integrate international labour standards into policies. The Coalition would therefore represent a bold step towards strengthening international labour standards and tripartism so that a just transition could be ensured throughout the world of work. As such, it was necessary to give a

clear, tripartite mandate to the Director-General so that he could begin the necessary work with the multilateral community, particularly within the UN system. The Coalition's launch at the 111th Session of the International Labour Conference would allow the tripartite constituents to support the initiative, and the Governing Body could provide ongoing guidance.

142. **A Government representative of India** welcomed the emphasis placed on the social dimension and the human rights of vulnerable and marginalized groups, as well as the Coalition's aim to promote social justice through ILO instruments and closer engagement with other multilateral bodies. However, the Coalition should be launched only once there was consensus among all key stakeholders on a universal definition of social justice. The Coalition must complement existing mechanisms and avoid duplicating the work of other international organizations. Care must be taken when incorporating social justice and labour rights into financial, trade and investment agreements to ensure that low- and middle-income constituents were not forced to enter those agreements that could be prejudicial to their interests; such agreements must not be used as non-tariff barriers, since that could prove counterproductive to the Coalition's agenda and further widen socio-economic inequalities. There was a need for support, guidance, resources and economic growth, rather than increased international obligations.
143. The open approach to participation in the Coalition required further discussion, with consideration given to the role of non-constituent stakeholders and the impact of their participation on the tripartite structure. The decision on their participation must be based on consensus and consider the constituents' views. Clarification was required as to how the Coalition would be able to attain its goal effectively in the absence of a charter and without being a separate institutional entity with long-term funding, and regarding how multilateral coherence would be achieved if decision-making power was retained by the Governing Body. There must be adequate geographical and gender representation among the relatively small group of Coalition partners that would coordinate the Coalition's activities. The ILO's role in the Coalition must be defined more clearly, and it must focus on its core mandate – attaining social justice through decent work – rather than leading broader efforts towards social justice and avoid any diversion of its resources away from that core mandate. The Office should clarify those key aspects of the Coalition before moving forward with its launch.
144. **A Government representative of the Russian Federation** commended the Director-General's efforts to promote policy coherence and structure in the ILO's social justice activities. The success of the Global Coalition for Social Justice, which his country supported, depended on the formulation of a comprehensive, clear and structured implementation plan. He joined the calls for additional clarification on practical aspects of the Coalition's functioning, in particular its aims, scope, governance and financial implications. Information on the composition and mandate of the group responsible for coordinating the Coalition's activities would be welcome. While he preferred the amendments to the draft decision proposed by the Employers' group, he could join the consensus.
145. **A Government representative of Morocco**, while reiterating his Government's support for the Coalition, requested information on the steps that must be taken with partner organizations to promote high-level political dialogue on social justice based on sound economic arguments that would justify additional investment, and to mobilize extra resources and support for national reforms and recovery strategies. The Coalition would benefit from increased clarity in its institutional framework, operation and governance, with particular consideration given to inclusivity and regional balance. A better understanding of the

allocation of resources and technical assistance by international institutions to ILO or partner programmes was required.

146. The Coalition was accounted for in the ILO's budget and should therefore bring together, and benefit, all constituents. Although the dissemination of knowledge on social justice was welcome, it was important to clarify the content and scope of the report on the state of social justice in the world. In addition to facilitating coordination and synergies between all relevant units and staff members, the Coalition should improve the targeting of actions and priorities and the provision of more tangible support to constituents to enable them to assist states in bringing about socio-economic reform.
147. **A Government representative of Argentina** welcomed the tripartite consultations carried out by the Office on the Global Coalition for Social Justice, which could contribute to reducing inequality and become a cornerstone for the multilateral system. A fairer and more sustainable financial system with the equitable distribution of economic benefits was needed if universal rights and social justice were to be upheld. The Coalition constituted a welcome opportunity to more firmly establish tripartism and social dialogue and had the potential to contribute to realizing human rights, ensuring human dignity, meeting basic needs, reducing and preventing inequalities and ensuring that social justice was prioritized in national, regional and global policies and activities. He supported the amendments proposed by the Employers' and Workers' groups.
148. **A Government representative of Indonesia** expressed support for the Coalition's focus on poverty and inequalities, which would further consolidate the ILO's role in achieving SDGs 1, 8 and 10. The Coalition could play several roles in global efforts towards social justice, including ensuring that needs and expectations of ILO constituents were met, enabling governments to take better policy actions by balancing the supply and demand of labour and promoting labour rights. It could also promote investment opportunities in labour markets and ensure that trade barriers were not created by considering trade and labour laws and regulations, as well as enabling collaboration through enhanced coordination and partnership with relevant stakeholders. It should also ensure that programmes and budgets were transparent, efficient and targeted, with clear budget allocations, purposes and priorities that did not overlap with existing activities.
149. Before its launch, he wished to know how the Coalition would help to strengthen global economic growth as the driver of development, particularly in relation to ensuring decent work and protecting workers in the informal sector, empowering vulnerable workers and improving the skills and working conditions of all workers.
150. **A Government representative of Niger**, noting that workers throughout the world had been seriously affected by a range of crises, recalled the potential of the Global Coalition for Social Justice to rebuild confidence, facilitate the pooling of human and material resources and ensure that technological advancements led to prosperity for all. Her country therefore supported the establishment of the Coalition.
151. **A Government representative of the United Kingdom of Great Britain and Northern Ireland** stressed that it was vital that the Global Coalition for Social Justice protected all marginalized groups, especially in the context of rising global inequality. She asked what concrete outcomes the Office hoped to achieve in the first two years after the Coalition's proposed launch, what progress the Coalition would make by the Summit of the Future in 2024 and the World Social Summit in 2025 and what role it would play in those events. The individual initiatives supported by the Coalition at the national level should be in line with the UN Charter, international human rights law and the 2030 Agenda. She requested the Office to consider

how the Coalition would facilitate sustained communication between partners outside events and forums; the partnerships formed through the Coalition should create long-term systemic change. She asked how the Coalition would hold non-constituent stakeholders accountable, what the approval process to join the Coalition would involve and whether external stakeholders would guide the Coalition's outputs or implement them.

152. **A Government representative of Pakistan** expressed support for the Director-General's vision for the Global Coalition for Social Justice. Social justice and decent work were key to ensuring a human-centred recovery to the COVID-19 pandemic, promoting investment in social policies and reinforcing institutions of social dialogue. Social justice was a prerequisite for achieving the SDGs and building resilient societies. The Coalition should assist Member States in inspiring innovation, facilitating the exchange of best practices and utilizing indigenous knowledge to accelerate the achievement of the SDGs.
153. **A Government representative of Bangladesh** said that the Coalition should consider ways of promoting and accelerating job creation and ensuring the availability of jobs during crises, such as the COVID-19 pandemic. The Coalition should also assist Member States in ensuring decent work environments.
154. **A Government representative of Barbados** highlighted that until international financial institutions addressed development and development funding in small developing States, discussions on social justice would ring hollow. It was important for the ILO to draw on the work and expertise of the multilateral partners that would form part of the Coalition, including international development banks, in order to address issues that impacted social justice, such as debt and climate change. The ILO was well positioned to coordinate with other institutions and raise global awareness of the need for coherence, and the Coalition would play an important role in that respect. He supported the draft decision.
155. **A representative of the Director-General** (Senior Adviser for Special Initiatives in the Director-General's Office (CABINET)) said that the Coalition would aim to ensure that social justice was prioritized and that all relevant expertise and efforts led to more action towards social justice. The Coalition would present an opportunity for the ILO to mainstream its mandate, promote the tripartite model of social dialogue and provide social partners with a platform to engage with the multilateral system.
156. The six thematic areas had been proposed based on the current and future programme and budget, the Decent Work Agenda and the Social Justice Declaration, and they covered areas requiring urgent and concerted action as set out in the Director-General's vision statement. Several existing programmes and projects at the ILO would feed directly into the thematic areas covered by the Coalition, and its functions would be supported by the ILO research, statistics, communication and multilateral affairs departments and by its partners. For social development programmes, such as health or education, where the ILO did not develop expertise, contributions to the Coalition would mobilize partners' work in areas where their mandates overlapped. Similarly, with regard to human rights, the ILO's contribution to the Coalition would focus on the promotion, ratification and implementation of international labour standards in parallel with other human rights instruments. The standards would serve as a catalyst for the fulfilment of fundamental needs in terms of wages, OSH, and collective bargaining. The Coalition should boost support for initiatives to ensure wage security; better implement rights at work in all sectors and in enterprises of all sizes; reinforce measures that supported workers, communities and enterprises undergoing transition linked to climate change; ensure quality opportunities for women and girls in the labour market and equal work for equal pay; and develop common frameworks on issues such as combating inequality.

157. All partners that wished to promote social justice on a national, regional and global level could join the Coalition. ILO constituents, the UN and related organizations, and multilateral development banks were eligible, and the applications of other stakeholders would be subject to an approval process that had yet to be defined. Social partners would contribute to the governance of the Coalition and would be called upon to undertake political and technical actions for social justice. Once the Coalition had been approved by the Governing Body, the Director-General would send letters to heads of state and government and to the Employers' and Workers' groups inviting them to join the Coalition and address the launch event. The Office would also meet with other partner organizations that had expressed an interest in joining and they would receive their invitations from the Director-General in the days following the approval of their applications.
158. The Coalition would be structured as a platform that allowed various entities to pool their efforts to promote social justice; no new institutional entity with decision-making powers or the authority to allocate financing would be created. Discussions at Governing Body sessions and the International Labour Conference would guide the work of the Coalition and decide on its structure. The 25 partners referred to in the Programme and Budget proposals for 2024–25 had no bearing on the Coalition's structure, functioning or composition. The workstreams had yet to be developed and discussed with partners and the constituents and would be defined based on the Coalition's thematic priorities. During the launch of the Coalition, the various ILO departments and country offices would need to agree on their work plans and objectives. In 2023, the Coalition and its activities would be covered by existing resources, and the internal work undertaken to establish and launch the Coalition would fall under outcome 8 of the programme and budget. Funding would come from voluntary sources, and since the Coalition's work was closely aligned with the Office's cooperation and development projects, it would receive ILO support. Furthermore, opportunities for funding would arise as more partners joined the Coalition.
159. With regard to the next steps, provided that the Coalition was approved by the Governing Body, it was proposed that consultations with the tripartite constituents should be held soon after the current Governing Body session to prepare for the launch and finalize the structure of the Coalition, determine its terms of reference, and decide on the participation of other stakeholders. The suggested launch dates were 14 or 15 June 2023, during the International Labour Conference. Heads of state and government would be called upon to reiterate their commitment to social justice and accept the Coalition as a means of strengthening joint action. Further national and regional consultations with the constituents would need to be held to identify needs and priorities. It was hoped that the Coalition would provide a strong platform to advocate for social investment and raise the profile of the social dimension of sustainable development at the SDG Summit in September 2023. By the end of 2023, work would be carried out with partners to compile a list of initiatives for implementation on the ground. In 2024, the implementation plan would be finalized in anticipation of the Summit of the Future in 2024 and the World Social Summit in 2025.
160. **A representative of the Director-General** (Director, Multilateral Partnerships and Development Cooperation Department) emphasized the need to create synergies between the Global Coalition and other activities at country level. National and regional consultations had been held on social justice, and the outcomes of those discussions would hopefully be reflected in the upcoming DWCPs. The UN Sustainable Development Cooperation Frameworks were government initiatives to measure UN support for national development plans, and it would be for governments to include social justice in those. The idea was to ensure convergence between the DWCPs and the Cooperation Frameworks. The Common Country Analysis was a

UN exercise to evaluate a country's needs, and efforts would of course be made, including by involving the social partners, as well as country offices and regional offices, to ensure that a social justice dimension was included.

161. Another query that had been raised in recent months concerned the relationship between the Coalition and the High-Level Political Forum on Sustainable Development, under the auspices of the UN Economic and Social Council. That was an intergovernmental forum to follow progress and challenges in implementing the 2030 Agenda for Sustainable Development. The social partners were increasingly involved in those discussions. The Global Coalition would be a much broader exercise, involving more stakeholders coming together around the specific objective of social justice. The two should be complementary and every effort would be made to avoid duplication. The intention was for the voluntary national reviews at the High-Level Political Forum to include more of a social justice dimension.
162. With regard to the target for the number of partners, he clarified that for the purpose of the programme and budget a specific number had had to be chosen for the next biennium and 25 had seemed like a realistic target, but that was likely to evolve over time. Preliminary consultations had already been held with a number of organizations that had expressed an interest in working together on social justice, including the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the World Health Organization (WHO) and the United Nations Environment Programme (UNEP). The initial targets were UN organizations with operations in the field, but financial institutions had significant leverage at the national and global levels and so would also be essential partners for the Coalition. Indeed, preliminary discussions were under way with the Bretton Woods institutions as well as with regional and public development banks.
163. The Employers and the Workers had emphasized the importance of the link with the Secretary-General's *Our Common Agenda* initiative; indeed, *Our Common Agenda* had the social contract at its heart, with a strong focus on youth, the future, global public goods, on a UN system that was adapted to the challenges ahead, and on networked multilateralism. The Secretary-General had launched several policy briefs to steer Member States' deliberations over the coming months. The year ahead would see significant milestones in the process, with the SDG Summit marking the mid-point of the implementation of the 2030 Agenda. The High-Level Advisory Board on Effective Multilateralism was due to deliver its report in the coming weeks, which would help feed into the September 2023 ministerial preparatory meeting for the Summit of the Future to be held in 2024 and the World Social Summit in 2025.
164. On the subject of financing for development, he noted that that had been another of the Secretary-General's initiatives, launched during the COVID-19 pandemic. That process had an extremely ambitious agenda to reform the global financial system. The Secretary-General had spoken to the members of the G20 about an annual stimulus package of US\$500 billion for the implementation of the SDGs, which gave some idea as to the scale of the challenge, and the financial institutions would have a role to play, especially related to the access to financing.
165. With regard to internal governance, he noted that outcome 8 of the programme and budget outlined that the Coalition would have a dual role, projecting outwards on the topic of social justice, as well as strengthening structural coherence within the Organization between headquarters and the field, which would have a great impact on working methods.
166. **A representative of the Director-General** (Assistant Director-General, Jobs and Social Protection Cluster) added that the Global Coalition would give more weight to ongoing ILO

initiatives in the field, both in the context of UN Country Teams and with international financial institutions.

167. **The Director-General** thanked the members of the Governing Body for the very rich discussion. He welcomed the importance that was being attached to the initiative and recognized the Office's responsibility to respond to questions and take guidance. Moving into the implementation phase of the initiative, he reiterated that they could not be limited to just existing cooperation. There must be a new impetus for the inter-agency Coalition, so although there were many initiatives in progress, more could still be done. Indeed, everybody already knew that most targets would be missed at the forthcoming SDG Summit, which implied that increased commitment was needed. It was important to increase visibility for social justice by having heads of state present at the launch of the Global Coalition.
168. Once the pillars of the Coalition had been formed, members would be invited to join specific pillars, as well as the Coalition as a whole, and each pillar would then define its own goals. Examples included the ILO's work on social protection, where both the potential for progress and the challenges could already be seen. The more people were brought into the Global Accelerator on Jobs and Social Protection for Just Transitions, the better their chances were of making a difference on the ground. Another example was the potential of supply chains for economic growth and fighting against poverty, but there were also potential issues of child labour or forced labour. Different stakeholders should not use supply chains as a barrier but create a synergy encompassing both the economic and social rights aspects.
169. He reassured members that there would be further consultations before the Coalition was launched, but it was a difficult process to manage. In order to mobilize heads of state for the launch event, plans needed to be already under way, which was why the invitations to the Conference had included a reference to the Coalition launch. That in no way meant that the Governing Body's decision had been taken for granted. Once the decision had been taken, more formal steps would be taken to invite heads of state and other UN agencies to the launch and to make more concrete plans.
170. With regard to governance, he had been examining the governance structures of the Equal Pay International Coalition and Alliance 8.7, in an effort to avoid doing something unfamiliar and to draw lessons from other cases. The Coalition would be governed by a high-level steering committee or advisory board, which he would hopefully chair himself, but he had not wanted to presume that in advance. The advisory board would also have at least one Worker representative, at least one Employer representative and several Government representatives, perhaps three or four regional groups on a rotational basis. No due diligence was planned for the World Bank, as it was considered part of the UN system. However, for those partners outside the UN system it would be for the members to decide on due diligence. Lessons would be drawn from existing initiatives regarding the criteria to use. He offered assurance that no action would be taken to bypass the Employers' group or the Workers' group. Some Government groups had also expressed concern about civil society organizations, and that feedback was noted. He hoped that the ILO would take on the role of secretariat for the Global Coalition, but once the pillars had been defined, they would each have to fund their own initiatives through special resource mobilization. That would not necessarily represent an additional burden for the ILO, but if it did, it would be to further its mandate.
171. In closing, he said that the ultimate objective of the Coalition was to make a difference on the ground, so between September and December 2023 there would be a consultation phase at the regional and country levels before each pillar finalized its action plan. He would report back to the Governing Body at its next session.

- 172. The Employer spokesperson** thanked members for the broad support that had been expressed for the amendment proposed by the Employers' group. It was very concerning that the invitations to the International Labour Conference had already made reference to the launch of the Global Coalition, as the Governing Body needed to approve major initiatives before they went ahead. It was important to give assurance that members would receive the necessary information to endorse the initiative before it was launched.
- 173.** The Employers' group firmly supported the Coalition, but needed to know exactly the details before embarking upon. It was the mandate of the ILO to strive for social justice through decent work, and the task at hand was to ensure that the Coalition raised the visibility of social justice within the UN family. The Global Coalition was a very comprehensive initiative and could not be compared to Alliance 8.7 or the Equal Pay International Coalition, which were much more narrowly oriented. The concept was already clear and both the Employers' group and the Workers' group were actively contributing to it in a positive way. She hoped that the Governing Body would be able to work on both groups' amendments and come to a consensual conclusion so that the Coalition could be launched in June.
- 174.** She had been disappointed to see that the responses given by the Office had in fact been read at speed from a text that had been prepared before the questions had even been asked, so she requested that the text be distributed to delegates so that they could properly reflect on it. She also requested the Office to provide concrete answers to the questions that had been asked, so that a decision could be taken after further discussion.
- 175. The Worker spokesperson** reiterated his group's support for the initiative and thanked the Office and the Director-General for the additional information. Clear rules of engagement were needed, as well as conditions for the participation of the various stakeholders. Tripartite governance was also very important. The Workers' group stood by its proposed amendment, but was prepared to be flexible in order to reach consensus.
- 176. The Director-General** introduced document GB.347/INS/4/Additional information, containing further details on the Coalition. The main ambition of the Coalition was to generate the highest level of political support for social justice, on a par with climate change. Huge gains could be made through the Coalition simply by coordinating actions and improving policy coherence towards achieving the SDGs by 2030. As governments, social partners and other development actors joined the Coalition, they would contribute to shaping its activities, including in relation to resource mobilization. For that reason, several elements had been left open for further discussion as part of a multilateral approach. The ILO's current focus was the four pillars of the Decent Work Agenda; the Coalition would allow scope to add further pillars, such as inequality or the just transition, both major issues that needed to be addressed on several fronts.
- 177.** In terms of governance, there would be a tripartite steering committee the exact size and composition of which would be decided during the forthcoming tripartite consultations. The steering committee would be led by two co-chairs, one the ILO Director-General and the other a Government representative. Its members would include representatives of other international organizations, including international financial institutions, in addition to the tripartite constituents. There would also be potential to include representatives from academia, civil society or the private sector through the IOE, depending on the overall eligibility criteria established. The Office would provide support to the steering committee as part of its role as secretariat to the Coalition, so the ILO would remain in full control of the initiative.
- 178.** It was likely that members of the Coalition would decide to focus on specific pillars according to their own needs and interests; as part of that approach, they would be able to act as champion of a particular cause. The secretariat would coordinate actions as the work

programme was being developed. During that phase, the Governing Body would be kept fully informed, while feedback would also be provided through the tripartite consultations during the intersessional period. Particular input would be needed regarding the eligibility criteria for the Coalition; some concerns had already been expressed in that respect. It might be appropriate, for example, to exclude certain companies or States that had a large number of outstanding cases against them. Finally, in relation to financing, an innovative approach would be taken to avoid generating significant additional costs. Many of the secretariat costs would be covered by existing funds from the Office, but donors might be asked to cover specific positions on the Coalition team. Resource mobilization could be necessary to fund additional activities at the pillar level, but such efforts would be carried out alongside partners as needed.

179. **The Worker spokesperson** reaffirmed his group's support for the Coalition and thanked the Director-General for the additional information, which provided reassurance regarding the next steps to be taken. In terms of the rationale and priorities, he welcomed the decision to base the design of the Coalition on the Social Justice Declaration, stressing that both that instrument and the 2021 Conference conclusions concerning inequalities should form the basis of the Office's work on the Coalition. Further tripartite discussions should be held on the subject, as proposed. His group largely supported the new objectives outlined, but wished to emphasize that advocacy for social justice should be based on the promotion of international labour standards and tripartism in policymaking and decision-making. Similarly, he agreed with the four functions of the Coalition, but asked for further clarification regarding how the proposed biennial flagship report on the state of social justice would tie in with existing flagship reports.
180. His group welcomed the positioning of the Global Accelerator on Jobs and Social Protection for Just Transitions as a key mechanism for the Coalition and the ideas for initiatives with international organizations, which provided a good basis for the future development of partnerships in line with international labour standards and tripartism. It was likewise positive that a tripartite approach would be taken to the steering committee, although questions remained regarding how the ILO's standard criteria for representation would apply to a body that included other international organizations. Constituents must retain tripartite oversight of all initiatives, partnerships and criteria, including those involving other international organizations, to ensure strict accountability. Recognizing that those internal issues remained to be resolved, he said that the Workers' group was nevertheless happy to move forward with the Coalition and was reassured to learn that the steering committee would play a major role through a tripartite process. However, it might be more useful to organize its meetings outside sessions of the Governing Body or Conference, as they already had full agendas, which would also facilitate reporting. The Governing Body could then guide the Coalition's work through a standing agenda item.
181. The Workers' group generally agreed with the proposed timeline, notably the announcement of the Coalition at a social justice summit during the Conference, which addressed the high-level event the group had proposed in its earlier amendment. The group supported the budget proposals, which it hoped would be acceptable to the Governments. It would be preferable not to have voluntary contributions earmarked for specific purposes, and instead have financial support for the Coalition as a whole. The Workers' group was prepared to be flexible in arriving at a decision that would drive the process forward.
182. **The Employer spokesperson** reiterated her group's support for the proposed Coalition but noted that a number of questions remained. The Director-General had said that the objective of the Coalition was to mobilize more resources to do more for social justice through collaboration with other UN organizations. However, the document containing additional

information did not show the added value of the Coalition, which would be necessary to attract other organizations to join it. It was not enough to explain what the Governing Body was looking for in potential partners; the document should also specify what the ILO had to offer. The Coalition should amplify the ILO's work and mandate across the UN system. To achieve buy-in from partners, the ILO's unique tripartite governance structure and the work it had already done on decent work and social justice, including in the ILO Centenary Declaration, should be highlighted, alongside its work on sustainable enterprises to create decent work, which improved the wealth of people, which in turn improved social justice by alleviating poverty and addressing informality and precarious employment.

- 183.** Furthermore, she called on the Office to review the definition of social justice in the first paragraph of the additional information, as it was surprisingly one-sided. Social justice was not only related to protecting the most vulnerable and marginalized and mitigating inequality; the definition should also include those who worked to create employment and to protect the vulnerable, who deserved to have their contribution to society recognized. Social justice was above all about fairness. She asked whether the Office had verified whether the WTO was working on trade and supply chains, before proposing policy alignment between the two organizations.
- 184.** She was unconvinced that the proposals concerning governance had been improved. The fact that businesses were separate from employers' organizations in the list of proposed Coalition members was inconsistent with the Governing Body's agreed rules that the ILO's engagement with the private sector, which included commercial companies and foundations financed by private companies, should be channelled through employers' organizations. The other groups listed should only be included in such a way as to safeguard the primacy of tripartism. The membership criteria that were to be developed by the Coalition secretariat did not take account of the guiding principles on public-private partnerships adopted by the Conference and the Office's internal clearance procedure.
- 185.** As the Coalition would be created by the Governing Body and chaired by the Director-General, it should be subject to the authority and control of the Governing Body. Therefore, more specific information about the proposed governance structure was needed. She asked how the Office would ensure that staff members who contributed working hours to the Coalition secretariat were not distracted from their core functions under the programme and budget and were not overburdened, as well as what proportion of its staff would be devoted to the Coalition. The Office must be able to satisfactorily execute its duty of care to its staff.
- 186.** She supported the proposed timeline and the proposal to hold a social justice summit. The Coalition should only be launched once the remaining questions had been clarified and the Governing Body had approved the initiative. The Coalition would clearly have financial implications, and she asked how the financial and staffing implications of the Coalition, once launched, would be integrated into the Programme and Budget proposals for 2024-25, and where budgetary savings would be made to cover those costs. Her group opposed diverting any resources that could lead to the reduction of activities agreed in the Programme and Budget for 2022-23. The Office should fully evaluate all potential cost implications of the Coalition, including working time from different ILO departments.
- 187.** She requested the Office to prepare a revised concept paper that was coherent in substance, demonstrated the added value of the Coalition, was based on a realistic operational budget, and which had a governance structure in line with the ILO's principle of social dialogue. Only when there was such clarity could the Office expect that other organizations might join the Coalition. She recalled that her group had proposed amending the draft decision accordingly.

At the current juncture, she was unable to endorse the launch of the Coalition, despite her group's overall support of the initiative and its objectives.

188. **Speaking on behalf of ASPAG**, a Government representative of the Philippines welcomed the additional information provided on the membership and governance of the Coalition and the proposal to form a steering committee. He reiterated the importance of tripartite participation of ILO constituents alongside other international organizations. The fact that the Director-General would chair the steering committee, alongside an elected co-chairperson, would ensure that the Coalition remained focused on the ILO's social justice mandate. He looked forward to receiving more information about the specific role and functioning of the steering committee.
189. He welcomed the proposed tripartite consultations leading up to the 111th Session (2023) of the Conference, which should address all the issues raised by the constituents. He noted with optimism the possible areas of collaboration with other international organizations. He requested more information about the planned social justice summit, and how the Coalition would be incorporated. He asked whether it was a novel initiative of the ILO, and how would it differ from the annual World of Work Summit that it would replace. As the lead organization of the Coalition, it was important for the ILO to democratize its own tripartite governance, as social justice could only be obtained through the full, equal and democratic participation of all States. As Asia and the Pacific created half of global wealth but was home to two thirds of the world's population struggling to rise above the poverty line, for whom social justice mattered most, the region could provide guidance on the preparation of the structure and programme of work of the steering committee and the direction of the Coalition. The Coalition should draw on the 1986 UN Declaration on the Right to Development as well as the ILO Social Justice Declaration. On the understanding that the clarifications requested would be provided in tripartite consultations, he supported the draft decision.
190. **Speaking on behalf of the Africa group**, a Government representative of Eswatini urged the Office to take into account guidance from the Governing Body in its ongoing work on the proposed Coalition. His group could support the original draft decision, but there were also positive elements in both proposed amendments. He expressed a preference for the amendment proposed by the Workers' group to subparagraph (a) and could consider the amendments proposed by the Employers' group to subparagraph (b) and the new subparagraph (c).
191. **Speaking on behalf of GRULAC**, a Government representative of Colombia said that the proposed Global Coalition for Social Justice would provide a multilateral platform for coherent efforts towards social justice. The Coalition should be human-centred and focused on gender equality and the inclusion of groups vulnerable to discrimination, with social dialogue and the promotion of decent work at its heart. She agreed with the four proposed functions of the Coalition and its proposed membership, and asked whether any international organizations had already expressed an interest in joining the Coalition.
192. Her group supported the creation of a steering committee and its proposed composition. There should be a balanced participation of Governments, based on geographical representation and gender equality. Noting that the steering committee would be co-chaired by the Director-General and an elected Government representative, she asked for more information regarding the expected level of that representation.
193. Concerning the proposed timeline, she said that the tripartite consultations planned for April and May 2023 should be used to refine the details of the steering committee, its membership and terms of reference. Her group agreed that the establishment of the Coalition could be

announced during the planned social justice summit, on the understanding that subsequent consultations would be required to finalize the pending governance questions. She asked whether tripartite constituents participating in that summit would be automatically invited to join the Coalition's steering committee. She noted that the steering committee would be established between July and September 2023, and she reiterated the importance of the active participation of the tripartite constituents in all decisions relating to the steering committee, including on the work programme. She welcomed the details of the expected costs and funding sources, and looked forward to more information about the allocation of the necessary funds under the programme and budget. She supported the Director-General's initiative and, subject to the questions she had raised, supported the draft decision.

- 194. Speaking on behalf of IMEC**, a Government representative of Belgium requested information in the upcoming consultations on how the four proposed functions of the proposed Global Coalition related to the thematic and functional areas mentioned in document GB.347/INS/4. She highlighted the vital normative role of the ILO, which should be further strengthened, and the focus on the enabling rights of freedom of association and collective bargaining. Her group would welcome stronger linkages with the four priority action programmes outlined in the Programme and Budget proposals for 2024–25. The Coalition should also highlight the link between combating inequalities and advancing social justice, as the four areas of focus contributed to the ILO Strategy to reduce and prevent inequalities in the world of work. It was regrettable that addressing inequality, discrimination and exclusion was no longer an explicit area of focus for the Coalition. Given their cross-cutting nature, work to promote gender equality and combat discrimination should be mainstreamed across all the Coalition's activities. Her group welcomed the additional information about the objectives of the Coalition; achieving them would depend on constituents' ownership and the ability to implement the objectives at the national level. Concerning the flagship report on social justice, she asked the Office to provide more details of the plans at the October–November 2023 session of the Governing Body.
- 195.** Her group welcomed the examples provided of close cooperation with UN agencies and other international organizations and encouraged the Office to make such examples a reality in the upcoming months. It would be important to clarify what was meant by the fourth function of the Coalition, "action, partnership and resource mobilization in support of country needs". The Global Accelerator on Jobs and Social Protection was key to advancing social justice, and the difference in its scope and that of the Coalition was now clear. IMEC agreed that additional focus areas could be added in the future, provided that the Coalition remained closely focused on the needs of the most vulnerable people and the fight against inequalities, discrimination, poverty and insecurity with a view to realizing social justice.
- 196.** She supported the proposed composition of the Coalition, but would welcome further clarification on the role of the social partners. All members should be committed to the Coalition's terms of engagement. As to the Coalition's governance structure, she noted the important role of the steering committee and asked whether three meetings per year would be sufficient. She asked the Office to provide information from comparable steering committees, and whether virtual meetings had been contemplated. All elements relating to the steering committee, its governance and its implementation should be discussed during the first set of consultations. She recognized the value of including other international organizations on the committee, but emphasized that the majority of members should be ILO tripartite constituents. She sought clarification regarding the representational criteria to be applied to its membership and asked how potential committee members would be identified.

197. She expressed her group's support for the ambitious proposed timeline for the plan to hold tripartite consultations in April and May 2023, which should be used to provide updates and seek further guidance from constituents. She urged caution regarding the budget; allocation of resources should depend on progress in implementation of the Coalition. She requested more information concerning the suggested costs of steering committee meetings and regional and national consultations.
198. She requested the Office to respond to the outstanding questions, in particular on the specific impact of the Coalition and the expected activities to which Member States could contribute, during the next round of consultations. IMEC supported the initiative, which should be able to adapt to changing circumstances to ensure that it could deliver on its objectives. The group supported the draft decision but could be flexible in joining the consensus on the amendments.
199. **Speaking on behalf of the EU and its Member States**, a Government representative of Sweden said that Albania, Bosnia and Herzegovina, North Macedonia, the Republic of Moldova, Montenegro, Georgia, Iceland, Norway and Armenia aligned themselves with his statement. He said that the additional information had provided insufficient clarity on the final governance structure, or on how the steering committee would be set up and by whom. The proposed timetable should allow for engagement and for the tripartite constituents to take ownership of the initiative. The Director-General's role as co-chairperson of the steering committee reflected the fact that the ILO was best placed to coordinate social justice initiatives and that he had been elected by constituents on the basis of that ambition. Tripartism must be embedded in the governance and implementation structures of the Coalition. He expressed appreciation for the activities already initiated by the ILO that were in line with the Coalition. He emphasized the importance of close cooperation with UN agencies and other international organizations, which could contribute positively to the Coalition. However, during the tripartite consultations, the Office should clarify several outstanding aspects, including the potential budgetary implications and the impact of the Coalition on the work of the ILO. His group supported the draft decision.
200. **The Director-General** said that the recurrent report on the state of social justice in the world would not replace any existing flagship report, but would draw on, and add to, other reports and background work. The incoming Deputy Director-General would be tasked with improving coordination among ILO reports and supervising the research and statistics produced by the various departments that published flagship reports.
201. Tripartite consultation would play a key role in determining representation within the Coalition. The Office would prepare a proposal and constituents would be able to make suggestions on the membership criteria, which would be finalized during the consultations planned for late April 2023. Further consultations would take place in May 2023 to update constituents on the progress made and seek their guidance. The constituents would also be represented on the Coalition's steering committee and thus able to approve members, meaning that enterprises would not be able to join the Coalition without constituents' approval and emphasis could be placed on the involvement of sustainable enterprises. It would also ensure that the guidelines on public-private partnerships were respected. Representatives of the social partners could be allowed to join the secretariat; that could be discussed during the consultations. He welcomed the point raised by the Employer spokesperson that the Coalition's rules for engaging with the private sector should also apply to foundations funded by private companies. Tripartite constituents' membership in the Coalition would be automatic and, once finalized, the membership criteria would govern whether countries participating in the social justice summit would be invited to join the Coalition.

- 202.** The steering committee could not be subject to the control of the Governing Body because it would comprise members that were not ILO constituents, including, potentially, representatives from other international organizations such as the UN, the broader UN system, the World Bank and the International Monetary Fund. The Governing Body's control would stem from the constituents' participation in the steering committee and the fact that he, as Director-General, would be a co-chairperson. The consultations that would take place between the Governing Body's sessions would allow the constituents to contribute to progress reports to the Governing Body and to voice their opinions on the matters to be taken up by the steering committee. Flexibility was required in the timing of the establishment of the steering committee, and there was no requirement for it to be in place before the Coalition's launch.
- 203.** Initial contact with other parties had shown that the ILO did not need to convince others of the value that it added to efforts to bring about social justice; to do so would be to undervalue its work. The creation of the Coalition was a long-awaited step. Moreover, the ILO's added value was already evident in its existing partnerships. Nevertheless, the ILO must champion its leadership of the Coalition once a work plan had been established. The Coalition's impact depended heavily on the involvement of the governments, particularly in defining and implementing its work plan on the various pillars. The Office had approached the WTO for initial discussions on supply chains; if it transpired that joint work on supply chains was not possible, other areas for potential partnership would be explored. The impact of such a partnership would be enhanced through the addition of other partners. His ultimate aim, whether through the Coalition or not, was to increase the impact of cooperation within the UN system.
- 204.** The time normally dedicated to the World of Work Summit would be used for the social justice summit during the 111th Session (2023) of the International Labour Conference, in an effort to garner political commitment prior to the SDG Summit in September 2023. Although the ILO alone could not define the Coalition's work plan – that task must involve other Coalition members – he did not envisage any objections to the inclusion of a pillar on inequality. It would likely take until the end of 2023 to finalize the work plan and governance structure, with action on the ground commencing in 2024. Consultations at the national and regional levels would constitute a one-off cost and were expected to adopt a hybrid format. It was important to hear the views of actors on the ground, including regional economic commissions, before finalizing the work plan.
- 205. The Chairperson** noted that some Governments had supported the original draft decision while others had indicated flexibility on the proposed amendments, and invited Governing Body members to seek consensus.
- 206. The Employer spokesperson** said she could support the Africa group's proposal to combine the Workers' group's proposed amendment to subparagraph (a) with the Employers' proposed amendment to subparagraphs (b) and (c).
- 207. The Director-General** suggested that in subparagraph (a), the term "social justice summit" could be used to replace the word "launch", rather than "a high-level event". In subparagraph (b), he suggested that the phrase "and the respective allocation of resources" could be deleted, because the Office was not planning any allocation of resources. He also suggested that the reference to an action plan might be problematic, as the Coalition must first be formed so that a plan could be finalized after it had been discussed with other members of the Coalition; the wording under clause (ii) could perhaps be replaced with a reference to tripartite consultation.

- 208.** After a short adjournment, **a Government representative of the United States, speaking also on behalf of the Government representative of France**, proposed the following subamendment in the light of the Director-General's comments:

The Governing Body:

- (a) endorsed the Director-General's proposal to forge a Global Coalition for Social Justice, ~~including its launch through a Social Justice Summit~~ during the 111th Session of the International Labour Conference (June 2023);
 - (b) welcomed the Director-General's commitment to take into account its guidance, and proposal to hold tripartite consultations, including on governance and criteria for partners' engagement, between now and the June 2023 ILC, and regular tripartite consultations on the further development of the Coalition;
 - (c) requested the Director-General to report on further developments regarding ~~of the Global Coalition for Social Justice, and to report on progress~~ at its 349th Session (October–November 2023) and the March and October–November Sessions thereafter, and to take into account its continuing guidance.
- 209. The Employer spokesperson** raised a point of order, as the latest proposal was an entirely new version that was not based on the amendments of the Workers' and Employers' groups, which they had submitted in accordance with the proper procedure to allow for preparation and discussion within groups. The new proposals should not, therefore, be discussed. She repeated that she would support the proposed merge of the Workers' group's amendment with her group's, and could be flexible in discussing the suggestions of the Director-General, which would not necessitate a completely new text.
- 210. The Worker spokesperson** supported the latest subamendment, as it sought to capture all the points raised.
- 211. A Government representative of Belgium** also supported it.
- 212. The Employer spokesperson** said that the new text could not be characterized as a subamendment, as her group's amendment had been replaced with a completely different text and was no longer recognizable. She insisted that a 24-hour period be granted to allow for consultations, in accordance with the Governing Body's rules.
- 213. The Worker spokesperson** noted that it was a subamendment that had arisen from the floor, and requested guidance from the Legal Adviser on whether it was permissible under the rules.
- 214. A representative of the Director-General** (Legal Adviser) explained that a subamendment was defined as a proposal that sought to add text to or delete text from an existing amendment. Accordingly, the proposal from the floor could be characterized as a subamendment. Currently, there was no rule establishing a deadline for the submission of amendments or subamendments, only a best practice for logistical reasons. Such a rule had, however, existed under the special arrangements in place during the COVID-19 pandemic, when amendments had to be submitted 48 hours in advance, and subamendments, 24 hours in advance. There was therefore no procedural irregularity in the spontaneous submission of the subamendment by the Government representative of the United States.
- 215. Speaking on behalf of the Africa group**, a Government representative of Eswatini requested an explanation of the difference between a "high-level event" and the summit that had been referred to. His group could support the emerging consensus.
- 216. A representative of the Director-General** (Assistant Director-General, Governance, Rights and Dialogue Cluster) clarified that a World of Work Summit was held annually at the International Labour Conference, where high-level dignitaries discussed a different theme

each time. The intention of the proposal had been to devote the World of Work Summit to the issue of social justice in June 2023.

- 217. A Government representative of China** questioned whether the decision should refer to a “Social Justice Summit”, of which there seemed to be many, and suggested that “a high-level event” or “a summit” could be used instead, to allow time to reflect on the most appropriate name for the event.
- 218. Speaking on behalf of the EU and its Member States**, a Government representative of Sweden supported the subamendment proposed by the Government representative of the United States.
- 219. A Government representative of Argentina** suggested that it might be useful if the proponents of the latest subamendment could explain the rationale behind it.
- 220. The Government representative of the United States** said that the subamendment included the proposal to hold consultations, including on a governance structure and criteria for partners’ engagement. The reference to allocation of resources had been deleted in the light of the concerns expressed. The reference to an action plan had not been included either, because the regular tripartite consultations before the Conference in June implied that there would be further development of specific areas of action in the thematic and functional areas, as had been explained by the Director-General. Subparagraph (c) had been retained.
- 221. The Employer spokesperson** said that she could not accept the proposal because the basis for the proposed Coalition must be rooted in the mandate of the ILO and the substance of the Centenary Declaration. That, along with the governance structure, must be clarified before the Governing Body could agree to launch the Coalition. The Employer’s group could support the Workers’ group’s proposal to refer to the summit under subparagraph (a). Referring back to the Employers’ group’s amendment, she wished to keep the chapeau in subparagraph (b), and could agree to replacing it with “requested the Director-General to take into account its guidance and develop, in close consultation with tripartite constituents”. She wished to reinstate clauses (i) and (ii) but could accept the deletion of the reference to the “respective allocation of resources”. Regarding clause (b)(ii), she conceded that the action plan would need to be developed with the other participating organizations, but proposed that “tentative” should be added before “action plan”, which the ILO must develop so that there was clarity. For the Employers’ group, it was crucial to make reference to the Coalition being based on the ILO’s mandate and in line with the Centenary Declaration. She could also support the reference in subparagraph (c) to the Director-General providing a report to the Governing Body at its 349th Session (October–November 2023).
- 222. A Government representative of Belgium** noted that the Employers’ group’s amendment had been based on the original Office document, whereas the subamendment presented by the Government representative of the United States also took into account the additional information that had been received subsequently. The latest proposal was more operational, as it requested the Office to take certain steps before the session of the Conference, with the aim of accelerating the process and increasing ownership.

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

223. The Employer spokesperson proposed the following subamendment to that presented by the Government representative of the United States:

The Governing Body:

- (a) welcomed ~~endorsed~~ the Director-General's initiative ~~proposal~~ to forge a Global Coalition for Social Justice, including through a Social Justice Summit during the 111th Session of the International Labour Conference (June 2023);
- (b) welcomed the Director-General's commitment to take into account its guidance and proposal to hold tripartite consultations in preparing a, including on governance structure including and criteria for partners' engagement and a thematic plan, based on the Social Justice Declaration and the Centenary Declaration, between now and the June 2023 session of the Conference, and regular tripartite consultations on the further development of the Coalition;
- (c) requested the Director-General to report on further developments regarding the Coalition at its 349th Session (October–November 2023) ~~and the March and October–November Sessions thereafter, and to take into account its continuing guidance.~~

224. She said that it was unrealistic to expect that the necessary work and consultations could be carried out before June 2023, and therefore proposed that the Director-General should report back to the Governing Body on developments at its October–November 2023 session. Furthermore, the reference to future sessions was superfluous and should be removed.

225. After a short break for informal consultations, **the Government representative of the United States** proposed the following the subamendment to the Employers' group's latest subamendment:

The Governing Body:

- (a) welcomed the Director-General's initiative to forge a Global Coalition for Social Justice, including through a ~~Social Justice~~ World of Work Summit: Social Justice during the 111th Session of the International Labour Conference (June 2023), and the proposed tripartite consultations in preparation for the Summit;
- (b) welcomed the Director-General's commitment to take into account its guidance and proposal to hold tripartite consultations in preparing a governance structure including criteria and procedure for partners' engagement and a thematic plan, ~~based built on~~ the Decent Work Agenda, as laid down in the 2008 Social Justice Declaration and reaffirmed in the Centenary Declaration, and other relevant ILO documents;
- (c) requested the Director-General to report to the Governing Body on further developments regarding the Coalition at its 349th Session (October–November 2023), and to take into account its continuing guidance.

226. The Worker spokesperson, the Employer spokesperson and the Government representatives of the regional groups all supported the latest proposal.

Decision

227. The Governing Body:

- (a) **welcomed the Director-General's initiative to forge a Global Coalition for Social Justice, including through the World of Work Summit: Social Justice during the 111th Session of the International Labour Conference (June 2023), and his proposal to hold tripartite consultations in preparation for the Summit;**
- (b) **welcomed the Director-General's commitment to take into account its guidance and his proposal to hold tripartite consultations in preparing a governance structure**

including criteria and a procedure for partners' engagement and a thematic plan, built on the Decent Work Agenda, as laid down in the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022, and reaffirmed in the ILO Centenary Declaration for the Future of Work (2019), and other relevant ILO documents;

- (c) requested the Director-General to report to the Governing Body on further developments regarding the Coalition at its 349th Session (October–November 2023), and to take into account its continuing guidance.

(GB.347/INS/4, paragraph 31, as amended by the Governing Body)

5. Work plan on the strengthening of the supervisory system: Proposals on further steps to ensure legal certainty (GB.347/INS/5)

- 228. **The Employer spokesperson** expressed disappointment that despite the comprehensive feedback received during informal consultations, the Office had failed to take the majority of views expressed into account when preparing the procedural framework. It was not the case that agreement had been reached on the way forward, as implied in the draft decision. In addition, the core issue underlying discussions was the interpretation by the Committee of Experts on the Application of Conventions and Recommendations of the right to strike in the context of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); however, that issue was not the main consideration of the proposals. Furthermore, the Office had not presented the groups concerned with all possible means to resolve interpretation issues internally, such as a tripartite technical meeting or a dedicated discussion at the International Labour Conference. The Employers' proposed amendment therefore introduced a new paragraph providing an internal solution to address the right to strike issue, which should ensure that all constituents could engage actively in the process, solutions were based on consensus and adopted outcomes were universally relevant and accepted.
- 229. The Employers' objective was to ensure that the Committee of Experts did not create new obligations beyond those intended by the tripartite constituents at the Conference. The Committee of Experts should refer difficult questions or gaps in a Convention to the constituents for them to resolve; its failure to do so in the case of the right to strike had led to the current dispute.
- 230. While article 37(1) of the ILO Constitution provided an avenue to resolve interpretation questions or disputes, referral to the International Court of Justice (ICJ) should be a last resort. It would be preferable to seek internal solutions that received wide support from the constituents. The advisory opinions of the ICJ were not legally binding; the Employers doubted whether it was legally feasible to include in the introductory note a reference to a commitment to implement the Court's opinion as final and binding, in particular for those who did not support the referral. The impact on non-State actors had not been considered. Furthermore, such a commitment could place increased pressure on ratifying countries to comply and might entail adverse consequences, notably a loss of confidence in the predictability and reliability of obligations under ratified Conventions and, as a result, the reluctance of constituents to set new standards.
- 231. In order to create the necessary trust in the process, the referral request should only be examined if it had the support of the majority of all States parties to the Convention concerned. The International Labour Conference should be involved throughout, in order to ensure the

participation of States parties directly affected by an ICJ advisory opinion. The Employers were concerned that the International Labour Standards Department might not be strictly neutral, in particular where an issue originated in an assessment by the Committee of Experts. In addition, they held that interpretations of a Convention under examination by the Court should be suspended during ICJ proceedings.

- 232. Her group could accept neither the introductory note nor the procedural framework as proposed. Substantive change was needed to reflect the majority views, which required further consultations and consensus building among constituents.
- 233. With regard to the proposals for the implementation of article 37(2) of the Constitution, the Employers had substantial comments concerning the structure and composition of an in-house tribunal, which they remained open to discuss with the Office.
- 234. Her group proposed the following amendments to the draft decision:

The Governing Body decided to continue discussing at its 349th Session in November 2023:

- (a) ~~approve any unresolved issues in~~ the introductory note and procedural framework set forth in Appendix I of document GB.347/INS/5 for the referral of interpretation questions or disputes to the International Court of Justice under article 37(1) of the ILO Constitution;
 - (b) ~~continue to discuss~~ the implementation of article 37(2), and to this end, requested the Director-General to organize tripartite consultations with a view to preparing draft rules for the establishment of a tribunal for its consideration ~~at its 352nd Session (November 2024);~~
 - (c) further proposals to ensure legal certainty and strengthen the supervisory system, including by placing an item for discussion on the agenda of the International Labour Conference.
- 235. She expressed the hope that a positive way forward would be found but underscored that as the topic under consideration was complex and highly sensitive, time should be taken to find a consensual solution.
 - 236. **The Worker spokesperson** recalled that, as the Legal Adviser had previously explained, under article 37(1) of the Constitution, it was expected that interpretation issues would be referred to the ICJ. Article 37(2) simply provided for the possibility of referral to a tribunal, which could in any case be overruled by decision of the Court. It was therefore clear that, according to the ILO's Constitution and legal framework – which there was no intention of changing – there was no strict need for a procedural framework, nor were there any requirements in terms of minimum support for making a referral or qualifying the seriousness of an interpretation issue. Similarly, it was not necessary to exhaust all other means prior to making a referral. The only barrier in place was that in article 37(2) whereby Governing Body approval was required for referral to a tribunal. So even without a procedural framework, the Members of the ILO were able to raise a matter of interpretation and a request a referral to the ICJ; that would go on the agenda of the Governing Body for a decision according to its normal procedures.
 - 237. There was currently only one serious and persistent problem of interpretation within the Organization, namely on Convention No. 87, in relation to the right to strike, and the competence of the Committee of Experts to provide guidance on the matter. That was no minor issue for the Workers' group, as the right to strike was the corollary of the rights of freedom of association and collective bargaining; it redressed workers' unequal power relationships with employers and businesses. Although the right to strike was not an absolute right, there were limits to the restrictions that could be placed on it, as had been established by long-standing authoritative guidance from the Committee of Experts. The failure of the ILO to confirm that the right to strike was recognized and protected under Convention No. 87 was

bad, not only for workers but also for the Organization's reputation and credibility. Employers and their organizations were happy to call on the judiciary when seeking to challenge a strike, but appeared reluctant to make proper use of the existing constitutional means to resolve the issue on the right to strike. Although not strictly necessary, the proposed procedural framework could potentially provide a step-by-step approach to dealing with obligations under article 37(1) of the Constitution. The Workers' group was ready to discuss the details of the framework in good faith, but did not wish to enter into further general discussions that would merely create further delays.

238. The proposed procedural framework should be simple, practical and aligned with the current procedures of the Governing Body as far as possible. It should also fully reflect the guidance provided during the 344th Session. The Workers' group broadly supported the proposed procedural framework and agreed with its parameters as per paragraphs 14 and 15 of the document. In terms of the level of support or "threshold" for triggering a full-fledged referral discussion in the Governing Body, any threshold should be indicative, as it governed the submission of a request, rather than the decision-making process itself. Under the existing legal framework, there were no limits on members or groups raising a matter of interpretation. However, in the interest of obtaining a practical framework, the group could support an indicative threshold of 20 Governing Body members for filing a referral request, on the understanding that it would not constitute a receivability rule in legal terms. The alternative threshold of at least 30 Member States should be adapted or deleted; although it made sense to allow non-Governing Body members to submit requests, clarification was needed regarding the Employers' and Workers' groups. In addition, although the introductory note mentioned the possibility of referring requests that did not achieve the required level of support to the Officers of the Governing Body, that matter should be addressed in the text of the procedural framework in order to ensure consistency with the Organization's legal framework, which did not contain any thresholds. Five of the six cases submitted to the predecessor to the ICJ had been initiated by single Member States, and they had been key questions requiring clarification.
239. In terms of time frame, it was essential to ensure that Governing Body decisions were not delayed indefinitely; it was correct to state that recourse to article 37(1) should be considered as a last resort in case of a serious and persistent interpretation issue. However, the words "last resort" should not be understood as requiring endless procedures to be completed prior to referral. Recognition of the importance of social dialogue did not preclude the possibility of referring matters to a court; disputes needing an authoritative legal opinion might arise even where highly developed social dialogue and collective bargaining systems existed. Furthermore, the failure of social dialogue to resolve a matter should not be a formal precondition for referral. It had been agreed at the 344th Session that interpretation disputes regarding legal matters, such as the authoritative interpretation of a Convention, could not be solved by social dialogue, as that did not provide the necessary legal certainty. The Workers' group therefore supported the wording in paragraph 5 of the proposed framework; the inclusion of any further requirements to be fulfilled by the Governing Body prior to referral would go against article 37(1), which had no such requirements. The group also agreed that the discussion of the referral and the legal question should be combined, as stated in paragraph 6.
240. Concerning paragraph 21 of the document, she stressed that the Governing Body had full competence to take referral decisions based on the mandate given to it by the International Labour Conference in 1949. Opening up the Governing Body's decision-making on referrals under article 37 to all Member States would set the wrong precedent and call its position into

question; her group did not support such a move. However, the proposal to allow Member States that were not Governing Body members to submit written comments, as per paragraph 8 of the proposed framework, was acceptable. If governments had strong views on involving the Conference in some way, her group would consider a provision allowing it to validate the Governing Body's decision, as long as that took place as a limited exercise on a case-by-case basis, as outlined in paragraph 22 of the document. The group therefore supported the text proposed in paragraph 10 of the procedural framework.

- 241.** Turning to the provisions of article 37(2) of the Constitution, she noted that there had not previously been an appetite for the establishment of a tribunal. Indeed, the Employers' group had stated at the 344th Session of the Governing Body that such a tribunal would not be suited to resolving long-standing, complex and contentious issues such as the Committee of Experts' interpretation of the right to strike in Convention No. 87; she would be interested to know if it still held that view. Her group shared the analysis of the Office and Legal Adviser that article 37(2) was intended for settling narrow technical questions, rather than serious disputes with broader systemic implications, and that it did not guarantee legal certainty. Combined with the fact that a potential internal tribunal could interfere with the authority and independence of the current supervisory system, including the Committee of Experts, and the requirement to deal with disputes with serious, far-reaching implications through article 37(1), it did not make sense to invest in a process under article 37(2), as there was no assurance that it would provide the necessary legal certainty. The Workers' group therefore strongly advised against developing further proposals for establishing an internal tribunal based on article 37(2), as that would not help resolve the current issue regarding the right to strike, which could only be addressed through article 37(1). It therefore proposed the following amendment to subparagraph (b) of the draft decision:

- (b) continue to discuss the implementation of article 37(2), ~~and to this end, requested the Director General to organize tripartite consultations with a view to preparing draft rules for the establishment of a tribunal for its consideration at its 352nd Session (November 2024).~~

- 242.** Concerning the amendment proposed by the Employers' group, she objected to the proposal to postpone discussions still further, as extensive consultations had already been held. Despite stressing the need for consensus, that group had already gone against existing consensus in challenging the interpretation of Convention No. 87 in relation to the right to strike. The proposed subparagraph (c) to place an item for discussion on the agenda of the International Labour Conference was unclear, and suggested that a mechanism for achieving legal certainty did not already exist, when it was in fact adequately covered by article 37 of the Constitution, as expressed in the Governing Body's decision of March 2022 concerning the work plan on the strengthening of the supervisory system. Therefore, the Workers' group did not support the amendment proposed by the Employers' group.
- 243. Speaking on behalf of the Africa group,** a Government representative of Malawi highlighted the importance of social dialogue in dispute resolution. Her group recognized the agreed criteria for referring questions to the ICJ under article 37(1). Any procedural framework should be uniformly applied to all requests. She noted the proposal to include all Member States in the discussion to trigger referrals, and agreed that the Governing Body, meeting as a Committee of the Whole, was a suitable forum for filtering, analysing and debating referral requests, which would be approved by a resolution of the International Labour Conference. She reiterated the need for the Office to remain neutral and impartial throughout the referral process.

244. Concerning the proposals relating to article 37(2), she said that the ICJ should be a last resort. Thus, an in-house tribunal should be established as a mechanism to resolve disputes in the first instance, which could be permanent or ad hoc in nature. Parties that were dissatisfied with the outcome of that tribunal would then have recourse to a higher authority. She agreed with the proposed eligibility criteria for judges, emphasizing the need to safeguard their independence and impartiality, while ensuring the representation of different legal systems. The tripartite selection process should be transparent and inclusive. A balance should be struck between the tribunal's functions of supervision and interpretation. No restrictions should be imposed if a party felt aggrieved by an award of the tribunal. While it was possible that a tribunal award may be challenged, she noted that the Governing Body would still have to endorse the referral of any item to the ICJ.
245. Her group had several outstanding questions. She asked the Office to clarify whether the advisory opinions of the ICJ would be binding on all Member States. She questioned why the referral procedure under article 37(1) was to be adopted prior to agreement being reached on the establishment of an in-house tribunal. The Office should clarify: why an in-house tribunal could not have jurisdiction over all matters of interpretation; the criteria to be used to determine the issues of most importance; the role of the Governing Body and International Labour Conference in determining whether a case should be referred to the proposed in-house tribunal or the ICJ; and the procedure and time frame for referring a dispute to the latter.
246. **Speaking on behalf of GRULAC**, a Government representative of Colombia said that article 37 provided a framework for addressing discrepancies in the interpretation of Conventions. A simple, transparent and equitable procedure under article 37(1) would provide stability, without creating any additional provisions. She supported setting an indicative threshold for referring a dispute to the ICJ that could include Governing Body members or Member States, ensuring any Member State was able to initiate an article 37 procedure. A time frame should be established for Governing Body discussions on possible referrals. The International Labour Conference should approve the referral of a dispute to the ICJ, following detailed analysis by the Governing Body. Care should be taken to ensure that all interested governments could participate in those discussions in accordance with the procedural rules. She agreed that regular supervision should not be suspended following the referral of a case to the ICJ.
247. Concerning the proposed procedural framework, she agreed with the purpose of referring a dispute to the ICJ under article 37(1), the role of the Governing Body in the referral process, the time frame for Governing Body discussions in that regard, and the participation of Member States that were not Governing Body members in those discussions. The Office should ensure discretion, neutrality and impartiality throughout the process. GRULAC agreed that the opinion of the ICJ and an analysis of any required follow-up action should be submitted to the Governing Body, and that the time frame for those discussions should not exceed two consecutive sessions. Any procedure agreed by the Governing Body should be added to its procedural rules.
248. GRULAC said that the establishment of an in-house tribunal required further study. Any such tribunal could only be used to resolve disputes of a more limited or less complex scope, focusing solely on the interpretation of standards.
249. **Speaking on behalf of IMEC**, a Government representative of the United States emphasized the value of legal certainty in the supervisory system and in maintaining international labour standards. Article 37 provided a clear provision for the resolution of interpretation disputes. The dispute relating to the right to strike was long-standing and impeded the functioning of the supervisory system, particularly in cases relating to the application of Convention No. 87.

The Governing Body had an obligation to resolve that dispute. Therefore, IMEC supported the establishment of a procedural framework for action under article 37(1) and emphasized that appropriate disputes should be referred to the ICJ without prejudice to the ongoing discussions of provisions under article 37(2).

- 250. Speaking on behalf of the majority of countries of Asia and the Pacific**, a Government representative of China said that any dispute in the world of work should be resolved through tripartite social dialogue where possible, including matters relating to the interpretation of ILO Conventions. Article 37 was a last resort and should only be used with caution. The proposed procedural framework under article 37(1) and its introductory note did not address some of his group's major concerns. While decision-making authority had been delegated to the Governing Body, the International Labour Conference was a more suitable forum for discussing the referral of any dispute to the ICJ. Any follow-up action to be taken relating to an advisory opinion should also be determined by the Conference. Given the binding nature of an ICJ advisory opinion, a referral decision should be made by consensus, not majority vote. Thus, a time frame of two consecutive Governing Body sessions would be appropriate, with the discretion to extend discussions if necessary. A threshold should be established for the Governing Body to examine a referral request, and he asked the Office to clarify its proposals regarding the exact number of States required to trigger a discussion. A higher number would best reflect the severity of the issue.
- 251.** His group welcomed the preliminary proposals relating to the establishment of an in-house tribunal, including to establish procedural rules for that body, which warranted further tripartite consultations. Article 37(2) clearly provided for the referral of any dispute relating to the interpretation of a Convention to an in-house tribunal, the mandate of which should therefore not be limited. A tribunal should be ad hoc, to ensure that judges examining a dispute had appropriate expertise. The composition of a tribunal should ensure a balanced representation of legal systems, regions and gender.
- 252.** The Governing Body should approve procedures for the implementation of both paragraphs of article 37 before referring any dispute to the ICJ. Therefore, his group supported the amendments to the draft decision proposed by the Employers' group and could not support the draft decision in its original form.
- 253. Speaking on behalf of the EU and its Member States**, a Government representative of Sweden said that Albania, North Macedonia, Republic of Moldova, Montenegro, Serbia, Georgia, Iceland and Norway aligned themselves with his statement. He aligned his statement with that delivered by IMEC. The protracted disagreement on the right to strike, in the context of Convention No. 87, should be resolved under the provisions of article 37(1). The ICJ was well placed to examine that dispute, and he called for the Governing Body to refer the dispute without delay.
- 254.** The proposed procedural framework to implement the provisions of article 37(1) should not change the procedural rules of the Governing Body. The threshold for submitting a referral request should be indicative, not prescriptive; should include regional support; and could be determined by a simple majority vote. His group agreed that the final decision on referral could be made by the International Labour Conference, rather than the Governing Body. The preparation of any dossier would be the sole responsibility of the Director-General, and the Office should remain neutral and impartial at all times. The proposed procedural framework and the proposals relating to the implementation of article 37(2) should be considered as separate entities. Therefore, his group supported the amendment to the draft decision proposed by the Workers' group.

- 255. Speaking on behalf of a group of countries consisting of Australia, Canada, New Zealand, the United Kingdom and the United States**, a Government representative of Australia said that the proposed procedural framework under article 37(1) provided a clear and ready-to-use methodology, the adoption of which was not a precondition to making a request for an advisory opinion to the ICJ. The proposed framework would facilitate a sound, efficient and time-bound referral process, which was a key element of good governance. Her group agreed to an indicative threshold of support of 20 Governing Body members or 30 Member States; supported a maximum time frame of two Governing Body sessions for discussions on whether to refer a dispute to the ICJ and determine the legal question to be considered; and agreed that the decision on referral may be sent to the International Labour Conference for approval. While her group did not see value in further exploring article 37(2) at present, she expressed support for the draft decision and the amendment proposed by the Workers' group. The Governing Body should decide on the proposed procedural framework at the current session. Her group could not support the amendment proposed by the Employers' group.
- 256. A Government representative of Argentina** said that a mechanism for referring disputes to the ICJ would strengthen the supervisory system. However, no additional procedure was required to implement the provisions of article 37. The proposed procedural framework would guarantee legal certainty and strengthen governance within the ILO, thereby contributing to achieving decent work for all. He welcomed the proposals for the establishment of an in-house tribunal to implement article 37(2), but said that they needed further analysis. The Governing Body was only ready to decide on the implementation of article 37(1), and as such he supported the draft decision with the amendment proposed by the Workers' group.
- 257. A Government representative of China** recognized the long-standing issues relating to the interpretation of Conventions and the need for legal certainty to ensure the stability and credibility of the supervisory system. The implementation of article 37 should be the basis of any such work, and no legislative process should be established. The proposed procedural framework under article 37(1) would have a significant impact on the tripartite constituents. All Member States should be able to participate in discussions and decision-making relating to the referral of disputes to the ICJ, while ensuring efficiency and fairness. The proposed framework should be revised on the basis of the comments made, in order to address the concerns of all parties and ensure that it could be adopted by consensus. Regarding the establishment of the in-house tribunal, the tripartite constituents emphasized the importance of resolving disputes through dialogue. The Chinese Government reiterated that it was the only channel for resolving disputes and ensuring the functioning of the supervisory mechanism, by strengthening cooperation and avoiding confrontation. He urged the Office to explore other alternative institutional arrangements. China supported the draft decision as amended by the Employers' group.
- 258. A Government representative of Germany** said that the connection between freedom of association and the right to strike had repeatedly been called into question, limiting the effective monitoring of related ILO standards. That was unacceptable, and he called for the resolution of the matter as soon as possible. The proposed procedural framework was well thought out, balanced, viable, and rooted in the ILO Constitution, and took into account the concerns and comments of all constituents. He urged the Governing Body to approve that solution for the implementation of article 37(1).
- 259. A Government representative of Colombia** recognized the need for a procedure for the referral of disputes on the interpretation of standards to the ICJ under article 37(1). She welcomed efforts to prepare a procedural framework that was clear, objective and transparent. Given the potential impact of any recommendation issued by a supervisory body on national

legislation, the proposal to establish an in-house tribunal under article 37(2) should be examined further. Any such tribunal should ensure the representation of different legal, economic and social systems. The Office should address any potential budgetary implications and ensure that any new mechanism did not have a negative impact on the existing mechanisms of the supervisory system. She supported the draft decision and the amendment proposed by the Workers' group; she did not support the amendment proposed by the Employers' group.

- 260. A Government representative of Mexico** emphasized the need for legal certainty in the interpretation of Conventions. Article 37(1) provided the basis for addressing disputes, and the provisions of that article did not require any additional interpretation. The Governing Body should adopt, at its current session, a simple, transparent and equitable procedure for the referral of disputes to the ICJ. The proposals relating to the implementation of article 37(2) required further exploration. Therefore, she supported the draft decision with the amendment proposed by the Workers' group.
- 261. A Government representative of Japan** emphasized the importance of moving forward on the issue. Tripartite discussion must be the basic principle for any difficult problem, but then the need to solve a problem must be recognized. The proposed procedural framework for referral under article 37(1) could be a basis for consensus in the Governing Body. He requested further clarification of the principle of tripartite consultation in an exhaustive manner and indicated his openness to discussion on any specific concern.
- 262. A Government representative of Chile** agreed that strengthening the ILO supervisory system and ensuring legal certainty in the face of discrepancies in interpretation of Conventions should occur by way of a simple, transparent and fair procedure. He supported the draft decision, with the amendment to subparagraph (b) proposed by the Workers' group.
- 263. A Government representative of Bangladesh** said that tripartism was the bedrock principle that guided the ILO's work; in deciding on an exception to it, the Governing Body was at a critical point. He did not support introducing an approach that had the potential of inviting cascading impact. Divergent views on the issue of legal certainty under article 37 had been expressed in the group discussions and should be taken into account going forward. He proposed that discussion continue towards achieving a consensus-based decision and that an in-house approach be taken towards interpretation matters, whereby legacy, inter-institutional jurisprudence and institutional culture set the right direction. The two subparagraphs of article 37 should be treated as a package for decision through further discussion.
- 264. A Government representative of India** said that the robust system of international labour standards that the ILO and its constituents had helped develop and maintain had been pivotal in promoting decent and productive working conditions for the global workforce. Questions relating to the interpretation of those standards must be resolved to ensure effective supervision and implementation. As the only tripartite UN agency, the ILO had effectively resolved interpretation issues in the past. The implementation of standards through social dialogue and tripartite consultations was at the heart of ILO action. Recourse to using the ICJ's mandate to settle interpretation questions under article 37(1) must therefore be contingent on exhausting all avenues for resolution through tripartite consultation. The referral of questions of interpretation to the ICJ or an in-house tribunal should be considered only when a reasonably high threshold had been reached, including a high degree of support from a majority of States parties to the Convention concerned. A prescriptive rather than indicative approach would ensure that recourse to article 37 was taken only on serious and persistent issues. Any question of interpretation should be referred first to the in-house tribunal set up

under article 37(2) before it was sent to the ICJ; the ILO should therefore first establish the in-house tribunal to deal with such matters. She expressed confidence that any disputes or deadlocks could be resolved through ILO tripartite consultations or structures.

- 265. A Government representative of the Russian Federation** said that one takeaway from the informal consultations held on the matter had been that a significant number, if not the majority, of States saw recourse to article 37(1) as a measure of last resort in the event of a serious and persistent interpretation dispute. The Russian Federation shared that view. The procedural framework for implementation must therefore strike a careful balance between the rather broad wording of article 37(1) and the principle of needing to have exhausted internal ILO dispute resolution mechanisms, first and foremost through social dialogue. That aim could be achieved, first, by setting a high threshold for the Governing Body to begin formal consideration of recourse to article 37: consensus, or at least a qualified majority of the Governing Body members, should be sought. Consideration should also be given to involving States parties to the Convention under dispute. Second, the final decision for referral should be taken by the International Labour Conference. That was important not only as a safeguard but also because the eventual advisory opinion by the ICJ would have implications for the interpretation and application of ILO legal instruments as a whole, beyond the specific terms of the dispute leading to the referral. The broadest possible number of Member States should therefore be involved in those considerations, with emphasis on States parties to the Convention that could be affected by the advisory opinion.
- 266.** The involvement of the International Labour Conference should not be limited to merely validating a decision by the Governing Body but must include the opportunity for the Conference to consider the issue on substance. He did not agree with the proposal to establish timelines for consideration of an issue: rushing the matter risked undermining attempts to resolve the dispute through social dialogue. The wording of article 37(1) was sufficiently broad to accommodate such safeguards without going against the article's object and purpose. Further, in-depth consideration was needed of article 37(2). He saw no value in proceeding to prepare rules for the tribunal, at least not according to the timeline proposed in the draft decision.
- 267. A representative of the Director-General** (Legal Adviser) thanked the Governing Body for its rich contributions, which did justice to the paramount institutional importance of the topic. Legal certainty was indeed a foundational principle of every legal system, which a contrario meant that legal uncertainty constituted a direct and serious threat to any legal system. He thanked all members who had engaged in the series of consultations and briefings held by the Office over the past four months with a view to better explaining the constitutional, legal and historical dimensions of the issue and thereby permitting the Governing Body to take an informed decision.
- 268.** Responding to the questions asked about the legal effect of ICJ advisory opinions, he clarified that under the ICJ Statute advisory opinions had no binding force in and of themselves. They could, however, be attributed binding effect – also termed decisive, conclusive or authoritative – through other means. Section 32 of the 1947 Convention on the Privileges and Immunities of the Specialized Agencies was an example of a clause that specifically attributed binding effect to an otherwise non binding advisory opinion. Roberto Ago, former ICJ judge and former member of the Committee of Experts on the Application of Conventions and Recommendations, in an article entitled *“Binding” Advisory Opinions of the International Court of Justice* had stated that the constituent instruments of certain organizations, including the ILO, provided for such binding advisory opinions by characterizing the opinion requested of the Court as a “decision”. Accordingly, for the ILO, the binding effect of advisory opinions flowed

from the letter of article 37(1) which referred explicitly to a “decision”, but also from the spirit of the same article as a dispute settlement clause providing for the compulsory means of action to be taken as a last resort. Equally important, it was a unanimous and deep-seated understanding of all ILO constituents that advisory opinions delivered under article 37(1) were binding, final and authoritative pronouncements for the Organization, its organs and its membership. Footnote 11 of the document contained a hyperlink to a compilation of statements of representatives of all ILO constituents affirming the binding nature of advisory opinions delivered by the ICJ. All recent Office documents produced on the matter had been clear and consistent with respect to the legal effect of advisory opinions requested from the ICJ under article 37(1) of the ILO Constitution.

269. Regarding the indicative level of support, or “threshold”, for a referral request to be examined, and in particular the view expressed by the Employers’ group that only if the majority of the Member States having ratified the Convention in question supported the referral, could it be addressed to the Governing Body, he noted that from a strictly legal point of view there seemed to be no valid reason to differentiate between ratifiers and non-ratifiers. If such a differentiation were made, it would mean that a State would have to ratify a Convention before it could raise any question about that Convention, yet most of the requests for informal opinions the Office received came from Member States that had not yet ratified the Convention in question. Moreover, defining the threshold exclusively by reference to ratifiers of a given Convention would necessarily exclude the possibility of a referral request by Employers or Workers, as only States could ratify international labour Conventions. In paragraph 18 of the document, the Office reflected the view expressed during the consultations regarding a majority but considered that placing the indicative threshold so high would be excessively restrictive.
270. With reference to the proposed indicative time frame, namely a maximum of two sessions of the Governing Body, he stated that this compared to similar indicative timelines for other procedures and processes of the Governing Body, such as the procedure for placing an item on the agenda of the Conference, as reflected in paragraph 54 of the Introductory note to the Compendium of rules applicable to the Governing Body, which referred to two sessions. The proposed timeline would be only a guideline and, if it were to present any difficulty, it would be for the Governing Body to decide how to proceed.
271. He clarified that the rationale for specifying, in paragraph 2 of the procedural framework, that a referral request should be filed by “at least 20 regular Governing Body members” had been to ensure that the referral would not be too far from achieving the majority required if a vote were to be called. As non-governmental groups had 14 Governing Body members each, that “threshold” of 20 would necessarily include a non-governmental group. The alternative of “at least 30 Member States (whether members of the Governing Body or not)” was intended to capture the legitimate expectation of non-members of the Governing Body to be able to refer to the Governing Body something that they considered to be an important interpretation question, in the unlikely event that there were not enough regular Government members in favour of filing the request. The wording of paragraph 2 of the procedural framework did not exclude a non-governmental group from associating itself with the group of 30 Member States. The formula was thus designed to accommodate the interests of all constituents. The Workers’ suggested addition to paragraph 2 of the procedural framework of what was already in the introductory note, namely that the Officers would need to consider how to follow up if the level of support was less than required or expected, could be incorporated when preparing a proposed revised version of the text if there was agreement in the room.

272. Responding to questions raised by the Africa group, he said that the legal implications of an eventual ICJ advisory opinion for Member States that had ratified a Convention would depend on the question(s) put to the Court and the guidance received from the Court. However, the opinion would be binding, first of all, for the Organization and its supervisory organs. It would then be through that supervisory system that the Court's authoritative pronouncement would pass down to States that had ratified, and which were thus bound to fully implement the Convention in question.
273. He said that elaborating a methodology for going to the ICJ and the establishment of an in-house tribunal were unconnected issues, which meant that the procedural framework could be adopted immediately. If an in-house tribunal were to be established subsequently, the impact on the procedural framework would be very limited, requiring, for instance, amendment of the paragraphs in the procedural framework under the heading "Governing Body debate and decision" to include guidance as to how the Governing Body would determine whether to send an interpretation question or dispute to the ICJ or to the in-house tribunal. As the two tribunals were part of the same constitutional design for the resolution of interpretation disputes, the Governing Body should not define narrowly the competence of the in-house tribunal; the in-house tribunal could eventually examine any interpretation dispute or question, and it would be for the Governing Body to assess its importance and decide where it should be sent.
274. The information about the legal and historical context in which article 37(2) had come about in the constitutional amendment of 1946 had been provided in response to a specific request made during the consultations. At the time of preparing the constitutional amendment, it had been clarified that the article 37(2) in-house tribunal would be responsible for expeditious determination of questions of lower importance or so meticulous that it would not merit going all the way to The Hague. It was also explained that an internal tribunal was needed for those questions that would fall somewhere in between those addressed to the Office for an informal opinion and those that warranted referral to the ICJ.
275. Regarding the possible time frame for requesting and obtaining an advisory opinion, he referred the Governing Body to the graphic representation of the procedural framework in Appendix II, as well as to the sample letter of how a Governing Body resolution might read if a letter were to be sent to the ICJ, presented in Appendix I to document [GB.322/INS/5](#). Considering each stage in turn as reflected in the proposed procedural framework, he indicated that in addition to the two months required for the preparation of the Office report, two Governing Body sessions would be needed to take the referral decision and draft the question(s) to be put to the Court, followed by validation by the International Labour Conference in June. To that would be added the time the Court would take to deliver its advisory opinion, which would be at the entire discretion of and depend on the workload of the Court but might be expected to take between 1 year and 18 months. He recalled in this respect that there was provision in article 103 of the Rules of Court for the submission of an urgent request.
276. The question raised by GRULAC whether the procedural framework could become part of the Compendium of rules applicable to the Governing Body would be for the Governing Body to decide. He reaffirmed that the proposed level of support or "threshold" was indicative and not prescriptive in nature. The possibility of the Committee of the Whole was already stated in the document. The point made by the Government representative of China that the body under article 37(2) should be competent for all interpretation disputes irrespective of their seriousness was consistent with the indications contained in the document before the Governing Body while recalling that it would be, in any event, for the Governing Body to decide

to which judicial body it should refer the matter. Finally, the view that the procedural framework should specify that only the International Labour Conference would be competent to discuss and decide a possible referral would necessitate an abstraction of the 1949 resolution delegating authority to the Governing Body; it would be legally inaccurate to produce a procedural framework that provided for discussion and decision exclusively by the Conference as long as the Conference had not revoked its 1949 resolution.

- 277. The Worker spokesperson** said there came a time when it was necessary to move forward. She drew attention to the remarks by the German Government. She hoped that all governments supported the fundamental nature of freedom of association and its relationship with the right to strike. Over the previous 11 years the Government group had never challenged that relationship and the important and authoritative role of the Committee of Experts to interpret it. The ILO had a conflict resolution mechanism in its own Constitution. She urged the Governing Body to decide that enough had been done; too much time had already been devoted to the matter and she saw no merit in continuing social dialogue on the matter when consensus had not been achievable. Consensus could not be achieved if positions were mutually exclusive: members either accepted there was a relationship between Convention No. 87 and the right to strike – as previously established not only by the Committee of Experts, but also by the tripartite Committee on Freedom of Association – and respected the authority of the ILO's supervisory system and the Committee of Experts – or they did not. Some disagreements could not be resolved through dialogue but only by turning to an authority. The ILO had such an authority in its Constitution, and that was the ICJ. Although the Workers' group would always support the tripartite nature of the ILO and the importance of constituents seeking solutions among themselves, a conflict resolution mechanism was part and parcel of every social dialogue system. The ILO should make good use of the conflict resolution it had in its system.
- 278.** She acknowledged the clear explanation given by the Legal Adviser about thresholds not being legally accepted because the Governing Body was not supposed to change the ILO's Constitution or its own legal framework. It had always been logical that a group that disagreed with an existing, prevailing position might want to submit it to a court; the Workers' group would therefore not wish to prevent the Employers' group from asking the Governing Body to discuss and resolve such an issue, even on matters on which they disagreed. She considered it illogical and beyond the ILO's legal system to expect a particular group to have the support of more than half the ratifying States before it could refer a question to the Governing Body. The Governing Body agendas were full of issues on which there was not yet agreement, which were then decided according to its normal procedures – seeking consensus, and if consensus could not be achieved, then deciding by majority vote. Within the UN system it was important to never be blocked by a requirement for unanimity because the world was diverse and considerable debate was needed, and sooner or later a majority decision would be needed. The Workers' group could therefore not agree to change the ILO's good practice in that regard.
- 279.** She was grateful that many governments had understood that adoption of the procedural framework must be taken as separate from the discussion on article 37(2), which the Governing Body should not spend more time developing at that stage. However, the intention of the Workers' amendment had been to respect the fact that some did wish to continue the conversation. That would allow the Governing Body to continue it on the merits and risks of article 37(2) and take the decision as to whether to move forward with its establishment in due course. In contrast, the ICJ already existed, and so could provide a final opinion – something a tribunal could not do. The Workers' group thus believed it was time to adopt the procedural framework and make good use of it going forward.

- 280. The Employer spokesperson** said that the Office had missed an opportunity to build consensus, since its proposals did not take into account the differing opinions expressed by Governments during the tripartite consultations. It should make every effort to propose a way forward that brought the groups together.
- 281.** While there was no legal basis for distinguishing between countries that had ratified a Convention and those that had not, it was logical that a decision to bring a case to the ICJ should be endorsed by a majority of States that had ratified the Convention in question. It made little sense for countries that had not ratified a Convention to bring a case to the ICJ to decide how a ratifying country should implement that Convention. Countries that were considering ratifying a Convention sought the opinion of the Office in order to gain an understanding of their obligations should they decide to do so. She emphasized that she had referred to “ratifying countries” rather than to “ratifying Governments”, as employers and workers would also be involved in the decision-making process.
- 282.** If ICJ decisions were legally binding, all countries that had ratified Convention No. 87 would be bound by all the recommendations on that Convention by the Committee of Experts on the Application of Conventions and Recommendations, which had meticulously defined the scope of the right to strike. However, the definition of that right varied enormously from country to country and the ILO should respect those differences; for example, political strikes were prohibited in some States, but were a constitutionally guaranteed right in others. The right to strike was enshrined in various sources of international law, but it was defined and enforced at the national level. The ILO must not undermine that approach. Her group did not question the right to strike, which was a legitimate exercise of freedom of association. However, it was not an absolute right. Furthermore, countries that had ratified Convention No. 87 should not be bound by an overly restrictive interpretation of that Convention.
- 283.** Existing channels within the ILO should be used to resolve the interpretation issue regarding the right to strike; the remedies established under article 37 of the Constitution were not the sole means of achieving legal certainty, which merely required a solution that was widely accepted. She disagreed with the Workers that the discussion had been exhausted, since the Governments had, since 2015, expressed willingness to start a dialogue on the substantive issues related to the right to strike. She proposed that the substantive issues should be discussed and, if necessary, the matter could be taken to the ICJ once all tripartite social dialogue solutions had been implemented.
- 284. The Worker spokesperson** said that, had a decision been taken to refer the matter to the ICJ in 2014, there was a good chance that the ICJ would have upheld the prevailing situation at the ILO, which was perhaps why the Employers were reluctant to go before that Court. The views of the Committee of Experts on the Application of Conventions and Recommendations were authoritative and not binding, and were taken into account by national judges when interpreting national legislation on the right to strike. The question to be put to the ICJ was whether it would uphold the prevailing view of the Governing Body regarding that right. Even if the ICJ agreed with the Employers, the ILO’s approach to the right to strike would have to be discussed, with the involvement of all constituents; it would not require changes to national law or practice overnight. She failed to see how a consensus could be reached on the issue through further discussions if no progress had been made over the previous decade.
- 285. The Employer spokesperson** said that her group had at no point stated that it would never be willing to go to the ICJ and she strongly objected to her group’s views being misrepresented. She would welcome clarification as to how the Governing Body should proceed.

- 286. Speaking on behalf of the Africa group**, a Government representative of Malawi said, with respect to article 37(1), that the International Labour Conference should endorse the referral of a dispute to the ICJ. Her group would welcome information on how the resolution concerning the procedure for requests to the International Court of Justice for advisory opinions of 1949 (1949 resolution) could be amended to establish that the Conference should be the final authority, given that its membership had evolved considerably since 1949. Further discussions were needed on article 37(2) and on the draft decision.
- 287. A Government representative of Italy** said that a solution needed to be found in order to strengthen the credibility of the ILO as the international forum for social dialogue and standard-setting. It was the responsibility of the constituents to resolve questions or disputes relating to interpretation in accordance with article 37(1), which provided for their referral to the ICJ. As there was no link between article 37(1) and article 37(2), article 37(1) should be implemented without delay.
- 288. Speaking on behalf of the EU and its Member States**, a Government representative of Sweden said that North Macedonia, Montenegro, Iceland and Norway aligned themselves with her statement. After more than a decade of discussions, the time had come to refer the dispute to the ICJ. The continuing disagreement on the right to strike was affecting the supervisory system and other parts of the ILO. A large majority of Governing Body members were willing to make progress to resolve the deadlock. Article 37(2) had no conditional link with article 37(1). Accordingly, article 37(1) should be implemented without delay. She therefore supported the draft decision, as amended by the Workers' group.
- 289. The Worker spokesperson** referred to paragraph 10 of the proposed procedural framework contained in Appendix I to the document, which stated that the Governing Body "may" refer its decision to the International Labour Conference for approval at its next session. The Workers' group could accept that approach. The Governing Body had been given the mandate to decide on such matters by the Conference in 1949; it could not now decide that the mandate should be removed.
- 290. The Employer spokesperson** reiterated that her group was not questioning the right to strike. She recalled that, in 2015, the Employers had issued a joint statement with the Workers affirming that right. Convention No. 87 could not, however, provide the basis for rules on the scope and limits of the right as determined by the Committee of Experts. The legislative history of the Convention illustrated clearly that the right to strike was governed by national laws and regulations. Any attempts to establish international rules in that regard must follow a regular standard-setting or equivalent process and be based on tripartite agreement. A procedural framework for referring disputes on the interpretation of Convention No. 87 to the ICJ was not necessary, as there was precedent in that regard that should be followed.
- 291.** As to article 37(1), the Employers could not support the procedural framework proposed by the Office because it did not incorporate the majority of views emerging from the informal consultations. The Employers did not consider the text ready for adoption. However, recalling that the Workers' group had questioned the need for a procedural framework, she said it was unclear on what basis a procedural framework had been presented and was being discussed, if one was not needed. She did not agree that the procedure in article 37(2) was optional and to be viewed separately from article 37(1); on the contrary, the two articles were connected and should be considered in parallel.
- 292.** Noting that, if a tribunal were to be established, the procedural framework for article 37(1) would need to be revised to include a dispute settlement clause, she said that the Employers were in favour of holding a full discussion of the available options.

- 293.** A discussion by the Conference would not preclude the options under articles 37(1) and 37(2). Instead, such a discussion would provide an opportunity to review the right to strike in an inclusive and representative forum and would enable the Governing Body to prepare better and understand the risks involved, should the Governing Body subsequently decide to proceed with a referral to the ICJ. Only a tripartite agreement would constitute a valid practice for establishing the agreement of the parties on the question of interpretation. If a number of parties sought consensus on this issue, then the Governing Body should attempt to achieve it.
- 294. A Government representative of India** said that justice must not only be done but must also be seen to be done. She reiterated that an in-house, issue-based tribunal within the ILO should be the first level of adjudication. India welcomed the proposal to organize tripartite consultations for the preparation of draft rules for such a tribunal and agreed with the Employers' group that, upon decision by the in-house tribunal, referral to ICJ should be routed through the Conference instead of only the Governing Body, making for a fairer and more inclusive process. She noted that the proposed procedural framework referred to a majority in the Governing Body instead of a consensus, which was contrary to the principle of natural justice. It should be altered accordingly.
- 295. A Government representative of China**, speaking on behalf of a significant majority of Member States of ASPAG, expressed support for the statement made by the Government representative of India. An issue of such great institutional importance deserved comprehensive deliberation. He also agreed with the Africa group that the final decision to refer a request to the ICJ should be made by the Conference and not the Governing Body. The context since 1949 had evolved significantly. He sought clarification on the current procedure for revisiting the 1949 resolution and reiterated his group's preference for the higher threshold for the submission of a referral under article 37(1). Further discussion was needed on article 37(2); the issue was not ripe for decision at the current session.
- 296. A Government representative of Australia** reiterated her Government's endorsement of the proposed procedural framework and said that she was strongly in favour of making a commitment to take a decision within two sessions of the Governing Body on whether to refer an issue to the ICJ and on what the legal question would be. The Governing Body should be able to take a decision in that regard immediately.
- 297. A Government representative of Japan** reiterated that exhaustive tripartite discussions leading to consensus were the best way of moving forward on the issue.
- 298. Speaking on behalf of ASPAG**, a Government representative of the Philippines noted that it had not been possible to reach consensus within ASPAG.
- 299. The Worker spokesperson** said that it was still not clear why the Employers were against applying to the ICJ for its authoritative legal opinion. It would clearly not be possible to reach consensus on the matter, no matter how much time was spent on discussions and consultations. The Legal Adviser had confirmed that the procedural framework was not a necessity. The Office had developed the framework to be used as a tool, at the express request of the Governing Body at its 344th Session (March 2022), after it had become apparent that social dialogue would never resolve the issue and the use of article 37 had been advanced. She did not recall that, at that session, a majority had requested a completely different framework. While some concerns had been taken into consideration, others had not because they were not shared by the majority. Informal consultations could, however, not be described as decisive because there was no guarantee of proper representation of Government participants. Decisions at the Governing Body were the proper avenue and it was disingenuous of the Employers' group to claim that consensus could be reached after 11 years. The Workers' group

was a strong proponent of social dialogue and tripartism, but they should not be used as obstacles to progress. The Workers' group was not against the validation of the procedure by the Conference; however, selecting that option might not be a wise course of action given the difficulties being faced in reaching consensus in the Governing Body. Article 37(2) had not been written to deal with complicated legal matters such as the one at issue and should not be used for that purpose. Relying on a tribunal instead of article 37(1) would consume time and energy and might not provide the desired legal certainty.

- 300. The Employer spokesperson** did not share the same recollection as the Worker spokesperson of the discussions at the 344th Session. As reflected in the minutes of that session, she had emphasized that the framework should be developed on the basis of tripartite social dialogue. The Employers' position in that regard had not changed. Regarding the scope, extent and content of the right to strike, she recalled that the opinions of the Committee of Experts were not legally binding. In interpreting Convention No. 87, the applicable instrument was the 1969 Vienna Convention on the Law of Treaties. There had never been a substantive debate among the tripartite constituents on the right to strike, which was necessary if consensus was to be achieved.
- 301. The Chairperson** announced that a vote should be held, given the divergent views.
- 302. The Employer spokesperson** said that she was not in favour of a vote as many Governments had stated that a decision could not be made. The Governing Body was considering the procedural framework for the first time, and the members should not be forced to make a decision given the complexity of the situation and the divergence of opinion. The decision should be deferred.
- 303. The Worker spokesperson** recalled that it was the Chairperson's prerogative to take decisions on procedural matters. There had been extensive discussions on the proposed procedural framework and the Workers' group had made its position very clear: a framework was not required in legal terms, but it would be helpful for organizing future work. Legally, there was no threshold for triggering a referral discussion at the Governing Body, since either a single Government or group could decide on referral. A decision should be made as to whether or not to adopt the procedural framework.
- 304. A Government representative of China** said that it would be regrettable if the matter went to a vote. If such a vote proved necessary, it should be held towards the end of the session to allow Government representatives time to consult with their capitals, given the complex and legal nature of the issue at hand.
- 305. Speaking on behalf of the Africa group**, a Government representative of Malawi said that the Africa group was not ready for a vote.
- 306. The Worker spokesperson** said she fully understood that Governments needed more time. It was regrettable that a vote would be held, but necessary because the issue had been under discussion for 11 years.
- 307. The Employer spokesperson** asked the Office to confirm that the procedural framework was being discussed by the Governing Body for the very first time.
- 308. A Government representative of France** said that the item had been on the Governing Body agenda since March 2022 and many preparatory meetings had been held; no country's delegation could claim that it was unaware of the issues. Since all the facts were available, she saw no need to defer the vote.

- 309. The representative of the Director-General** (Legal Adviser) recalled that, at the 344th Session (March 2022), the Office had been requested to prepare proposals on a procedural framework for the referral of questions or disputes regarding the interpretation of international labour Conventions to the ICJ for decision in accordance with article 37(1) of the ILO Constitution, and additional proposals for the implementation of article 37(2), for discussion at the current session.
- 310. The Employer spokesperson** recalled that the first tripartite consultation had in fact taken place only in January 2023. The majority of the participants had strongly criticized the proposal and yet it had been submitted for consideration at the current session without any changes. It was unacceptable that the Office had failed to take into account the points raised or requests made during that consultation. The 1949 resolution must be changed before a procedural framework could be adopted. Therefore, more time was needed and no decision could yet be made.
- 311. A Government representative of Algeria** requested an explanation of the concept of a “majority” since members seemed to use the word differently.
- 312. Speaking on behalf of a significant majority of Member States of ASPAG**, a Government representative of China said that, while he fully respected the Chairperson’s prerogative to decide on how to proceed with each agenda item, the matter should not be put to a vote and further constructive and meaningful discussion was needed.
- 313. The Chairperson** said that, in view of the differing opinions, a vote was needed and a decision must be made as to the timing of the vote.
- 314. The representative of the Director-General** (Legal Adviser) said that only the International Labour Conference could revoke or amend the 1949 resolution under the “*parallélisme des formes*” (parallelism of forms) principle of law, according to which legal acts could only be amended following the same procedure by which they had been adopted. The proposal before the Governing Body required no formal change to the 1949 resolution since the Governing Body had already been authorized by the Conference to request advisory opinions from the ICJ. The decision was whether, for reasons of inclusiveness and owing to the potential seriousness and institutional importance of some disputes, the final decision on referral should be made by the Conference. As recalled in the document (footnote 14), at the time of seeking the Conference’s approval in 1949, the Office had clarified that the Governing Body should ascertain the views of the Conference on matters, such as standard-setting, that fell primarily under the responsibility of the Conference. As regards the use of the expression “majority view” in the context of Governing Body discussions, he indicated that “majority” referred not to an exact numerical calculation on the basis of individual members, whether titular or deputy, or the overall membership of regional groups but rather to the speaker’s own perception of the prevailing view on a particular topic and at a given point in time of the discussion.
- 315. The Employer spokesperson** said that it was highly unusual for the Chairperson to force a vote on an issue after a substantial number of Governments had asked for more time. She called for the decision to be deferred pending further tripartite consultations, with a view to reaching consensus and allowing time to consider all the implications that the procedural framework would have for Member States. It would be extremely unfortunate for the Governing Body to make a decision against the wishes of many members.
- 316. The Worker spokesperson** said that, since opinions were divided on all issues, including whether the matter was ready for discussion and decision, the only way forward was to vote. There was no clear majority for any single course of action. Representatives would have more

than sufficient time to consult their capitals, as they had under previous agenda items, and the vote should be held before the final sitting of the current session.

317. **A Government representative of Cameroon** suggested that the Office should hold further consultations to determine whether a vote was necessary. Some members were not ready to hold a vote and decisions should not be made in haste.
318. **A Government representative of India** proposed amending paragraph 10 of the procedural framework to make it mandatory for the Governing Body to refer its decision on referral of an interpretation question or dispute to the Conference when that decision had been adopted by a simple majority vote, and optional when the decision had been adopted by consensus.
319. **A Government representative of Indonesia** said that her Government had not had enough time to consider the issue and was not ready to make a decision. Other ways of building consensus, such as that proposed by India, should be explored.
320. **Speaking on behalf of the EU and its Member States**, a Government representative of Sweden said that the EU and its Member States supported the Chairperson's proposal to hold a vote.
321. **A Government representative of Nigeria** suggested that the Office should submit proposals on a way forward. His Government was not ready to vote on such a complex and technical issue that required extensive discussion and negotiation.
322. **The Worker spokesperson** said that no further discussion was required and, legally speaking, the situation was very clear-cut.
323. **Speaking on behalf of GRULAC**, a Government representative of Colombia said that her group fully supported the Chairperson's proposal to hold a vote.
324. **The Chairperson** said that a vote would be taken on the draft decision and the amendments proposed by the Employers and the Workers once the Government representatives had been able to hold consultations with their respective capitals.
325. **Speaking on behalf of the EU and its Member States**, a Government representative of Sweden said that her delegation had engaged in consultations with different Governments, Employers and Workers. While her group considered the procedural framework proposed by the Office to be fit for purpose, it was clear that many questions remained unresolved with regard to its content and timeline. Some members had indicated that a vote on the item felt forced. The EU and its Member States valued the tripartism of the Governing Body and the fact that thus far it had managed to take the vast majority of its decisions by consensus. Taking a vote was a mechanism of last resort at its disposal, but not one that should be used on a regular basis, especially on matters of such a fundamental nature, as doing so could be counterproductive in the long run. Therefore, in order to take into account the concerns of all parties and allow the matter to be resolved in a consensual manner, the EU and its Member States proposed that the debate be closed and deferred to a future session.
326. **The representative of the Director-General (Legal Adviser)**, referring to paragraph 5.7.6 of the Standing Orders of the Governing Body, noted that in the case of motions as to procedure, no notice in writing needed to be made available to the person chairing the sitting or distributed. Motions as to procedure included a motion to adjourn a debate on a particular question. It was his understanding that the motion was to adjourn the debate on the whole of the agenda item INS/5, that is to say in respect of both the procedural framework under article 37(1) and the additional proposals for the implementation of article 37(2). Accordingly, it was

for the Chairperson to open the discussion so that a decision could be made with regard to the motion.

- 327. The Worker spokesperson** said that she too had consulted other members, and it was her understanding that there were more concerns about the procedural framework than about the issue of the right to strike. She would be interested in exploring the option proposed, but would need to have further consultations with her group.
- 328. The Employer spokesperson** said that her group had been clear from the outset that the issue was not yet ripe for a decision. It was the first time that the Governing Body had discussed the procedural framework, and in a house of dialogue the constituents needed to be given sufficient time to work towards a consensus. Putting the matter to a vote would put many Governments in a difficult situation, as the complex legal issues required coordination with their capitals. She supported the motion to defer consideration of the item as a whole, as that would provide an opportunity to find a solution based on consensus. It was a political decision, not a legal one, and the way forward should be coordinated by policymakers and the ILO's most senior management.
- 329. Speaking on behalf of the Africa group**, a Government representative of Malawi said that her group wanted to believe that the ILO was a house of social dialogue and therefore the Governing Body should try as hard as possible to reach consensus. Voting on critical matters undermined the nature of the ILO. Consultation to reach consensus was key. The procedural framework had only been recently introduced, with tripartite consultations being held for the first time in January 2023 with follow up in February 2023, and it was the first time that it had been discussed at the Governing Body. With more time for discussion, she hoped that consensus could be reached the next time it was discussed by the Governing Body. Her group supported the motion presented by the EU Member States.
- 330. A Government representative of Mexico** said that her delegation had fully supported the Chairperson's decision to hold a vote. It was important to implement article 37(1) as quickly as possible. Having listened to the discussions and consulted with other groups and delegations, she believed that the Governing Body was close to reaching an agreement on the procedural framework. In the interest of promoting further discussion and social dialogue, she was prepared to support the motion.
- 331. A Government representative of India** fully supported the motion. However, when the Governing Body resumed its discussion of the item, it would need to re-examine the procedural framework, which currently contained a number of points that did not strictly adhere to the principles of natural justice. The framework should be redrafted to be more fair, more transparent, more inclusive and more representative.
- 332. A Government representative of Pakistan** supported a consensus-based approach on matters of such significance; accordingly, the procedure for referring a matter to the ICJ should be based on the agreement of all parties. He acknowledged the concerns that had been raised by the Workers' group, and noted that further discussion was needed and urged all parties involved to find points of consensus, in order to protect everyone's rights and needs in a more meaningful and constructive manner.
- 333. Speaking on behalf of a significant majority of ASPAG Member States**, a Government representative of China welcomed the motion proposed by the EU Member States, which would restore the spirit of social dialogue and tripartite cooperation. He noted that there had been a significant number of votes during the current session and that a vote on an issue of such institutional significance would be detrimental to the spirit of social dialogue.

- 334. Another Government representative of China** said that her Government supported the motion, noting that achieving consensus among the constituents was one of the key characteristics and advantages of the ILO. It appreciated the flexibility and spirit of compromise that had been shown by all members, and agreed that it was important to hold further in-depth discussions on such an important subject.
- 335. A Government representative of Guatemala** said that, as consensus had not yet been reached, he supported the motion, which reaffirmed that social dialogue had not broken down. It was important to move forward on the basis of consensus.
- 336. A Government representative of Colombia** welcomed the motion presented by the EU Member States and stressed how important it was for decisions to be taken by consensus.
- 337. A Government representative of Indonesia** said that the constituents needed more time to develop a procedural framework that could be accepted by all. He therefore also supported the motion that had been presented.
- 338. A Government representative of the United States** also supported the motion. It was clear that substantial concerns remained with regard to the procedural framework, which her Government was not sure was even necessary.
- 339. The Worker spokesperson** acknowledged that the motion presented by the EU Member States had garnered a significant amount of support. Before agreeing to it, she would need to consult her group.
- 340. The Employer spokesperson** recalled that, at the outset of the discussion, her group had submitted an amended version of the draft decision calling for the deferral of the discussion to a future session of the Governing Body. As the discussion could not be held at the 348th Session (June 2023), which was too short to allow for such a difficult, substantive discussion, it should be deferred to the 349th Session (October–November 2023). The discussion must be preceded by serious substantive consultations, on which basis the Office should produce a revised version of the proposed procedural framework.
- 341. The Worker spokesperson** recalled that the procedural framework was not legally binding and while such a framework was not necessary, it was intended to be a helpful tool. Developing such a tool to deal with any possible future conflict of interpretation of a persistent, serious nature required further discussion, it seemed. She was prepared to accept the motion to adjourn the debate and to defer it to a future session, as proposed by the EU Member States.

Decision

- 342. In accordance with paragraph 5.7.6 of the Standing Orders, the Governing Body decided to defer the consideration of item GB.347/INS/5 to a future session.**
(GB.347/INS/5, paragraph 62, as amended by the Governing Body)
- 343. The Worker spokesperson**, noting the applause, expressed the hope that Governing Body would soon be in a position to celebrate having resolved an outstanding conflict, which in her group's view could only be done by referring the case to the ICJ. She recognized that it might be useful to have a non-binding procedural framework to serve as a tool for debates on conflicts of interpretation, and that all parties should have a clear understanding of how to use it.
- 344.** It was already clear that any Member of the Organization could raise an issue of interpretation and submit a request to the Director-General to ask him to put the issue before the Governing Body for referral to the ICJ. One specific issue of interpretation had been waiting long enough

and her group could not wait much longer for it to be resolved. Indeed, it was considering submitting a request to the Director-General in the coming months to put the issue before the Governing Body at its 349th Session and hoped to receive the support of governments in this respect. There needed to be a debate on that specific issue as soon as possible.

- 345.** She echoed the concerns that had already been expressed by others that the Governing Body seemed no longer to be able to decide on anything serious without a vote, even when there was a clear majority. All parties needed to reconsider whether the ILO continued to be an efficient, effective, fair and properly functioning house. Lastly, she reiterated that her group was committed to seeking consensus and to making progress in resolving issues.

6. Final report of the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance (GB.347/INS/6)

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

21. The Governing Body:

- (a) took note of the final report of the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance;
- (b) welcomed the significant progress made in the ratification of the 1986 constitutional amendment since the establishment of the working group;
- (c) urged the eight Members of chief industrial importance which have not yet ratified the 1986 constitutional amendment to consider favourably such ratification in the shortest possible time;
- (d) requested the Director-General to take all necessary initiatives aimed at bringing the 1986 constitutional amendment into effect, ~~and~~ keep the Governing Body regularly informed and to provide a road map for this process which will be reviewed every two years;
- (e) decided that the matter should become a standing item on the agenda of subsequent March and November Governing Body sessions until the amendment enters into force.

- 347. The Co-Chairperson of the tripartite working group** said that the full contribution of constituents could be assured only through their full, equal and democratic participation in the Organization's tripartite governance. Although the COVID-19 pandemic and travel restrictions had further complicated the already challenging task of the working group, the collaborative spirit, support and cooperation of the social partners and Member States had made the virtual meetings constructive. The process of actualizing universal ratification of the Instrument for the Amendment of the Constitution of the International Labour Organization, 1986 (the 1986 Amendment) had been somewhat slow. The world of work had changed considerably over the past three decades and the desire to institute democratic governance in the Organization had become more urgent than ever before.

- 348. The other Co-Chairperson of the tripartite working group** said that the group's activities had generated renewed interest in the 1986 Amendment and brought the overarching relevance of the Organization to the fore among Member States. Although only three further ratifications from the Members of chief industrial importance were needed for the 1986 Amendment to enter into force, none had made an immediate commitment to ratify during the separate bilateral meetings held by the working group. However, the group was optimistic that further engagement and dialogue could provide a stable, democratic space for the fair

representation of all regions and establish the principle of equality among all Member States. A meeting had been planned at the European level to discuss the regional protocol, and other regions could consider doing the same. The working group reaffirmed the decision adopted at the 332nd Session of the Governing Body (March 2018) that the matter should become a standing item on the agenda of the Governing Body until the 1986 Amendment entered into force, for which purpose it placed itself at the Office's disposal.

349. Speaking on behalf of the Africa group, a Government representative of Uganda urged all constituents to ratify the 1986 Amendment to prioritize the democratization of the ILO's tripartite governance and enable the Organization to realize its founding principle of promoting a more equal and sustainable world of work. His group supported the proposal that Government group and regional group meetings could be used to engage in discussions with the Members of chief industrial importance. Noting that the working group's term had come to an end and in order not to lose sight of the goal of democratizing the ILO's governance structure, the Africa group proposed a subamendment to its proposed amendment, which read:

21. The Governing Body:

- (a) took note of the final report of the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance;
- (b) welcomed the significant progress made in the ratification of the Instrument for the Amendment of the Constitution of the International Labour Organization, 1986, constitutional amendment since the establishment of the working group;
- (c) urged the eight Members of chief industrial importance which have not yet ratified the 1986 constitutional amendment to consider favourably such ratification in the shortest possible time;
- (d) requested the Director-General to take all necessary initiatives aimed at bringing the 1986 constitutional amendment into effect and keep the Governing Body regularly informed, updated in subsequent November and March sessions until the amendment enters into force.

350. The Employer spokesperson welcomed the progress achieved by the working group over the previous year and proposed that the Director-General engage with the governments of the Members of chief industrial importance to obtain further clarification on the obstacles to the ratification of the 1986 Amendment. Undue pressure on governments to ratify that instrument would be counterproductive. The way forward consisted of dialogue that considered the diversity of interests and aimed to reach a common understanding. The 1986 Amendment had been implemented in practice to a considerable extent, which contradicted the notion that without the support of the Members of chief industrial importance, the ratifications of other Member States could not have any practical effect. The Employers supported the proposed amendment to the draft decision.

351. The Worker spokesperson said that it was frustrating that a small number of countries still stood in the way of the effective ratification of the 1986 Amendment. The ILO should be in the vanguard of making international organizations more democratic, given the comparative advantage conferred by its tripartite structure. The democratization of the ILO's governance structure had been pending for over a century and must not be delayed indefinitely. She urged the Director-General to provide new ideas and find new ways of persuading reluctant countries to ratify the 1986 Amendment. Her group would ask workers' organizations to step up their efforts to convince the governments concerned to ratify. The fact that almost 70 per cent of

Member States had ratified the 1986 Amendment illustrated their desire to participate equally, actively and democratically in the tripartite governance of the Organization. The best contribution that Member States could make to achieving social justice was to ratify the 1986 Amendment; doing so would also move the Organization towards achieving target 16.8 of the SDGs. The Workers agreed with subparagraph (d) of the subamendment and asked the Director-General and Chairperson of the Governing Body to submit reports on the matter to the International Labour Conference.

- 352. Speaking on behalf of ASPAG**, a Government representative of Bangladesh said that although the entry into force of the 1986 Amendment would not realize the ultimate democratization of the Organization, it would constitute a historic milestone. The under-representation in the ILO of ASPAG, which represented 60 per cent of the world's labour force, made democratization a priority for the region and a necessity for a progressive and inclusive Organization that would shape the future of the world of work. It was regrettable that of the ten Members of chief industrial importance, only India and Italy had ratified the 1986 Amendment. Its ratification by other Members of chief industrial importance would further consolidate mutual trust and confidence within and beyond the regional groups. His group appreciated the efforts made by the Director-General and his predecessors to promote ratification of the 1986 Amendment and echoed the call for fresh ideas to promote the matter as a priority. His group encouraged the Office to prepare a plan on the way forward, which could include the bilateral engagement of governments who had yet to ratify, or special sessions involving regional offices. ASPAG supported the draft decision and was flexible regarding the proposed subamendment.
- 353. Speaking on behalf of IMEC**, a Government representative of Spain commended the work of the tripartite working group and welcomed the fact that 125 Member States, including two of chief industrial importance, had ratified in the 1986 Amendment. IMEC was committed to ensuring full, equal and democratic participation in the ILO's tripartite governance, and would continue to play an active role in discussions as it had historically done, by coordinating group statements and positions on a range of Governing Body agenda items; moreover, it would continue to support ongoing efforts to ensure inclusive, transparent and effective consultations and decision-making processes to definitively democratize ILO governance. The group would welcome continued regular reporting from the Director-General on progress made regarding the 1986 Amendment and supported the original draft decision. Concerning the amendment proposed by the Africa group, he asked whether subparagraph 21(e) would be retained, as it appeared to repeat elements of subparagraph 21(d).
- 354. Speaking on behalf of the Arab group**, a Government representative of Sudan aligned himself with the position taken by ASPAG and expressed support for the amendment proposed by the Africa group. He welcomed the increased number of ratifications of the 1986 Amendment, which was essential to achieve fair representation across all ILO bodies, and urged States that had not yet ratified it to do so. It was particularly urgent to obtain ratification from the eight Members of chief industrial importance to enable all Member States to participate equally in the work of the Organization. The Office should therefore continue to address the remaining obstacles to ratification.
- 355. Speaking on behalf of ASEAN**, a Government representative of Indonesia welcomed the work of the tripartite working group, but expressed regret that the 1986 Amendment had not yet entered into force due to the lack of ratification by three Members of chief industrial importance. He appealed to those States to follow the example of India and Italy in that respect. However, the democratization of ILO's tripartite governance did not hinge solely on the 1986 Amendment; even if it entered into force, much work was needed to further promote democratization within the Organization. For example, certain States enjoyed the benefits of

multiple representation in the Screening Group and the Government group, a privilege not accorded to others, including ASEAN Member States. Democratization also meant improving geographical diversity among ILO staff; an inclusive workforce was vital in responding to the challenges of the world of work. Although the Office had made some efforts in that regard, further reform was needed, including through a review of recruitment requirements in terms of languages and international experience, which were particularly restrictive. Greater inclusivity would broaden input into the ILO's policies and programmes to ensure that they reflected the perspectives of the developing world, as part of the overall aim of achieving social justice. ASEAN supported the draft decision.

- 356. A Government representative of Namibia**, speaking on behalf of Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, the Central African Republic, Chad, Comoros, the Democratic Republic of the Congo, Côte d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, Gambia, Ghana, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, the Seychelles, Sierra Leone, Somalia, South Sudan, the United Republic of Tanzania, Togo, Tunisia, Uganda, Zambia, Zimbabwe, Austria, Belgium, Cyprus, Denmark, Finland, Iceland, Ireland, Luxembourg, the Netherlands, Norway, Portugal, Türkiye, Spain, Sweden, Switzerland, Croatia, Estonia, Hungary, Romania, Slovenia, Lithuania, Poland and the Philippines, commended the work of the tripartite working group. Although it was positive that the 1986 Amendment had been ratified by 125 Member States, including two of chief industrial importance, it was regrettable that the lack of just three ratifications held back its entry into force. Ratification of the 1986 Amendment should be prioritized, as that would allow a more balanced composition of the Governing Body, enabling fairer decisions and greater equality among Member States. His group strongly supported the Director-Generals' commitment to obtaining the necessary ratification, as outlined in his vision statement, and called upon the eight Members of chief industrial importance that had not yet ratified the 1986 Amendment to do so with a view to creating a more democratic Organization.
- 357. Speaking on behalf of the Africa group**, a Government representative of Uganda clarified that his group wished to remove subparagraph 21(e) from its proposed amendment to the draft decision.
- 358. A Government representative of Barbados** said that the issue of governance was particularly important to small island developing States such as his own. A culture of full and equal participation, access and transparency would enable such States to have a seat at the table and make the concerns of marginalized communities heard. Equal participation was also needed to guarantee the legitimacy of the normative capacity-building and advocacy roles of the ILO, and would encourage more small island and least developed States to participate in the Governing Body. The ILO should practice the social justice objectives that it preached to Member States and other organizations. The progress made by the tripartite working group was held back by the lack of ratifications of the 1986 Amendment by Members of chief industrial importance, which risked harming the perception of democracy and access within the ILO. Governance in 2023 should reflect the geopolitical realities of 2023. He therefore encouraged all Member States, particularly larger States, to recognize their responsibility to contribute to the goal of full, equal and democratic participation in the ILO's tripartite governance.
- 359. A Government representative of Indonesia** said that addressing the unbalanced representation of both Member States and regions in the Governing Body was a matter of urgency. Social justice could only be achieved when all voices were treated equally. His Government welcomed the progress made regarding ratification of the 1986 Amendment, and

encouraged Member States that had not yet done so to ratify that instrument. The Office should continue to facilitate discussions on democratization within the Government group; that was an important step to ensure the full, equal and democratic participation of all Member States in the ILO's tripartite governance. He supported the draft decision.

- 360. A Government representative of Cuba** reaffirmed the importance of ensuring that the 1986 Amendment entered into force and acknowledged the progress made to date. An innovative approach was needed to obtain the required level of ratification; she urged the Members of chief industrial importance that had not yet done so to ratify the instrument to show their commitment to improving democratic participation within the Organization. The Office should continue its efforts to increase ratification of the 1986 Amendment, while broader issues of democratization should also be examined to increase full, equal and democratic participation, with the ultimate aim of improving the functioning of the Organization.
- 361. A Government representative of Pakistan** called on Member States that had not yet done so – in particular Members of chief industrial importance – to ratify the 1986 Amendment, which would allow the views and interests of developing countries to be better represented in the ILO's decision-making processes. In that regard, his Government supported the draft decision as amended by the Africa group.
- 362. Speaking on behalf of IMEC**, a Government representative of Spain said that, in the light of the clarification provided by the representative of Uganda, his group would support the draft decision as amended by the Africa group.

Decision

363. The Governing Body:

- (a) **took note of the final report of the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance;**
- (b) **welcomed the significant progress made in the ratification of the Instrument for the Amendment of the Constitution of the International Labour Organization, 1986, since the establishment of the working group;**
- (c) **urged the eight Members of chief industrial importance which have not yet ratified the 1986 constitutional amendment to consider favourably such ratification in the shortest possible time;**
- (d) **requested the Director-General to take all necessary initiatives aimed at bringing the 1986 constitutional amendment into effect and keep the Governing Body updated in subsequent November and March sessions until the amendment enters into force.**

(GB.347/INS/6, paragraph 21, as amended by the Governing Body)

7. Proposals and road map for the review of the Global Strategy on Occupational Safety and Health adopted at the 91st Session (2003) of the International Labour Conference and the promotion of a safe and healthy working environment as a new fundamental principle and right at work (GB.347/INS/7)

- 364. The Worker spokesperson** said that the Workers' group agreed that many of the concerns identified in the 2003 Global Strategy on Occupational Safety and Health ("the Global Strategy")

remained relevant, particularly those relating to occupational diseases and accidents, harm to physical and mental health and occupational risk factors, which were the cause of a high percentage of fatal injuries. In view of that and the fact that the actual number of injuries and deaths was likely higher than the number reported, the development and implementation of an updated strategy on occupational safety and health ("the strategy") should be a priority. The strategy must be grounded in the four transversal guiding principles and must, as far as possible, create synergies with other fundamental rights and uphold respect for freedom of association and collective bargaining. Ensuring the availability of adequate public systems for labour inspection would be key to the effective implementation of the strategy.

365. The Workers' group approved of the three proposed strategic pillars but wished to highlight some additional points that might be included. In the implementation of pillar 1, the Office should not limit its use of standards to the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), but should make use of all existing regulations and instruments, including the Occupational Safety and Health Recommendation, 1981 (No. 164), and should adopt new OSH standards, codes of practice and guidelines in line with recommendations of the Standards Review Mechanism. Instruments relating to specific categories of workers, including those exposed to hazardous substances, were important. OSH in the public sector should be enhanced for all workers, to which end coordinated work in the Sectoral Policies Department and Member States' respect for their role as employer were both key. Regarding pillar 2 on strengthened commitment and broader political commitment and investment, the ILO seemed to have lost some of its prior visibility and leadership in that area. That ground must be recovered. The Office should present to the Governing Body a list of organizations with which it currently worked and intended to work through all stages of the strategy's road map. As to pillar 3, there should be greater reference to sectoral issues and close cooperation with constituents, who should be able to communicate the needs relevant to the specific risks involved in different types of economic activities. In addition, and also in connection with pillar 2, the ILO must recover its historical role as a leading authority on OSH management, particularly amid emerging initiatives such as ISO management standards, for which ILO instruments on OSH could serve as a reference.
366. Regarding the plan of action, the Workers' group firmly supported the Office's proposal to redouble its efforts to promote the ratification and implementation of international labour standards on OSH, including by assisting constituents in overcoming barriers to ratification and implementation. In addition, the Office should support relevant national policies and legal reform and should provide specific guidance relating to supply chains and multinational enterprises. Such efforts should be part of a gender-responsive approach integrated with other fundamental principles and rights that considered the importance of the List of Occupational Diseases Recommendation, 2002 (No. 194), and the protection of workers' representatives. Her group supported the implementation of the ILO's *Guidelines on occupational safety and health management systems* and the sectoral approach proposed. Psychosocial risk factors, violence and harassment at work, exposure to the effects of climate change at work, teleworking and its impact on OSH should all be included in such management systems. The promotion of collective bargaining and other mechanisms for organized worker participation in OSH were key and must not be neglected.
367. The Workers' group agreed on the importance of awareness-raising, not only as a key element in the recovery of the ILO's role at the centre of the multilateral system, but also as an effective means of protection in decision-making processes. In that connection, it would be interesting to know in more detail about the areas in which the ILO intended to intervene and the ILO's

intended engagement with academia so that there would be people available to defend and protect workers if constituents failed to comply with their obligations.

- 368.** The plan of action should include an additional point on mobilizing and allocating resources, including to redress imbalances between Member States regarding access to and management of information on OSH. To support that, the Workers' group believed that the Director-General should establish a dedicated OSH branch in the Office, with adequate resources and staff, as a matter of priority.
- 369.** Some additional points were worth mentioning, if not including in the strategic pillars: the effects of violence and harassment on OSH were clear; the impacts of climate change on OSH should become a central area of work for the ILO; and working conditions had a clear effect on mental and physical health, particularly where those conditions were insecure, or workers were subjected to excessive surveillance or managed by algorithms. Dignity in work should be a central tenet of all OSH policies.
- 370.** Lastly, the Workers' group suggested that a meeting of experts should be convened to update the list of occupational diseases in Recommendation No. 194 and draft jointly with other agencies a road map on chemicals to contribute to work on the formulation of a forthcoming standard on chemicals. The Workers' group supported the draft decision.
- 371. The Employer spokesperson** said that his group agreed that the strategy should be based on the 2003 Global Strategy and take into account developments since its adoption. In particular, the Office should seize the momentum created by the recognition of OSH to a fundamental principle and right at work and by the COVID-19 pandemic. The strategy should promote a positive attitude towards innovation and take full advantage of the opportunities provided by digital tools and other new technologies to improve OSH, which brought benefits in terms of increased well-being, engagement and personal fulfilment for workers.
- 372.** The proposed elements of the strategy provided a good basis for the ILO's future action. As the strategic pillars and the areas of work under the plan of action were all mutually reinforcing, they should be attributed equal importance. He endorsed the use of the term "governance" in the title of pillar 1, as it was through the adoption of governance frameworks that the best results would be achieved.
- 373.** The main focus of the strategy should be to create a culture of prevention and to provide support and advice to employers and workers to ensure that company policies on OSH were sustainable and could be adapted to respond to new risks and challenges. It would be helpful to stress the importance of shared responsibility for the implementation of such policies. In that respect, the inclusion of social dialogue in national OSH systems and the involvement of the constituents in the work of the Office were both essential. The Employers' group welcomed the proposal to deploy specific efforts to respond to the realities of micro and small enterprises. Efforts to that end should deliver practical tools that could be easily adapted to the specific needs of each individual enterprise. He recalled the importance of the ILO implementing its own guidelines on OSH management systems internally. The highest standards of prevention and protection should be applied to all participants in its work, including measures against violence and harassment.
- 374.** In developing a robust and sustainable strategy and plan of action, three points were of particular importance. First, the ILO should be accountable to its tripartite bodies in all of its work, including technical projects. As such, the strategy should ensure that new OSH projects were in line with tripartite policy decisions. Second, all ILO activities must respond to the needs and priorities of the constituents, and not of donors. That must include its OSH strategy.

Technical assistance and support for constituents was a key component of the Global Strategy and should remain at the heart of the new strategy. Third, more systematic collaboration within the Office was necessary to avoid a piecemeal approach to safety and health across different ILO departments at headquarters and in field offices. A truly integrated approach to OSH would require the closer integration of all ILO policies and programmes, especially in relation to technical cooperation. The Labour Administration, Labour Inspection and Occupational Safety and Health Branch should play a leading role in that regard. The Employers' group supported the draft decision.

- 375. Speaking on behalf of the Africa group,** a Government representative of Senegal said that his group recognized the significant progress made by the Office since the adoption of the 2003 Global Strategy and supported the review of that Strategy. The group endorsed the proposed strategic framework for the new strategy, in particular pillar 2, which paved the way for policy harmonization, the involvement of policymakers and the mobilization of significant resources for the implementation of the strategy. The Africa group appreciated the coherence of the four guiding principles, which aimed to place the ILO's mandate at the heart of its action on OSH and to increase the Organization's influence on policymaking within the multilateral system. The Africa group encouraged the Office to continue its consultations with the constituents and its dialogue within specialized regional and international networks. In addition, the Office should pay particular attention to training and communication to ensure that the new strategy would be adopted by all stakeholders in Member States. The Africa group supported the draft decision.
- 376. Speaking on behalf of GRULAC,** a Government representative of Colombia said that the new strategy would play a central role in raising awareness of the importance of OSH and contribute to the establishment of the Global Coalition for Social Justice and the achievement of the SDGs. Accordingly, GRULAC supported the development of a plan of action with indicators to measure progress towards its accomplishment. The three strategic pillars and the four guiding principles were suitable tools to that end. The strategy's approach must be human-centred, inclusive and gender responsive, and must apply the principle of prevention throughout the life cycle, including during periods of transition. Social dialogue and the participation of the social partners in OSH governance and in the establishment and maintenance of mechanisms for the continuous improvement of national OSH mechanisms were both important. Furthermore, for OSH to become a reality, it must be integrated as a topic in general education and in technical and vocational education and training and must also be included in the design of jobs, recruitment processes and training strategies. In relation to pillar 1, GRULAC supported the proposals to promote the universal ratification and implementation of key Conventions on OSH, the creation of a national preventative culture, progressive universal coverage, the preparedness and resilience of national OSH systems and labour inspection services. Under pillar 2, the ILO should play a more influential role in the multilateral system and sustainable financing mechanisms should be developed to ensure the implementation of OSH policies. Regarding pillar 3, GRULAC highlighted the importance of considering the specific individual and sectoral needs of enterprises, including micro and small enterprises. As to the plan of action, it noted the acknowledgement of the potential for synergies between OSH and other fundamental principles and rights at work. GRULAC supported the proposed road map and the draft decision.
- 377. Speaking on behalf of ASPAG,** a Government representative of Indonesia said that the proposed guiding principles and strategic pillars formed a sound basis on which to prepare a strategy and plan of action on OSH. Nevertheless, it was important to avoid repeating work that had already been done to develop and maintain national preventive health and safety

cultures and systems. The proposed strategy must be linked to the relevant SDGs, particularly Goal 3 and Goal 8, and the priorities of the Global Coalition for Social Justice. Drawing on lessons learned during the COVID-19 pandemic, the strategy should include a section on pandemic preparedness.

378. Her group welcomed the recognition in the strategy of the mutually reinforcing nature of OSH and the other fundamental principles and rights at work and agreed that the strategy should cover the period 2024–30. The strategy and its plan of action must include measurable indicators and objectives, which could be used for a progress review in 2027. Given that some countries in her region had an occupational mortality rate that was higher than the global rate, her group hoped that the strategy would focus on technical support and other practical steps to build the capacity of Member States, taking into account national circumstances. ASPAG also welcomed the recognition in the strategy of the OSH implications of the informal economy and different forms of work and the different challenges facing the world of work
379. Noting the need for increased resources to support the implementation of the strategy, she stressed that those resources must be used to maximize programme delivery for constituents, rather than to cover additional administrative costs. Her group looked forward to the informal consultations that had been scheduled and would welcome further information in that regard.
380. **Speaking on behalf of IMEC**, a Government representative of the United States said that the 2003 Global Strategy had laid the groundwork for the recognition of a safe and healthy working environment as a fundamental principle and right at work. The current challenge was to develop a new strategy to give effect to that fundamental principle. In order to conduct an informed review of the 2003 Global Strategy, more detailed information was needed on its implementation, especially since the 2013 independent evaluation. The new strategy should integrate the outcomes of the discussions on OSH at the 343rd Session of the Governing Body and take into account the *Plan of action (2010–2016) to achieve widespread ratification and effective implementation of the occupational safety and health instruments (Convention No. 155, its 2002 Protocol and Convention No. 187)*. A clear indication was needed of how the new strategy might be revised in the light of both new and persistent challenges, including forced labour.
381. Referring to the proposed strategic framework, she said that IMEC looked forward to further discussions on the three pillars, which rightly emphasized the importance of developing and investing in national and workplace-level OSH systems. An additional focus on the rights and protections enshrined in the fundamental Conventions on OSH would be welcome, with a view to improving understanding of a safe and healthy working environment as a fundamental principle and right. Further consultations on making the wording of the strategy less technical would also be welcome. The gender responsive approach adopted by the Office was encouraging, but it needed to be more inclusive of all workers. Furthermore, the Office should strengthen measures to tackle mental health challenges. The new action plan should aim to build on previous efforts. She would like clarification of the Office's vision and process for consultations on the road map. It would be helpful to receive a more developed draft in advance of the next consultations, with a view to adopting the strategy in November 2023, and to include information briefings on relevant topics. IMEC supported the draft decision.
382. **Speaking on behalf of the EU and its Member States**, a Government representative of Sweden said that Albania, Bosnia and Herzegovina, North Macedonia, the Republic of Moldova, Montenegro, Serbia, Georgia, Iceland and Norway aligned themselves with her statement. Her group aligned itself with the statement made on behalf of IMEC. The EU strongly supported the proposed objectives of the new strategy in relation to realizing the fundamental right to a safe and healthy working environment worldwide and contributing to a global decrease in the

number of occupational fatalities, injuries and diseases. She therefore hoped that many more countries would ratify Conventions Nos 155 and 187 in the near future.

383. Given the importance of social dialogue, the Office was encouraged to undertake informal consultations with the constituents between April and October 2023, in which her group would actively participate. She welcomed the proposals to include in the new strategy a gender perspective and the risks posed by new technologies, biological hazards, climate change and mental health difficulties. Risk prevention should indeed be a guiding principle of the new strategy. With regard to the pillar 3, she stressed that small and medium-sized enterprises (SMEs) did not benefit in the same way as other enterprises from OSH management systems. The Office was therefore requested to refocus that pillar on the systemic organization of OSH at the workplace level.
384. Safe and healthy working environments led to higher productivity and were essential to achieving decent work, effective social protection and the SDGs. The EU and its Member States supported the draft decision and the road map proposed by the Office and looked forward to the upcoming consultations on the draft Global OSH Strategy 2024–30 and action plan to be considered at the 349th Session of the Governing Body.
385. **Speaking on behalf of ASEAN**, a Government representative of Indonesia said that the burden of occupational mortality was not equally distributed across the world and the South-East Asia and Western Pacific regions had had higher death rates than the global rate in 2021. The ASEAN countries had been making significant efforts to improve OSH, ensure better labour protection and improve resilience. The proposed strategy and road map and the inclusion of OSH as a fundamental principle and right at work were essential steps towards achieving the SDGs, specifically targets 8.8 and 3.9. ASEAN welcomed the proposed strategic framework and called on the Governing Body to discuss how the ratification and implementation of Conventions Nos 155 and 187 might be promoted, taking into account the diversity of Member States. Her group supported the draft decision.
386. **Speaking on behalf of the countries of the Cooperation Council for the Arab States of the Gulf (GCC)**, a Government representative of Saudi Arabia expressed support for the statement made on behalf of ASPAG. Given the importance of achieving a safe and healthy working environment for all, the ILO needed to be innovative and to focus on addressing disparities in OSH risks. Solutions were needed that took into account the specific context of each country and technical assistance should be provided where necessary. The GCC supported the proposed strategic framework and was of the view that stakeholder involvement at the national level would contribute to the achievement of the strategy's objectives. There was also a need to reinforce synergies between OSH and other initiatives in order to address future challenges in the world of work.
387. **A Government representative of India** welcomed the Office's proposals for the review of the 2003 Global Strategy. His country had made significant efforts to guarantee safety and health at work. ILO technical assistance would be important to help low- and middle-income countries to tackle OSH challenges. There was an urgent need for more global data on OSH. Platform workers must be included in the new strategy and the occupational health risks they faced needed to be examined.
388. **A Government representative of Saudi Arabia** said that his Government aligned itself with the statement made on behalf of ASPAG and had launched a wide range of initiatives to improve OSH as part of its Vision 2030 reform agenda. Saudi Arabia supported the draft decision and stood ready to participate in informal consultations.

- 389. A Government representative of Argentina** said that his Government was committed to improving safety and health at work and had implemented several policy and legislative measures to that end. He supported the draft decision.
- 390. A Government representative of Indonesia** said that her country had taken steps to promote OSH at both the national and the international levels. While her Government supported the proposed strategy, including its road map and plan of action, it hoped that the strategy could be broadened to include new forms of work, technological developments, vulnerable and hazardous sectors and SMEs. She expressed support for the draft decision.
- 391. A Government representative of Mexico** expressed appreciation for the broad analysis carried out by the ILO and noted with satisfaction that the spirit and objectives of the 2003 Global Strategy had formed the foundation of the new strategy. While the proposed objectives were appropriate, the new strategy needed to be clearer with respect to its contribution to reducing the number of injuries, illnesses and deaths at the workplace globally from the outset. The importance of a culture of prevention should be added to the three pillars of the strategy. She hoped that the proposed strategy would be sufficiently detailed, include input from the planned consultations and contain information on time frames, costs and how those costs would be included in the ILO programme and budget. Her Government supported the draft decision.
- 392. A Government representative of Pakistan** said that his Government was committed to adopting ILO guidelines on OSH and strengthening its legal frameworks and policies for the safety and well-being of workers. The country's labour inspection system was undergoing modernization and his Government had prioritized the ratification of Conventions Nos 155 and 187.
- 393. A Government representative of the United Kingdom** said that, with the inclusion of OSH as a fundamental principle and right at work, the time was ripe to review the 2003 Global Strategy to ensure that it remained fit for purpose. With regard to the plan of action, there needed to be greater emphasis on using evidence to underpin and determine the implementation of actions envisaged within the framework. It was important to consider the individual when considering workplace measures. She suggested the inclusion of "a risk-based approach to the prevention of harm" in the guiding principles, in line with one of the key objectives of OSH. Although she recognized the ambition of the proposed strategy, it would be more effective to concentrate primarily on the workplace as the focus of activity, rather than on the whole life cycle. She requested more information on the plans for sustainable financing mechanisms. Technical support for Member States was vital if the strategy was to have a tangible impact, for which reason she asked how the Office had ensured that the Organization had the necessary skills and expertise to assist Member States and whether that assistance would include peer-to-peer support. Her Government supported the draft decision.
- 394. A Government representative of Namibia** said that his Government was committed to ensuring that the laws governing the safety and health of workers were robust and up-to-date and significant progress had been made in that regard. It stood ready to participate in the informal consultations to be held before the 349th Session and hoped that the country's needs would be taken into account.
- 395. A representative of the Director-General** (Director, Governance and Tripartism Department) said that the Office agreed with the importance of emphasizing synergies between the promotion and realization of the right to a safe and healthy working environment and all the fundamental rights and principles at work, and the mutually reinforcing nature of those rights and principles. In response to ASPAG, she confirmed that a human-centred approach was one

of the proposed guiding principles of the strategy, in line with the guidance from constituents on the ILO Centenary Declaration for the Future of Work. With regard to sustainable financing mechanisms, the Office would be working to increase the knowledge base on different financing models used by Member States and developing tools to assist constituents at the national level. In response to IMEC, she said that the Office would continue to make efforts to improve implementation of the 2003 Global Strategy taking into account the recommendations identified in the 2013 independent evaluation and more recent information. As for skills and expertise and possible peer-to-peer exchange, the Office was already collaborating with many specialized international and national institutions. The Office agreed with the need to identify how the strategy would contribute to achieving more SDGs, to work with relevant institutions on OSH and the environment and to improve coordination between headquarters and field offices and at the headquarters level.

- 396.** With regard to the road map, as of May 2023 the Office would commence consultations with constituents to formulate strategies and a plan of action that were responsive to their needs. It would start the process of consultations with constituents in May and by end May or early June would meet with specialized OSH institutions and networks to ensure that the strategy and plan of action considered the most up-to-date scientific and technical information on OSH. Consultations with the regions would be held from June to September 2023 and constituents consulted on the final draft strategy and plan of action by mid-September 2023, in preparation for the 349th Session of the Governing Body.
- 397. The Worker spokesperson** said that, contrary to the Employers, her group held that differentiated and not shared responsibility was under discussion, as indicated in Article 19 of the Convention No. 155.
- 398. The Employer spokesperson** clarified that he had used the term “shared responsibility” to refer to the implementation of OSH policies. There was no denying that it was the responsibility of employers to organize safe and healthy workplaces.

Decision

399. The Governing Body:

- (a) **approved the proposals and road map for the review of the Global Strategy on Occupational Safety and Health and for the promotion of a safe and healthy working environment as a fundamental principle and right at work;**
- (b) **requested the Director-General to prepare for the 349th Session (October–November 2023) of the Governing Body the Global Strategy on Occupational Safety and Health 2024–30 and the plan of action for its implementation, taking into account the guidance provided during the 347th Session (March 2023), as well as during the informal consultations to be held between April and October 2023.**

(GB.347/INS/7, paragraph 29)

8. ILO strategy on decent work in supply chains (GB.347/INS/8)

- 400. The Worker spokesperson** welcomed the Office’s careful framing of the ILO strategy on decent work in supply chains around the building blocks agreed upon by the tripartite working group on options to ensure decent work in supply chains. The Workers also supported the principles that would guide the development and implementation of the strategy. However, the strategy had rendered the building block on enabling rights in a way that suggested that all fundamental principles and rights at work were enabling rights. The strategy should reflect

that only the rights to freedom of association and collective bargaining were enabling rights, and more closely follow the relevant paragraph in the building blocks.

401. Her group welcomed the inclusion of both normative action and non-normative guidance in the strategy's 20 outputs. While the Workers supported output 1, they considered that it should also address the challenges posed to the implementation of international labour standards and standard-setting exercises by the increasingly cross-border nature of business. In relation to output 2, she concurred that the SRM TWG should consider challenges related to global supply chains in its work. Her group supported the strategy outlined in outputs 3, 4 and 5 and expected to see a comprehensive analysis of the impact of global, regional and national regulatory and non-regulatory initiatives to address decent work deficits in supply chains. She referred to a growing global consensus that global mandatory measures were required to address issues of compliance with human rights and labour standards in supply chains. It fell to the ILO to provide solutions to the challenges of an increasingly globalized economy. Her group therefore looked forward to seeing the options for normative initiatives, including standard-setting, that could complement existing standards. She asked the Office to confirm whether the resource estimates for standard-setting would cover additional staff and resources for that purpose.
402. The work envisaged to make better use of the MNE Declaration was welcome and she expected it to include capacity-building for constituents regarding the application of standards, the strengthening of national labour market institutions, labour administration and inspection systems in all sectors. It was perplexing to see an explicit reference to workplace cooperation in the strategy, as that had not been mentioned in the building blocks. Her group did not agree with the blanket endorsement of workplace cooperation as constituting "sound industrial relations". Indeed, collective bargaining and social dialogue had often been undermined by workplace cooperation. The strategy should follow the approach outlined in the ILO Centenary Declaration for the Future of Work, which clearly differentiated between social dialogue and workplace cooperation. She would like the Office to clarify how the Better Work programme might be incorporated into the strategy and outline any specific plans in that regard.
403. It was a long-standing frustration of the Workers' group that freedom of association and collective bargaining were amalgamated with the other fundamental principles and rights at work when it came to budget allocation and were consequently under-resourced. That situation needed to be rectified. Further, she was concerned that elements of the action areas on the MNE Declaration and enabling rights were left to be "demand-driven". Clarification from the Office was needed on how constituents would be able to access ILO assistance with respect to company-union dialogue and how the Office intended to resource its response to those requests. Much remained to be done to promote normative and non-normative measures for the establishment of effective grievance mechanisms in global supply chains in order to achieve output 9 of the strategy.
404. In relation to the development of a coordinated research agenda, as set out in output 11, her group proposed that the Office collect data and information regarding the impact of pricing, purchasing and auditing practices on wages and working conditions, including with respect to informalization. As part of the development of the strategy, the Office should promote cooperation between Member States on labour inspection and access to justice in cross-border cases. The Office would need to make significant efforts in that regard in order to deliver output 14. Noting that the research agenda had been allocated the most budget, she urged the Office to use the resources to strengthen the ILO and its constituents: additional in-house capacity should be prioritized over subcontracting work.

405. Her group fully supported the emphasis on gender throughout the strategy, particularly the gender-transformative approach mentioned in output 15.
406. Welcoming the work on policy coherence with other international organizations, including through the Global Coalition for Social Justice, she noted that a fair distribution of wealth along global supply chains was essential for real and lasting change. Further materials on international labour standards for social auditors, including on the fundamental principles and rights at work, were needed as a basis for human rights due diligence processes, as set out in output 18. Certification and social auditing should follow certain minimum standards for credibility and transparency. The Workers supported the draft decision and looked forward to the swift implementation of the strategy.
407. **The Employer spokesperson** said that her group welcomed the fact that the ILO would henceforth have an evidence-based strategy and a dedicated action programme that covered both domestic and global supply chains. Every enterprise everywhere was by definition part of a supply chain, the vast majority of which were purely domestic. Global supply chains were synonymous with international trade, which had been recognized by the UN General Assembly and the Ministerial Conference of the WTO as a means to drive inclusive growth and poverty eradication. It was therefore inconsistent to be in favour of international trade and against global supply chains. Furthermore, global supply chains flowed between all countries, and the ILO's previous focus on exports from developing to developed countries had missed most workers, including those in domestic and informal economies, who often faced severe decent work deficits. Weak governance and developmental issues such as poverty, informality and corruption were the main drivers of decent work deficits, hence the ILO must focus on the root causes, which were often linked to the national context rather than a particular sector. International labour Conventions addressed most decent work deficits in supply chains, but the Conventions were not always fully implemented and applied in law and practice. The overriding objective should therefore be to build the capacity of all countries to fully implement ratified Conventions, taking into account the needs of workers and sustainable enterprises.
408. The Employers' group had previously stressed the need for the strategy to remain faithful to the agreed building blocks. Hence, references to "social clauses" should be avoided, as the term had protectionist connotations, and "labour provisions in trade agreements" should be used instead. She expressed appreciation that the guiding principles of the strategy recognized States' constitutional obligations to protect workers' rights and to effectively apply ratified ILO Conventions in law and practice; the critical role of supply chains as an engine of inclusive growth, poverty eradication, productivity, job creation and decent work; and the importance of addressing the root causes of decent work deficits, including by supporting good governance and the transition to formality through an evidence-based approach and coherent action at all levels. The strategy presented an opportunity to go beyond the unjustified, ineffective focus on workers connected to Western consumers, as the fundamental principles and rights at work applied to all workers. However, it was unfortunate that the strategy did not include a clear definition of supply chains; the Office should continue to use the definition presented in the gap analysis of ILO normative and non-normative measures to ensure decent work in supply chains.
409. As to the specific outputs, the wording of output 2 was not fully in line with the building blocks, which had stated that the ILO should, where appropriate, take into account decent work in supply chains within the Organization's efforts to keep a clear, robust and up-to-date body of international labour standards; the title also altered the text somewhat. Decent work in supply chains required a more flexible, context-specific approach than the proposed information note

for the SRM TWG and the International Labour Conference, and it was not appropriate for the Office to instruct either body on how it should take account of supply chains.

410. With regard to outputs 4 and 5, the strategy needed to focus on all possible measures, including supplementary guidelines and tools, in line with the building blocks. The objective of output 4 should be to identify examples of initiatives that had worked and, where applicable, incorporate them into the work of the action programme. Focusing on normative measures would be a missed opportunity to address the root causes of decent work deficits. Raising the awareness and building the capacity of tripartite constituents and enterprises with country-level technical support ought to be a dedicated output and should be given greater attention. Under output 6, national dialogues should encompass all businesses, not just multinational enterprises, to promote the principles of the MNE Declaration and responsible business conduct.
411. Under output 12, the Employers' group welcomed the establishment of a robust evidence base on the causes and drivers of decent work deficits in supply chains; strengthened data collection should reinforce the role of the ILO Helpdesk for Business on International Labour Standards. For the implementation of output 18, priority should be given to supporting ILO constituents at the national level rather than devoting resources to external actors such as social auditors.
412. A coherent approach to resource mobilization was needed, with the full involvement of the social partners and in line with the needs and priorities identified in DWCPs. To that end, the priority action programme on decent work outcomes in supply chains should be the main interface with donors and must have the power to convene all relevant actors. She also welcomed the plans to develop a communication strategy and standard operating procedures.
413. Her group believed that the phasing of outputs was important, with priority to actions that would quickly produce benefits, such as reinforcing the Helpdesk. Output 8 regarding the MNE Declaration could be postponed to 2024 and be replaced by output 14 on strengthening labour inspection, which must be a key priority, as it would help all constituents and support the overall strategy.
414. The tripartite composition of the ILO put it in a privileged position to spearhead action on decent work in supply chains. The priority action programme would be key for the Organization in further developing its engagement with the multilateral system with a view to joint collaboration, and in facilitating emergency support for employment, business continuity and social protection. On the understanding that her group's comments would be taken into consideration in the future strategy and action programme, she supported the draft decision.
415. **Speaking on behalf of the Government group**, a Government representative of Germany supported the comprehensive strategy for the ILO to play a key role in promoting decent work in supply chains and expressed her group's commitment to supporting its implementation. The strategy promoted a smart mix of national and international mandatory and voluntary measures and her group welcomed the activities proposed under output 4. It also appreciated the guiding principle of gender equality, non-discrimination and inclusion. With regard to possible new normative and non-normative measures on supply chains, it was important to consider different ways of complementing the existing body of standards, as those were not systematically designed to address responsible business conduct; she agreed that the Office should present options to the Governing Body in 2025.
416. Her group supported enhanced efforts to encourage the implementation of the MNE Declaration, as governments and enterprises must ensure access to effective remedies for workers whose rights had been infringed. The strategy must therefore be in line with the UN

Guiding Principles on Business and Human Rights. Her group also welcomed the strategy's particular attention to ensuring respect for all fundamental principles and rights at work in supply chains, noting the proposed "particular attention" to the enabling rights of freedom of association and the effective recognition of the right to collective bargaining.

417. The evidence-based approach built on a coordinated research agenda, a focus on root causes and drivers, and the enhanced coordination provided by the priority action programme and guided by standard operating procedures were welcome. The review of the functioning of the priority action programmes at the end of 2025, referred to in the Programme and Budget proposals for 2024-25, should be taken into account in the implementation of the strategy in 2026 and 2027.
418. She expressed appreciation for the proposal to provide comprehensive guidance to ensure that development cooperation work was coordinated across the Office and aligned with the strategy. She agreed that the Office should promote policy coherence on decent work in supply chains across the UN system and beyond; that should also apply in the strengthened engagement with international financial institutions. The strategy's research agenda should cover how transparency in supply chains could promote decent work. Consultations under the MNE Declaration should involve all stakeholders and take account of the central role of freedom of association and collective bargaining, as well as industrial relations and social dialogue. An evaluation of the importance of fair pricing would be useful to support the promotion of fair wages and economic growth and the reduction of inequalities between countries. The strategy should consciously focus on the economic and social upgrading of developing countries in global production networks.
419. The Government group invited the Office to ensure that the 20 outputs were as specific, measurable, achievable and time-bound as possible to facilitate reporting to and monitoring by the Governing Body. The group supported the draft decision.
420. **Speaking on behalf of the Africa group**, a Government representative of Cameroon welcomed outputs 1 to 5 on the targeted promotion of international labour standards, and requested details on the campaigns. On output 2, the group supported the proposal for the SRM TWG to consider decent work in supply chains within its reviews. Under output 4, he encouraged the Office to map the various regulatory and non-regulatory mechanisms used by constituents to address decent work deficits in supply chains. With regard to output 6, his group supported holding dialogues to allow tripartite constituents and multinational enterprises to discuss the opportunities and challenges related to the activities of those enterprises at the national level. In relation to output 9, he requested additional information on the planned mechanisms to provide workers in supply chains with access to effective grievance mechanisms and remedies. Concerning output 14, he supported the notion of evidence-based strategies and methodologies for labour administration, particularly labour inspection. Under output 17, the group welcomed the Office's plans to build the capacity of constituents in developing and implementing trade and investment policies that generated decent jobs and inclusive growth. The group requested information on why the Office had chosen to embed work on supply chains within a priority action programme and on the means of raising awareness among constituents about issues related to supply chains. The Africa group supported the draft decision.
421. **Speaking on behalf of ASPAG**, a Government representative of Bangladesh sought confirmation that the guiding principles and all of the outputs of the strategy covered the relationship between buyers and suppliers throughout global supply chains, particularly under outputs 7, 11 and 13, as their involvement would be key to achieving decent work. She

welcomed the proposal for the Office to present options for initiatives to complement the body of international labour standards. That document should reflect on the challenges of each industry, with a view to filling existing gaps, and should also include a shared commitment and responsibility to improve the labour situation in cross-border supply chains. Home and host-country dialogues and mainstreaming of the MNE Declaration in development cooperation should seek to include buyers and brands. Concerning research, she asked whether the analyses mentioned in paragraph 22 would cover fair pricing of commodities and sharing of benefits and gains to eliminate inequalities between employers and employees. As to output 17, the capacity-building activities should be provided at the request of Member States. Her group supported the further research into labour-related provisions in trade agreements or similar frameworks to provide evidence-based advice to constituents, taking into account countries' different stages of development. The group supported the proposed timeline of the various outputs and cost estimates.

- 422. Speaking on behalf of GRULAC**, a Government representative of Colombia said that global supply chains could only be sustainable if based on decent work principles. To achieve that, it was important to unify efforts to progressively advance social protection; to provide workers with safe and healthy working environments; and to guarantee freedom of association, the right to collective bargaining and fair wages. She asked why the document stated that there were no financial implications whereas the strategy included resource mobilization. The MNE Declaration was fundamental to increasing the adoption of due diligence policies and preventing any fragmentation of standards for enterprises operating globally, and international coordination would help prevent unnecessary discrepancies among countries. The mapping and analysis of regulatory and non-regulatory instruments under output 4 was crucial; she asked how the Office would select initiatives for inclusion in the review, noting that reviewing initiatives from all countries could ultimately save costs and facilitate the monitoring of implementation by public authorities. The promotion of national dialogues under output 6 would allow for robust processes to monitor and verify alignment with international standards and increase the credibility of and trust in later initiatives. Output 7 was critical for Latin America and the Caribbean, as supply chains could encompass multiple jurisdictions and trade cultures, and the most vulnerable societies were often those most impacted. Therefore, enterprises' home countries must make a positive contribution to economic, environmental and social progress in the countries in which they operate. On output 11, she expressed concern about how the studies for the coordinated research agenda would be conducted and how the countries would be selected. The group particularly welcomed output 14, as labour inspection was essential for the enforcement of national legislation on workers' rights. She commended the objective of increasing policy coherence within the multilateral system and international financial institutions on decent work in supply chains, which could advance efforts to achieve social justice. GRULAC supported the draft decision and the implementation of the strategy.
- 423. Speaking on behalf of IMEC**, a Government representative of Canada supported the focus of the strategy on respect for and the promotion and realization of fundamental principles and rights to ensure decent work in supply chains, which would also make supply chains more sustainable and resilient. It was important that the Office should maintain, or ideally accelerate, the indicative timeline. Her group reiterated that the ILO body of standards was not designed systematically to address business relationships or responsible business conduct or their impact on Member States' obligations to realize fundamental principles and rights at work, thus, her group looked forward to receiving options for initiatives that complemented international labour standards to address the responsibilities of businesses and the obligations of governments given the transnational nature of many supply chains. The group

strongly supported the inclusion of gender equality, non-discrimination and inclusion as a guiding principle.

- 424.** She supported the sequencing of outputs 1 to 5, to build a common understanding on potential new normative and non-normative action. The Office should continue to underscore freedom of association and the right to collective bargaining as essential enabling rights for effective and meaningful social dialogue at all levels, which contributed to reducing decent work deficits. Under output 9, IMEC welcomed the strengthened application and implementation of the MNE Declaration, in particular the enhanced support for governments, employers' and workers' organizations as well as multinational and national enterprises to ensure access to effective remedies. Enterprises should consult meaningfully with workers' organizations as part of the due diligence process.
- 425.** The group supported the coordinated research agenda under output 11, and encouraged the Office to explore how measures to support transparency and traceability in supply chains could promote decent work and to investigate worker-centric due diligence and additional tools that could help businesses to comply with guidelines and standards. Under output 12, strengthened data collection approaches were important, as it was currently difficult to gather data on SMEs and work in the informal economy; it would be useful to have data disaggregated by age and disability as well as sex for the purposes of policymaking and increasing transparency and consistency in reporting. Concerning output 13 on the dissemination of knowledge, evidence and good practices, IMEC would welcome additional information on linkages between the new ILO Forced Labour Observatory and the UN Global Compact. The group strongly supported that the priority action programme would coordinate alignment of all means of ILO action to provide coherent advice to support effective implementation of labour provisions in trade agreements, and encouraged the Office to ensure that development cooperation work in promoting decent work in supply chains was coordinated across the Office and aligned with the strategy. The ILO should continue to promote policy coherence and cooperation on decent work in supply chains across the UN system and beyond, in alignment with the Global Coalition for Social Justice. IMEC supported the draft decision.
- 426. Speaking on behalf of the EU and its Member States,** a Government representative of Sweden said that Albania, North Macedonia, the Republic of Moldova, Montenegro, Serbia, Türkiye, Georgia, Iceland and Norway and aligned themselves with her statement. The EU and its Member States were committed to the promotion of decent work in global supply chains, as evidenced by its proposed legislation on corporate sustainability due diligence, among other instruments. Normative and non-normative measures were critical to ensure a level playing field. The EU and its Member States supported helping constituents and enterprises better understand and apply the principles of the MNE Declaration at the core of the strategy. Each of the strategy outputs needed to be as specific, measurable, achievable and time-bound as possible to facilitate reporting to and monitoring by the Governing Body. The EU and its Member States welcomed the clear proposals to improve the application of current international labour standards in supply chains. Development cooperation was a crucial means of bridging decent work deficits and so Office-wide guidance to ensure consistent design and implementation of interventions was welcome. Improving knowledge, data collection and evidence-based research remained essential in ensuring the ILO's leadership role on decent work in supply chains. The EU and its Member States supported the draft decision.
- 427. Speaking on behalf of the GCC countries,** a Government representative of Saudi Arabia said that, in the light of the significant, multifaceted challenges surrounding decent work in supply chains, it was necessary to change the ways in which they operated. The group supported the objectives and guiding principles of the strategy, particularly gender equality, non-

discrimination and inclusion, and the need to address gaps in knowledge and implementation. He commended the establishment of a link between policymaking and investment, the attention to job creation and the focus on SMEs that had been affected by disrupted supply chains. He supported the evidence-based approach to develop guidelines which would help States to ensure that workers' skills were aligned with market needs and contribute to securing decent work for workers in supply chains.

- 428. A Government representative of India** noted the importance of promoting labour rights and welfare in supply chains, as transactions within them represented more than three quarters of world trade. Under output 16, she welcomed the proposed engagement with the multilateral system to achieve policy coherence in reducing decent work deficits; however, as the Global Coalition for Social Justice was in a nascent stage, it should not be referred to in the strategy. Regarding output 17, developing countries must not be required to enter into trade and investment agreements containing conditions that might hinder their economic growth and aggravate decent work deficits; any potential for such conditions to be misused as non-tariff trade barriers against countries must be avoided. Policy advice and capacity-building must focus on strengthening voluntary compliance and support labour administrations to facilitate upward mobility and formalization through decent work. The Office should produce templates and frameworks to facilitate the proposed home-host country dialogues, company–union dialogues and national dialogues, which would play a key role in effective and evidence-based discussions. Lastly, a just transition was a critical element of decent work and should be accompanied by sufficient support for skilling, reskilling and upskilling of workers affected, ensuring the survival of micro, small and medium-sized enterprises and promoting green entrepreneurship.
- 429. A Government representative of Brazil** supported the adoption of a mix of national and international mandatory and voluntary measures to reinforce and promote the principles of decent work. To tackle decent work deficits, international instruments such as the MNE Declaration, and global framework agreements and national due diligence legislation, needed to be more effective. The ILO as the home of tripartite social dialogue was key to making that possible. While the strategy had outputs planned for completion by 2027, action must start immediately. He supported the draft decision.
- 430. A Government representative of China** said that the strategy must focus on promoting the sustainable development and stability of global supply chains. He objected to some countries having unjustifiably imposed unilateral sanctions on other countries under the guise of protecting labour rights. During the implementation of the strategy, the level of development and other circumstances of each country should be respected. Stakeholders should be encouraged and supported at all levels to eliminate decent work deficits through consultation. Research should reflect current circumstances comprehensively and objectively, through data collected from authoritative sources. Progress made in promoting decent work in supply chains should be tracked in a timely manner and countries should be encouraged to share positive experiences. The Office should analyse the labour provisions of existing trade and investment agreements and identify the effects and trends. Furthermore, the Office must strengthen coordination when implementing the strategy, control regular budget expenditure and increase efforts to raise extrabudgetary funds. It should also improve efficiency in the use of funds and provide details in the biennial programme implementation report. He supported the draft decision.
- 431. A Government representative of Argentina** welcomed the strategy and the efforts to promote its sustainability. His Government aimed to establish a focal point to promote and apply the principles of the MNE Declaration and produce a national action plan on business

and human rights that would focus on decent work, among other aspects. Furthermore, in line with its ratification in 2016 of the Protocol of 2014 to the Forced Labour Convention, 1930, his Government would adopt policies to ensure corporate due diligence. He supported the draft decision.

432. **A representative of the Director-General** (Assistant Director-General for the Governance, Rights and Dialogue Cluster) assured the Governing Body that the Office would take into account its comments and guidance. Responding to comments from the Workers' group, she said that the wording concerning social dialogue used in the strategy would be aligned with the agreed language in the building blocks adopted by the tripartite working group. Furthermore, the strategy referred to workplace cooperation as complementing, rather than replacing, social dialogue or collective bargaining. To access support for activating the company–union dialogue procedure envisaged under the MNE Declaration, the company and the trade union needed to submit a joint request to the Office; a [question and answer document](#) provided further information. However, company–union dialogue was not intended to replace national dialogue mechanisms, which would also be supported under the strategy.
433. On the Better Work programme, one of the functions of the priority action programme would be to ensure that it and other ILO development cooperation programmes dealing with supply chains were aligned with the strategy. More broadly, the added value of the priority action programme would be in coordinating the implementation of the strategy across the many units that dealt with such issues at headquarters and in the field, including by harnessing economies of scale, building synergies and mobilizing funding.
434. Concerning the Employers' group's comments, the information note for the SRM TWG would draw on all elements that had featured in previous tripartite discussions on supply chains, notably that which produced the building blocks. It would not give any instructions to the SRM TWG or any Conference committee, but simply provide them with information. While capacity-building on social dialogue for national institutions and enterprises did not have a dedicated output, it was a key objective and had been included in outputs throughout the strategy.
435. In terms of supporting governments and enterprises in ensuring workers had access to an effective remedy in the event of infringements, the Office would enhance existing support to judiciaries and labour inspectorates, and promote effective use of the company–union dialogue procedure, which constituents could use to identify and secure a remedy.
436. The campaign to promote ratification and effective implementation of relevant international labour standards was expected to become operational in early 2024, and would build on similar campaigns launched by the Office with the support of the Governing Body concerning fundamental Conventions. On output 5, she acknowledged the request for the document setting out possible initiatives that complemented the international labour standards to be delivered by March 2025, but stressed that a thorough review of the regulatory and non-regulatory initiatives at the global, regional and national levels would take time. The aim was to cover all regulatory and non-regulatory initiatives in all countries so as to provide a solid basis for establishing future steps and identifying whether additional measures were necessary. Finally, concerning the financial implications of the strategy, she explained that the key needs in terms of resources were related to the management of specific outputs; those were covered in the Programme and Budget proposals for 2024–25. However, additional funds might be required to respond to additional requests from constituents, hence the need to mobilize resources.

- 437. The Employer spokesperson** noted that many of the statements made by Government representatives reflected the views held by the Employers' group since the early discussions. Supply chains were synonymous with trade and should not be unduly restricted by political measures or social clauses in trade agreements, which would hamper countries' development; that was particularly important given that supply chains had become shorter in the past decade. The priority action programme, with its practical building blocks, was the right means of addressing the root causes of decent work deficits in supply chains; the ILO was well placed to support those efforts, and the Employers' group was committed to contributing to that work.
- 438. The Worker spokesperson** welcomed the unanimous support for the strategy. She noted that, as a result of previous discussions where the Employers' group had expressed concerns about using the term "global", it had been decided to refer only to "supply chains"; however, many Government representatives had referred to "global supply chains", as it was the cross-border nature of trade that presented specific challenges for the ILO. Concerning restrictions within trade and investment agreements, she noted that output 17 of the strategy concerned strengthening Member States' capacity to consider and implement labour provisions.

Decision

- 439. The Governing Body requested the Office to take into account its guidance when implementing the comprehensive ILO strategy on decent work in supply chains, and to submit a report on the implementation of the strategy to its 353rd Session (March 2025) for its consideration.**

(GB.347/INS/8, paragraph 4)

9. Outcome of the 17th Asia and the Pacific Regional Meeting (Singapore, 6–9 December 2022) (GB.347/INS/9)

- 440.** The Governing Body had before it an amendment to the draft decision, which had originally been proposed by the Employers' group and had then been subamended by ASPAG and endorsed by the Workers' group with some additional changes during consultations. The text agreed on by the three groups had been circulated by the Office, and read:

The Governing Body requested the Director-General to:

- (a) draw the attention of the ILO constituents, in particular those of the Asia and the Pacific and the Arab States regions, to the Singapore Statement by making the text available to:
 - (i) the governments of all Member States, requesting them to communicate the text to national employers' and workers' organizations; and
 - (ii) the international organizations and non-governmental international organizations concerned;
- (b) take the Singapore Statement into consideration when implementing current programmes and ensure its effective implementation in the context of future programme and budget proposals;
- (c) develop an implementation plan on supporting constituents to give effect to the Singapore Statement; and
- (~~d~~e) incorporate, in the programme implementation report for the biennium 2022–23 the key lessons learned in implementing the Singapore Statement for discussion during the 350th Session (March 2024) of the Governing Body, and submit information on the implementation of the Singapore Statement for submitted to the Governing Body discussion every two years, as part of the existing process and mechanisms information on the implementation of the Singapore Statement.

- 441. The Employer spokesperson** welcomed the balanced and consensus-based outcome of the 17th Asia and the Pacific Regional Meeting, as set out in the Singapore Statement. The ILO's agreed framework for its activities in the Asia and the Pacific and Arab regions contained therein should be incorporated into the next programme and budget cycle.
- 442.** The commitment contained in the Singapore Statement to promote sustainable enterprises, productivity, smoother transitions, skills development, social protection, capacity-building for workers' and employers' organizations, labour market governance, and peace and resilience was particularly welcome since it reflected the needs and realities of employers. He highlighted that regional dialogue and meetings remained an important and relevant mechanism for what was a diverse region. The 17th Asia and the Pacific Regional Meeting had been a testament to the power of dialogue, cooperation and engagement and the Singapore Statement provided guidance on how to harness opportunities for full, productive and freely-chosen employment and decent work. Referring to the proposed amendment to the draft decision, he explained that the addition of a new subparagraph (c) was intended to ensure the development of an implementation plan to give effect to the Singapore Statement. It was essential to ensure the involvement of the tripartite constituents in that regard.
- 443. Speaking on behalf of ASPAG,** a Government representative of Singapore said that the Office should identify the underlying reasons why some countries of the Asia and the Pacific region, including Pacific Island States, had been unable to participate fully in the Meeting, either in person or remotely, and to take that into account when considering future meeting arrangements. He expressed concern that only 35.8 per cent of delegates and advisers accredited to the Meeting had been female, and asked the Office to find ways of increasing the participation of women in all ILO meetings with a view to achieving gender parity. He appreciated the inclusion of thematic and special sessions, which had helped shape the Singapore Statement, and highlighted the importance of ensuring that the social partners and governments worked together to prepare for the future of work through policy design, analysis and implementation. His group looked forward to the ILO's continued support in fostering new and innovative opportunities for sharing experiences and best practices and promoting learning within and across the regions, and for further strengthening capacity-building programmes for employers' and workers' organizations. He requested the Office to consult ASPAG on its plans for, and the progress that it had made in, the implementation of the Singapore Statement.
- 444. The Worker spokesperson** said that the Singapore Statement was a vehicle for change in the Asia and the Pacific and the Arab States regions and the Office should work with the tripartite constituents to implement its recommendations. Outlining the priorities set out in the Singapore Statement, she highlighted the continued relevance of the Bali Declaration and mentioned in particular that her group strongly supported the call for the Office to develop a concrete and practical strategy for the ratification of international labour standards. The Office should target specific countries and set time frames for ratification, and efforts to encourage global ratification should be reflected in the ILO's programme and budget and the relevant DWCPs. In addition, she urged governments to work closely with the social partners with a view to ratifying all ILO fundamental Conventions, and to ensure labour protection for all. The Office should ensure that the recommendations of the Singapore Statement were included in the UN Sustainable Development Cooperation Framework at the country level and that resident coordinators were aware of the recommendations. At the 17th Asia and the Pacific Regional Meeting, the Workers' group had asked the Office to train local UN staff on the ILO's tripartite system and supervisory mechanism, and unions in the region were ready to contribute to such training.

445. It was important for a report on the implementation of the recommendations, including achievements and challenges, to be presented to the Governing Body for discussion in two years' time. The Workers' group strongly supported the call for regional meetings to be continued in some form since they provided a space for the tripartite constituents to have meaningful discussions on the issues and ways forward in the world of work. There was a clear need to improve coordination between the Office and the secretariat of the Workers' group to make future meetings more streamlined and enhance participation.
446. **Speaking on behalf of the Africa group**, a Government representative of Morocco said that his group welcomed the commitment of the constituents in the Asia and the Pacific region to achieving the equal representation of all regions, as enshrined in the ILO Centenary Declaration for the Future of Work and the resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance. He noted with interest the renewed commitment of the social partners to holding regional meetings. His group supported the recommendations made in the Singapore Statement to increasingly allocate financial and human resources to the regions to effectively respond to the priorities of constituents and to develop an implementation plan to support the constituents in giving effect to the Singapore Statement, with a biennial follow-up mechanism. The Africa group supported the proposed amendment.
447. **Speaking on behalf of ASEAN**, a Government representative of Indonesia said that ASEAN supported the adoption of the Singapore Statement, which provided a clear action plan for the tripartite constituents and the ILO. He encouraged the Office to take the Statement into account when drafting the future programme and budget, Strategic Plan and the DWCPs, in order to align the ILO's policies and programmes with the needs of the constituents in his region. ASEAN was prepared to support the ILO in implementing the recommendations contained in the Statement. The 17th Asia and the Pacific Regional Meeting had highlighted the importance of regional meetings and they should be continued. ASEAN supported the draft decision.
448. **Speaking on behalf of the EU and its Member States**, a Government representative of Sweden, noting that the proposed amendment would task the Governing Body with discussing and following up on regional meetings every two years, expressed concern about overburdening the Governing Body with regional matters, when it was supposed to have a global scope. While she understood the desire to give effect to the outcomes of regional meetings, such a decision should be considered in the context of the broader discussion on the future of regional meetings planned for the 349th Session of the Governing Body.
449. **A Government representative of India** emphasized her Government's commitment to the Singapore Statement and its guiding principles. She urged the Governing Body to leverage its experience and expertise to promote a fair representation of all regions and democratize the ILO's tripartite governance structure. Her Government supported the draft decision as amended.
450. **A Government representative of Pakistan** said that his Government fully supported the Singapore Statement and was committed to the priorities outlined therein. Policies and programmes that focused on economic recovery, skills development, employment and the protection of vulnerable workers, including migrant workers, were critical. Collective action in the Asia and the Pacific region and around the world was necessary to shape the ILO's work, and he called on the Office to make the necessary resources available. His Government supported the proposed amendment.

- 451. A representative of the Director-General** (Director, ILO Regional Office for Asia and the Pacific) thanked all those who had participated in the 17th Asia and the Pacific Regional Meeting, the Government of Singapore for hosting it, and the Singapore constituents for their support and warm hospitality. She said that the Office had taken note of the comments raised. The Singapore Statement set out the commitments made by the constituents and provided valuable guidance for the Office. All the points contained in the Statement were covered by the outcomes and outputs of the Programme and Budget for 2022–23 and the Programme and Budget proposals for 2024–25. The Office was fully committed to providing support to the constituents to give effect to the Singapore Statement through the implementation of the programme and budget and through DWCPs. Information on progress and results with respect to the implementation of the Statement would be incorporated in the programme implementation report submitted to the Governing Body every two years.
- 452. Another representative of the Director-General** (Director, ILO Regional Office for the Arab States) said that both the ILO Regional Office for Asia and the Pacific and the ILO Regional Office for the Arab States had shared the Singapore Statement with the regional coordinators, UN Country Teams, the social partners and governments in the region to promote tripartism throughout the UN system and strengthen cooperation between the tripartite constituents and the relevant multilateral organizations. The regional coordinators and UN Country Teams had been requested to help give effect to the Statement by incorporating it into the UN Sustainable Development Cooperation Framework at the country level, and her office would work with the UN teams on the design and implementation of the DWCPs. The ratification of the ILO fundamental Conventions was a priority under both the Statement and the Bali Declaration, and work was being carried out to encourage and support Member States in the region to ensure that international labour standards were also reflected in the UN Sustainable Development Cooperation Framework.
- 453. The Chairperson** clarified that the draft decision was unrelated to the agenda item on maintaining, discontinuing or adapting future regional meetings.
- 454. The Director-General** said that the wording of paragraph (d) of the proposed amendment implied that a report on the implementation of the Singapore Statement would be discussed every two years for an indefinite period. He suggested that some editorial changes could be made to the draft decision and the addition of the words “until the next Asia and the Pacific Regional Meeting” for clarity.
- 455. Speaking on behalf of ASPAG**, a Government representative of the Philippines confirmed that the intention was for the report to be discussed every two years until the next regional meeting, in whatever form that would take. She had no objection to the Director-General’s suggestion.

Decision

- 456. The Governing Body requested the Director-General to:**
- (a) **draw the attention of the ILO constituents, in particular those of the Asia and the Pacific and the Arab States regions, to the Singapore Statement by making the text available to:**
 - (i) **the governments of all Member States, requesting them to communicate the text to national employers’ and workers’ organizations; and**
 - (ii) **the international organizations and non-governmental international organizations concerned;**

- (b) take the Singapore Statement into consideration when implementing current programmes and ensure its effective implementation in the context of future programme and budget proposals;
- (c) develop an implementation plan on supporting constituents to give effect to the Singapore Statement;
- (d) include in the programme implementation report for the biennium 2022–23 to be discussed at the 350th Session (March 2024) of the Governing Body, the key lessons learned in implementing the Singapore Statement and submit information on the implementation of the Singapore Statement for Governing Body discussion every two years until the next Asia and the Pacific Regional Meeting, as part of existing processes and mechanisms.

(GB.347/INS/9, paragraph 13, as amended by the Governing Body)

10. Analysis of measures introduced in Governing Body meeting arrangements during the COVID-19 pandemic and their relevance for future sessions of the Governing Body and other meetings (GB.347/INS/10)

- 457.** The Governing Body had before it two amendments to the draft decision, which had been circulated by the Office. IMEC proposed to replace “travel to Geneva” by “attend in person” in subparagraph (a) and to add a new subparagraph (d) to read: “endorsed the return of the Screening Group to its original mandate of setting the agenda of the Governing Body”. The Workers’ group proposed to delete, in subparagraph (c), the words “including the fast-track approach trialled at that session to expedite items deemed non-controversial” and to replace the reference to the 346th Session with a reference to the 347th Session.
- 458. The Worker spokesperson** noted that the reason that special arrangements had been introduced to expand the role of the Screening Group and allow voting by correspondence had been in response to the exceptional circumstances of the COVID-19 pandemic. Given that the circumstances had changed, she agreed that the regular Standing Orders should be applied and the role of the Screening Group should be limited to setting the agenda of the Governing Body. She wondered whether it should be renamed to better reflect its role. Voting by correspondence had been challenging for her group because of a lack of time and difficulties in arranging meetings for proper consultations. As noted in the Office document, face-to-face interaction was vital in the negotiation process and in reaching consensus-based decisions.
- 459.** As to the fast-tracking of potentially uncontroversial items, it was not for the Screening Group to decide which items would be uncontroversial or who could speak in relation to a given topic. Her group could only agree to it if informal online consultations had confirmed that items identified by the Office and validated by the Screening Group were indeed still uncontroversial, and provided that all members of the Governing Body retained the option to speak in relation to all items on the agenda. Her group had proposed to amend subparagraph (c) of the draft decision to delete the reference to “the fast-track approach trialled at that session”, as there was no fast-track procedure under the Standing Orders and such items were often handled quickly anyway. The group could, however, agree to identifying in the agenda items deemed uncontroversial by including an indication that it could be dealt with in an expeditious manner.
- 460.** In relation to the size of the agenda, her group had repeatedly requested that the sessions should last two full weeks. She requested that the sessions be extended by at least half a day

on the second Friday; as most members' return travel was on that day anyway, it would entail only minor additional costs. She was open to the proposal to extend the frequency of follow-up reports on some items; that could be decided on a case-by-case basis. She supported the proposal to identify documents that only required guidance from the Governing Body; however, amendments should still be expected. The tentative order of business with indicative time allocations for each item was useful, but it should provide for sufficient time for discussion to reach consensus.

461. The Workers' group preferred to return to the previous arrangements for informal consultations. Her group had had difficulties in identifying an appropriate procedure to engage with its members, whether online or in additional in-person meetings, but was open to discussing other formats. The group agreed that speaking rights at technical and expert meetings should continue to be governed by the respective Standing Orders.
462. She noted that, at the current session, many items had entailed lengthy discussions seeking consensus, followed by a vote. Extended sittings should be avoided unless strictly necessary, as they were often counterproductive and reduced the available time for informal consultations within and between groups.
463. **The Employer spokesperson** said that his group supported the Screening Group returning to its original mandate of setting the agenda for the Governing Body, and would be open to a change in name. It was concerning that groups in addition to those corresponding to the four geographical regions specified in the Introductory note to the Compendium of rules applicable to the Governing Body had been taking part in the Screening Group, resulting in some regions being over-represented. He called on the Office to ensure that participation was limited to those who were entitled to participate under paragraph 28 of the Introductory note, and article 7(3) of the 1986 Instrument for the Amendment of the ILO Constitution.
464. His group was in favour of a return to fully in-person meetings in general, but recognized the need for online participation on an exceptional basis, to foster inclusivity and diversity, such as for those unable to travel. However, the right to vote should be limited to those attending in person. The format of group meetings should be decided by each group.
465. His group supported the continued use of the fast-track procedure for uncontroversial items. While the reluctance of some Governing Body members was understandable, the procedure had proven to be a pragmatic compromise in dealing with items quickly when possible, and could be adapted, when necessary.
466. If informal consultations were to be held, they must be meaningful and the Office must take constituents' input into account. The draft decisions submitted to the Governing Body by the Office should reflect solutions and compromises identified during informal consultations, even with alternative options.
467. **The Employers' group** strongly supported the time-management measures introduced during the pandemic; greater efforts needed to be made by all members of the Governing Body to adhere to time limits. His group supported reintroducing the requirement to submit amendments to draft decisions 24 hours in advance. Lastly, background documents must be made available at least 15 days before the session to allow constituents to have the necessary time to prepare for the discussion effectively and meaningfully.
468. **Speaking on behalf of GRULAC**, a Government representative of Colombia said that remote access to meetings had given national governments in capital cities the opportunity to participate more directly and meaningfully in the day-to-day work of the ILO and to provide enhanced substantive support to Geneva-based delegations. The possibility to participate

remotely should be maintained in the Governing Body as well as technical meetings and meetings of experts in accordance with the relevant standing orders. She supported the continued application of the arrangements put in place at the 346th Session of the Governing Body (October–November 2022), including conducting all votes in person. The Office should ensure that all constituents could participate under equality of conditions, including those attending online.

469. The fast-track approach for uncontroversial agenda items should be maintained, provided that participants would have the right to speak when they considered it necessary. Given the heavy agenda, it was unclear why the fast-track approach had not been applied at the present session. Extended sittings had taken place every day, which was unsustainable, not conducive to reaching consensus, left insufficient time for important discussion and had a detrimental effect on the physical and mental well-being of all involved. Her group was amenable to all of the adjustments proposed to the agenda, and underscored the urgent need to find ways of conducting efficient discussions and respecting time limits. That would be difficult without a fast-track procedure for certain items and with the session ending on the second Thursday. Consideration should be given to extending sessions to include the Friday of the second week, especially when the programme and budget proposals were being discussed.
470. She considered it important to hold informal consultations prior to Governing Body sessions, which encouraged the active participation of constituents and allowed them to find common ground ahead of the plenary discussion; she requested the Director-General to allocate the necessary resources to the extent possible. GRULAC supported the draft decision with the amendment proposed by IMEC, but not the amendment proposed by the Workers' group.
471. **Speaking on behalf of the Africa group**, a Government representative of Libya supported the proposal that future sessions of the Governing Body should be in person, while also allowing for remote participation on request. The arrangements that had been adopted for other official meetings should continue to be applied, such that they could continue to operate in accordance with their respective standing orders. The time-management measures that had been put in place at the 346th Session of the Governing Body (October–November 2022) should be maintained, as should the fast-track approach for uncontroversial agenda items. The Africa group supported the draft decision.
472. **Speaking on behalf of IMEC**, a Government representative of Canada said that her group supported the continued application of the arrangements that had been in place at the previous session. Providing participants with the opportunity to connect remotely was a key feature of the future of work and would help to reduce the Organization's carbon footprint and promote greater inclusivity.
473. She supported the role of the Screening Group returning to setting the agenda only. She also supported the fast-track approach for uncontroversial agenda items, provided that it would not diminish the oversight function of the Governing Body and that members could request the floor if they had valid issues to raise. Furthermore, reports concerning audit and oversight functions should not be subject to a fast-track approach. She supported the proposal to extend the reporting period for items that might benefit from more implementation time; that would, in turn, allow for more meaningful follow-up by the Governing Body.
474. She supported the continued use of the time-management measures that had been introduced during the pandemic, including limits on speaking times. It was important to avoid evening sittings, which had an adverse effect on the work-life balance of staff and participants. She emphasized the importance of starting sittings on time and keeping ad hoc breaks to a

minimum, and agreed that the Chairperson should exercise the prerogative, provided for in the Standing Orders, to request members to make shorter statements when necessary.

475. Her group recognized that there had been a marked increase in the number of pre-session consultations, which were greatly appreciated, as they facilitated exchanges of views and allowed constituents to take more informed decisions during the sessions, particularly when the Office prepared concrete proposals in advance. She asked the Office to advise when it would be difficult or impossible to hold such consultations from a financial or human resources perspective. She requested information on whether there had been a difference in costs between the pre-pandemic sessions of the Governing Body meetings and the current arrangements with remote observers.
476. The amendment that IMEC had proposed to subparagraph (a) of the draft decision was aimed at allowing Governing Body members to connect to sessions remotely upon request for whatever reason, not just an inability to travel to Geneva. The aim of the proposed new subparagraph (d) was for the Governing Body to endorse a return to the pre-pandemic mandate of the Screening Group, whereby it only set the agenda.
477. **The Worker spokesperson** supported both aspects of the amendment proposed by IMEC. Concerning her own group's proposed amendment, she asked the Legal Adviser to clarify the relationship of the fast-track procedure to the Standing Orders. She asked whether it was necessary to introduce an official fast-track approach, when the nature of some items meant that they could be dealt with quickly in any event. Furthermore, the complex nature of certain agenda items provided a legitimate reason for the Worker and Employer spokespersons to exceed the time limit for their opening statements, as they represented an entire tripartite group, whereas Government representatives could speak in a national capacity as well as on behalf of regional groups.
478. **The Employer spokesperson** expressed concern about the proposal to classify all items that did not require in-depth discussion or an urgent decision by the Governing Body as documents for information, as some of those documents could require discussion and a decision, just not an urgent decision. He also expressed concern about the proposal not to include draft decisions in documents that only required guidance from the Governing Body, as the guidance that the Governing Body provided was in fact a form of decision-making.
479. He noted that a number of Governments were in favour of the fast-track approach, but it was disappointing that the Workers' group did not support it. Even if an item was subject to a fast-track procedure, there would always be the option to change to the usual in-depth discussion. His group therefore did not support the Workers' group's proposed amendment.
480. As to the amendment submitted by IMEC, he proposed to reinstate after "attend in person", the words "or travel to Geneva", to cover all eventualities. Concerning subparagraph (d), he proposed to replace, after "endorsed the return of the Screening Group to its original mandate", the words "of setting the agenda of the Governing Body" with "and composition". That would reflect the Employers' group's concern that no Government groups other than the four geographical groups should participate in the Screening Group.
481. **The Worker spokesperson** noted that the item under discussion, which had been identified as one that could be dealt with expeditiously, had in fact generated a lengthier discussion. She encouraged the Governing Body to remain on topic rather than expanding the debate to include the composition of the Screening Group. She therefore opposed the Employers' proposed subamendment to add "and composition". She did not see the need to add "or travel to Geneva", but could be flexible if there was consensus on that subamendment.

- 482. Speaking on behalf of IMEC**, a Government representative of Canada did not support the Employers' group's proposed subamendment, as the composition of the Screening Group had not changed since its creation in 2011 and fell within the principle of the autonomy of the groups. She could support a return to the original draft decision.
- 483. Speaking on behalf of GRULAC**, a Government representative of Colombia said that her group did not support the subamendment on the composition of the Screening Group, as that had not changed, and it was not relevant to the current discussion.
- 484. Speaking on behalf of the Africa group**, a Government representative of Libya said that her group supported the subamendments proposed by the Employers' group.
- 485. Speaking on behalf of ASPAG**, a Government representative of the Philippines said that a significant majority of her group supported the subamendments proposed by the Employers' group. It was relevant to discuss the composition of the Screening Group, as it made decisions on the agenda of the Governing Body. ASPAG had consistently drawn attention to the fact that multiple representation within the Screening Group went against the principle of full, fair and equal representation in the ILO's governance. The non-regional groups currently represented could instead express their views through their respective regional groups. She asked the Legal Adviser to provide details regarding the text governing the composition of the Screening Group.
- 486. The Employer spokesperson** asked whether the Workers' group could be flexible in not pursuing its own proposed amendment to delete the reference to the "fast-track approach". As to the original mandate and composition of the Screening Group, he understood that it was based on paragraph 3.1.1 of the Standing Orders of the Governing Body, which stated that the Screening Group would include "the regional coordinators representing the governments". The text and spirit of the Compendium of rules applicable to the Governing Body was clear that there were four recognized geographical regions of the ILO: Africa, the Americas, Asia and the Pacific, and Europe. Participation in the Screening Group should therefore not include any cross-regional groups, but be limited to those four geographical groups, to ensure fairness. As the representative of ASPAG had said, there was an issue of multiple representation in the Screening Group, for example if both ASPAG and ASEAN spoke on a given point.
- 487. The Worker spokesperson** suggested that, if the term "original" before "mandate" was controversial, it could be changed to "previous". Furthermore, the representative of IMEC had withdrawn the group's proposed amendment in favour of returning to the original draft decision. If the Governing Body wished to discuss the composition of the Screening Group, it should be included in the agenda of a future session.
- 488. A representative of the Director-General** (Legal Adviser) in response to a request for clarification by ASPAG, said that in ILO practice the number of geographical regions did not coincide with that of regional coordinators; there were four regions (Africa, Americas, Europe, and Asia and the Pacific) but six recognized regional coordinators. Article 1(1) of the Rules for regional meetings referred to four geographical regions, as did the "List of Members to be invited as full members by region" appended to those Rules. The four regions were also listed in article 7(3)(a) of the 1986 Constitutional Amendment with the further reference in article 7(3)(b)(i) to the States of Western and of Eastern Europe. As for regional coordinators, paragraph 20 of the Introductory note to the Compendium of rules applicable to the Governing Body merely referred to "the regional and subregional coordinators" without defining them. The issue of whether cross-regional groupings should be represented within the Screening Group had been discussed most recently during the sixth meeting of the Tripartite Working

Group on the full, equal and democratic participation in the ILO's tripartite governance,¹ when the former Deputy Director-General, who had been Chairperson of the Governing Body at the time of the reform package of 2011, had provided details of the original composition of the Screening Group. As a matter of established and, so far uncontested, practice, the cross-regional IMEC had participated in the Screening Group from the outset, but that had not been codified anywhere. The background note to the sixth meeting of the Tripartite Working Group had proposed that it might wish to develop recommendations on any aspects of the composition or functioning of the Screening Group not covered by the existing legal framework, but no recommendations for Office follow-up had been made.

- 489.** In response to a request for clarification by the Worker spokesperson, the Legal Adviser indicated that the term “fast-track” had initially been applied to the specific approach taken under the special arrangements during the COVID-19 pandemic period, whereby the Screening Group – working outside its original mandate – made an initial decision on whether a given item was sufficiently uncontroversial to allow a decision (including a vote, if needed) by correspondence. The aim had been for around two thirds of agenda items to be decided in that way (either before, during or after the designated Governing Body session), for practical reasons. In order to replicate as much as possible the in-person meetings of the Governing Body, there had also been the possibility of supporting a draft decision without objection, of blocking consensus, or of not supporting the draft decision but without blocking consensus. If one or more members blocked consensus, the decision then proceeded to a second stage of voting by correspondence. There had also been the possibility of submitting written comments for publication. That fast-track approach in the form of a ballot by correspondence had worked well during the pandemic. Since the return to in-person meetings, the term “fast-track approach” had been used to refer to a shared understanding not to speak during the consideration of previously identified uncontroversial items. Such an approach fell well within the existing Standing Orders as it did not entail any decision by correspondence or the publication of written comments.
- 490. Another representative of the Director-General** (Director, Official Meetings, Documents and Relations Department) welcomed the general support for the Office's proposals, notably the emphasis placed on retaining or adapting some practices that had been developed during the COVID-19 pandemic. There appeared to be consensus that the Governing Body agenda was too full and that better time management was required, but not necessarily on the proposals in paragraph 17(b) and (c) of the Office document. There also seemed to be agreement on the need to expedite the handling of certain items. Further discussion was needed on the best way to achieve those aims. In terms of costs, hybrid meetings were indeed far more expensive than in-person meetings, as the Office had to provide the connections and have many more technicians in the room. Extended sittings also had cost implications, including for interpretation; for that reason, other international organizations were stricter about the end time of sittings.
- 491. The Employer spokesperson** observed that the proposal to remove the fast-track approach had not enjoyed support. As to the matter of the composition of the Screening Group, it would not be appropriate for the Screening Group itself to make a decision on its own composition, especially because that matter was controversial; rather, the Governing Body should decide on it.

¹ See [TWGD/Sixth meeting/Background note](#), paras 9–12, and [TWGD/Summary of proceedings](#), para. 32

- 492. The Worker spokesperson** proposed that, based on the explanation given by the Legal Adviser of the different uses of the term “fast-track approach”, she could subamend her group’s amendment to subparagraph (c) to refer to “measures to expedite items deemed non-controversial”, rather than “the fast-track approach”. “Measures” was a more general term and might pave the way for more creative solutions to be found in future. The composition of the Screening Group, however, had been discussed under item INS/6 of the present session on the final report of the Tripartite Working Group on the full, equal and democratic participation in the ILO’s tripartite governance. The matter had also been discussed extensively by the Tripartite Working Group itself, which had been unable to reach agreement. Hence, the debate should not be reopened on the basis of the subamendment proposed by the Employers’ group. The message of the proposed new subparagraph (d) was that the Screening Group should return to its pre-pandemic mandate.
- 493. Speaking on behalf of GRULAC**, a Government representative of Colombia expressed support for subparagraph 35(d) as originally proposed by IMEC. Her group did not support the subamendment proposed by the Employers’ group. The current discussion was about measures taken during the pandemic; as the composition of the Screening Group had not changed during the pandemic, and had moreover not changed since its formation, the matter should not form part of the discussion.
- 494. The Employer spokesperson** reiterated that he did not support the amendment to subparagraph 35(c) proposed by the Workers’ group. Concerning his group’s proposed subamendment to subparagraph 35(d), he believed that it had met with support from the Africa group and a significant proportion of ASPAG. There should be fairer regional representation in the Screening Group.
- 495. Speaking on behalf of IMEC**, a Government representative of Canada said that the composition of the Screening Group was not relevant to the current agenda item. The Government group was responsible for its own groupings and discussions would continue on the matter in that forum. IMEC therefore proposed withdrawing its amendments, including the proposed additional subparagraph 35(d), and would support either the original draft decision or the amendment proposed by the Workers’ group to include “measures to expedite items deemed non-controversial” in subparagraph 35(c).
- 496. The Employer spokesperson** thanked IMEC for the clarification concerning proposed subparagraph (d). He said that the concept of the “fast-track approach” had been clearly explained in the document and there was no need to use alternative language. Moreover, he was sure that any approach would continue to evolve. He reiterated his support for the draft decision in its original form and said that displaying amendments on the screen should not encourage bias towards their adoption. It was clear that there was no support for the new subparagraph (d) proposed by IMEC.
- 497. The Worker spokesperson** asked whether members would accept the term “measures to expedite”, in place of “fast-track approach”. It was important to distinguish between the fast track approach that had been employed during the COVID-19 pandemic and the measures in place since the 346th Session of the Governing Body. Regretting the lack of compromise, she asked the Office to clarify the details of the “fast-track approach” used at the 346th Session of the Governing Body.
- 498. Speaking on behalf of IMEC**, a Government representative of Canada said that her group would join an emerging consensus, and could agree to the amendment proposed by the Workers’ group.

- 499. A Government representative of Bangladesh** said that any decision adopted should address the composition of the Screening Group.
- 500. The Worker spokesperson** reiterated her request for an explanation of the precise meaning of implementing “the time-management measures applied at the 346th Session of the Governing Body, including the fast-track approach trialled at that session”, which would apply if subparagraph (c) was adopted unamended.
- 501. A representative of the Director-General** (Director, Official Meetings, Documents and Relations Department) said that the ‘fast-track’ approach trialled at the 346th Session concerned a limited number of items that had been identified by the Screening Group as non-controversial. They had been discussed as a block of items, and constituents had been able to make comments on each of them prior to the adoption of the corresponding decision.
- 502. The Worker spokesperson** said that, in light of the explanation provided, her group was prepared to adopt the draft decision in its original form.
- 503. The Employer spokesperson, GRULAC and the Africa group** supported the adoption of the original draft decision.
- 504. The Employer spokesperson** requested that the minutes reflect the nature of the discussion, with particular regard to the opinions expressed relating to the proposed new subparagraph (d) and the discussion regarding the composition of the Screening Group.

Decision

505. The Governing Body:

- (a) **decided that future sessions of the Governing Body will be held fully in person, with the added possibility for participants who are unable to travel to Geneva to connect remotely upon request to follow the debates and, if necessary, exercise the right to speak;**
- (b) **recommended that the same modes of participation be applied to other ILO official meetings, where applicable, and in accordance with the Standing Orders for those meetings; and**
- (c) **requested the Office to continue to implement the time-management measures applied at the 346th Session of the Governing Body, including the fast-track approach trialled at that session to expedite items deemed non-controversial.**

(GB.347/INS/10, paragraph 35)

11. ILO regional meetings: Consideration of possibilities to maintain, discontinue or adapt future meetings (GB.347/INS/11)

- 506.** The Governing Body had before it an amended version of the draft decision, which had been proposed by GRULAC and circulated by the Office, which read:

The Governing Body requested the Office to prepare for its consideration at its 349th Session (October–November 2023) a proposal for the format of regional ~~forums~~meetings, taking into account the ~~views expressed~~preferences in the options presented and the ~~guidance provided~~ during the discussion, based on the different experiences of each of the regions.

- 507.** The Governing Body also had before it another amended version of the draft decision, which had been proposed by the Africa group and circulated by the Office, which read:

The Governing Body requested the Office to continue to hold regional meetings in their current form and to prepare, for its consideration at its 349th Session (October–November 2023), scenarios allowing comparable outcomes to be achieved at lower costs ~~a proposal for the format of regional forums, taking into account the views expressed and the guidance provided during the discussion.~~

- 508. Speaking on behalf of GRULAC**, a Government representative of Colombia said that her group was satisfied with the regional meetings, and the value of their intangible benefits exceeded the costs. The conclusions and declarations from American regional meetings had proven useful in identifying the region's shared priorities and challenges. The outcome of the meetings had served to bolster her group's position within the decision-making bodies of the ILO and promoted its priorities in various important processes, such as the development of the programme and budget, the Strategic Plan, DWCPs and programme implementation reports. Follow-up to regional meetings was a priority for her group. Closer cooperation with regional and country offices was required to ensure continuity and relevance of the outcomes, and follow-up should be evaluated to avoid duplication of efforts between the ILO and national authorities. Her group had proposed potential sources of savings in addition to those listed in the document.
- 509.** GRULAC would prefer to maintain the status quo as outlined in option 1. Under that option, the format of the regional meetings should respond to the particular needs of each region, ensure efficient time management and the full participation of all constituents, and provide spaces for knowledge-sharing and networking to maintain the intangible benefits. All possible savings should be implemented, and policy outcomes and outputs should be aligned with the conclusions adopted to ensure timely follow-up from regional offices and headquarters.
- 510. Speaking on behalf of the Africa group**, a Government representative of Morocco said that the regional meetings in Africa had served as a springboard for the development of national programmes and policies and regional and international instruments, and had strengthened cooperation with the Office, both at headquarters and in the field. They had also served to advance the Decent Work Agenda, as reflected in the Abidjan Declaration and its implementation plan. Innovative tools should be adapted and developed to remedy the shortcomings in follow-up to the regional meetings. He would appreciate additional information on the redeployment of the potential cost savings made by discontinuing regional meetings and on the capacity to create additional offices. Since staffing accounted for a significant proportion of the meeting costs, his group proposed that a study should be carried out in that regard, that considered innovative means of mobilizing further resources.
- 511.** The Africa group favoured maintaining regional meetings and had circulated a proposed amendment to that effect. He wondered why the draft decision referred only to option 4 (move from ILO regional meetings to ILO regional forums). He requested further explanation of the nature and outcome of that option. The option chosen should continue to adhere to the Rules for regional meetings, including the parts on Credentials Committees and the participation of tripartite delegations.
- 512. The Employer spokesperson** said that many constituents, especially those in remote regions, valued the opportunity presented by regional meetings to exchange experiences and provide feedback to the Office on their situation, needs and priorities. The discussions and outcomes of the regional meetings were key inputs for the work carried out by regional offices and fed into the work of the ILO at headquarters. She noted that the wording of the draft decision appeared to anticipate the selection of option 4. However, she was concerned that the main purpose of that option seemed to be to promote the Global Coalition for Social Justice, which had not yet been defined, and that regional forums did not adopt formal conclusions; instead,

summaries drafted by the Office, rather than by the tripartite constituents, would be put forward for endorsement. Regional meetings must be grounded in reality and be constituent-led. Her group could not accept any new format that would remove the possibility for the tripartite constituents to discuss and agree on an outcome document. Great examples of short and straightforward outcome documents had been produced at regional meetings in recent years. More should be done to analyse the outcome documents from regional meetings to identify common and differing priorities and challenges, implement agreed action, and provide input for the programme and budget, the Strategic Plan, DWCPs and the programme implementation report. In particular, the Office should consider different ways of presenting regional priorities and regional analyses in institutional documents.

513. Her group favoured the third option (attach ILO regional meetings to sessions of the International Labour Conference or regional gatherings), which would increase efficiency and impact while lowering costs. In particular, an ad hoc approach by region should be explored, in line with option 3.4. Consideration could be given to the adoption of a more interactive format with fewer prepared speeches; the possibility for the work of the Credentials Committee to be carried out by an equally effective intersessional mechanism; the length and type of input to be prepared; and the frequency and duration of meetings.
514. Noting that the Director-General's Programme and Budget proposals for 2024–25 made no reference to budgetary allocations for regional meetings, the Office would need to reintroduce or earmark an allocation, depending on the decision taken. She asked whether funds had been earmarked for the regional meetings that were already scheduled to take place. Recalling that many Governments opposed the 0.2 per cent budget increase, she was concerned how the Office would manage the various competing priorities, and would like the budget of regional meetings to be reintroduced in the Programme and Budget for 2024–25. She had noted the proposed amendments by GRULAC and the Africa group, and wished to hear the comments of the Governments and the Workers' group before pronouncing on the draft decision.
515. **The Worker spokesperson** said that attendance at regional meetings remained high and the main consideration was not the actual cost of the meetings, but whether they represented value for money. His group preferred option 4, but with certain caveats. Although lengthy conclusions should be avoided, sufficient information about ILO activities at the regional level, including a list of projects and division of resources under various outcomes, should be made available. A short supporting report would allow participants to discuss the presence of the ILO in the field. Special sessions covering issues such as the MNE Declaration should be maintained. His group opposed the complete removal of a general debate; regional gatherings were important to raise issues related to respect for workers' rights and, if they did not allow for an exchange of views, they would become irrelevant. The Workers' group was opposed to the idea of an ad hoc approach by region, as set out under option 3.4, since that would raise questions as to who would make such decisions and on what basis. Furthermore, as attaching ILO regional meetings to existing regional gatherings organized by other entities might lead to uncertainty regarding rules on participation, the ILO should maintain full control of the activities, and ensure the engagement of other institutions.
516. The main goal of the regional meetings should be to promote ILO principles and values, its normative framework, and the Global Coalition for Social Justice. Networking should be carried out to design and implement new proposals at the regional level and to take stock of what had been achieved and what had yet to be achieved. The agenda of the forums, which could be decided by the regions at the initiative of the regional offices, should promote continuity between sessions of the International Labour Conference and the implementation of their outcomes. Meetings should be held over periods of four days, one of which should be

dedicated to thematic reports on topics such as the implementation of the MNE Declaration and follow-up on the ILO supervisory system. The format should consist of one opening sitting, interactive debates in plenary and subregional events organized by the ILO in a tripartite setting. Outcome and follow-up should comprise a summary of key issues, which might include a list of priorities, acknowledgement of reports and a commitment to continue working, agreed by a tripartite drafting group. Informal mid-term reviews at the regional level or annual reports from regional directors might be helpful and improve the meetings' dynamic. With regard to participation, the Credentials Committee should be retained, since Governments might otherwise be tempted to send partial delegations either to reduce costs or avoid scrutiny over issues related to violations of fundamental rights. He had noted the amendments proposed by GRULAC and the Africa group, and wished to hear the views of the Office regarding the draft decision.

- 517. Speaking on behalf of ASPAG**, a Government representative of the Philippines was pleased to note that the evaluative assessment had taken into consideration the mid-term review of the Bali Declaration, recognizing the progress that had been made, and noted that the priorities of the Declaration had been mainstreamed into programming and resource mobilization exercises. However, the finding that it was difficult to attribute those gains to the Declaration was a concern. It was also regrettable to note the programmatic shortcomings of the regional meetings that had been outlined in the report. ASPAG members considered the conclusions adopted by regional meetings to be national policies that should be taken into account when defining the agenda of the Organization. During the discussion on the Programme and Budget proposals for 2024–25, ASPAG had requested the Office to pay closer attention to the priorities identified in the Singapore Statement adopted at the Asia and the Pacific Regional Meeting in December 2022. That request underscored the connection that it expected to see between regional declarations and the Organization's policies, programmes and plans, and supported its long-standing aspiration for the democratization of the ILO's governance.
- 518.** Regional meetings bolstered the ILO's ambition to reinforce social dialogue and tripartism, which were at the heart of its existence. They also offered opportunities for networking and knowledge exchange between Member States and the social partners. The discussions at such meetings led to the adoption of common regional strategies, positions, partnerships and projects, and guaranteed regional ownership of the Decent Work Agenda. That was why they must be maintained.
- 519.** Some members of ASPAG were not in a fiscal position to maintain Permanent Missions in Geneva or to send representatives to meetings there. For those countries, regional meetings were an opportunity to join the conversations about priorities and challenges. They were also an opportunity for bilateral and multilateral discussions with other Member States and development partners. It was true that not all ASPAG members had attended the Asia and the Pacific Regional Meeting in 2022, and the Office should identify the underlying reasons for that and take the feedback into account when considering future arrangements. The Office should also consider innovative ways of achieving greater gender balance among participants.
- 520.** ASPAG shared the concerns raised by the Office regarding cost efficiency and would be in favour of streamlining the regional meetings, revisiting their format and redefining their contents and expected outputs, among other things. It also supported the recommendation to reduce the number of ILO staff in attendance. It would welcome further dialogue on how the meetings could be reformed in the name of economy, efficiency and effectiveness. With regard to the options presented in the report, ASPAG supported option 3.4 and option 4, subject to further consultation on structure. ASPAG supported the draft decision.

- 521. Speaking on behalf of the EU and its Member States**, a Government representative of Sweden said that Albania, Bosnia and Herzegovina, North Macedonia, Republic of Moldova, Montenegro, Serbia, Iceland and Norway aligned themselves with her statement. She reaffirmed the group's preference for a holistic approach to the future of regional meetings. Such meetings supported the global governance of the ILO and offered an opportunity for tripartite discussions on the programming and implementation of the ILO's activities in the region. An ad hoc approach to such meetings would not provide the coherence required; whatever option was chosen, it should apply equally to all regions.
- 522.** Recognizing that the fourth option presented in the report had garnered broad support and had been flagged as the way forward by the external consultants, her group agreed that the proposed four-year trial period seemed to be a productive approach. The group agreed with the added value of regional forums, as outlined in the report. However, it did not agree with the proposal to connect the regional forums with the Global Coalition for Social Justice, which had not yet been established, as the scope of potential future forums should not be limited. It agreed with the proposals in respect of frequency and duration, and appreciated that efforts had been made to reduce costs while preserving the impact and value of regional meetings. In that regard, having no general statements in the plenary would allow for greater focus on tripartite panel discussions and technical workshops. Her group also welcomed the intention to enhance follow-up and increase the effectiveness of regional meetings. It was of the utmost importance to maintain the tripartite nature of such meetings. The group supported the draft decision.
- 523. A Government representative of Niger** said that regional meetings supported the ILO's governance and presented an opportunity for the tripartite delegations to examine the Organization's programmes and their implementation in the regions. Like many others, her Government appreciated the opportunity for knowledge- and experience-sharing offered by the regional meetings, as well as the potential for informal consultations on issues relating to decent work. Her Government welcomed the initiative to review the format of such meetings, but only in order to make them more effective and efficient. It looked forward to being able to continue its pursuit of various important regional initiatives and to continue regional dialogue in an effort to find solutions to the serious challenges of access to decent work and the promotion of social justice.
- 524. A Government representative of Argentina** said that the conclusions adopted at the 19th American Regional Meeting in Panama in 2018 had been very useful in identifying shared regional priorities and challenges. Although holding regional meetings was optional, under article 38 of the ILO Constitution, his Government believed that they were imperative, as they promoted regional tripartite social dialogue, contributed to the development of strategic alliances and were an important part of the ILO's governance at the regional level. Regional meetings also provided opportunities to share knowledge and skills among Member States and to promote national and regional programmes and policies. In Argentina, the conclusions of the regional meetings were an important component in drafting DWCPs, for example. Regional meetings must be continued, alongside other international initiatives such as the Multilateral Partnership for Organizing, Worker Empowerment, and Rights (M-POWER), which his Government strongly supported. He supported the draft decision, as amended by GRULAC.
- 525. A Government representative of Pakistan** endorsed option 4, since new regional forums would provide more effective and meaningful platforms for networking and exchange among Member States. They would be a dedicated space for members to share policy solutions and best practices. By identifying major regional and subregional trends, they would facilitate the development of collective strategies to address common challenges and strengthen their

efforts to promote decent work and achieve social justice. They would also provide a valuable opportunity for governments to engage with other stakeholders, and to showcase innovative approaches and initiatives that could be replicated across the region. His Government was committed to actively participating in the regional forums.

- 526. A Government representative of China** said that regional meetings played an important role in the ILO's governance and achieved many practical and productive outcomes. For instance, following in-depth discussions on various topics, the conclusions of the 17th Asia and the Pacific Regional Meeting in Singapore had set out priorities for action for a human-centred recovery in the region.
- 527.** Different regions had different levels of economic development, different labour markets and distinct characteristics in terms of demographic structure, industry and climate. Although some challenges were shared, many were different. The Office should provide platforms where the tripartite constituents could discuss more targeted priorities for action and promote social justice in the regions. Discontinuing the meetings was not an acceptable option and efforts should be made to make improvements based on a comprehensive assessment of the benefits and shortcomings of the current system. China supported the original draft decision.
- 528. A representative of the Director-General** (Director, Official Meetings, Documents and Relations Department) said that, while the discussion had reflected a diversity of views, it was generally agreed that there was scope for improvement. He noted the calls to make regional meetings more cost effective and to enhance their impact, specifically by enhancing the link between regional meetings and regional and national planning and programming processes. He recalled that, according to the ILO Rules for regional meetings, regional meetings served "to advance, at the regional level, the strategies decided by the International Labour Conference and the Governing Body, thus enhancing the ILO capacity, pursuant to the Social Justice Declaration, to achieve the strategic objectives by translating them to regional and national realities". In addition, flexibility and tripartite ownership were "two key aspects of the functioning of regional meetings". That ambition had been the goal of the initiative to examine how to optimize the regional meetings and make them more meaningful, and had been reflected in the consultants' report. The Office would take the insights of that report, together with the guidance provided by the Governing Body, and conduct further analyses and consultations in order to fine-tune proposals for the optimization of regional meetings.
- 529.** Responding to questions that had been raised relating to budgetary matters, he clarified that, although the Programme and Budget proposals for 2024–25 did not include an earmarked allocation for regional meetings, once the Governing Body had decided on the future format, duration and frequency of those meetings, the costs would be absorbed under the budget for policymaking organs or from savings from other parts of the budget.
- 530. The Employer spokesperson** recognized that the vast majority of Government representatives who had spoken had echoed the points that she and the Worker spokesperson had made. She reiterated that it was important to have serious, substantive meetings; to have them in a tripartite setting; to have conclusions that would feed into both regional policy and the global policymaking; and for each region to have the flexibility to determine what exact format their meetings should take. A one-size-fits-all approach, as proposed by the EU, was not appropriate; instead, a flexible approach that took into account the needs and wishes of each region should be adopted.
- 531.** The amendments proposed by GRULAC and the Africa group were largely consistent with one another, so perhaps there could be a way to formulate a consolidated amendment, maintaining the term "meetings" rather than "forum", and making reference to the needs of

the constituents and of the regions, while also seeking greater cost-efficiency and examining different formats. The Employers' group was open to considering both amendments.

- 532. The Worker spokesperson** said that the importance of the regional meetings had been echoed loud and clear from various members, both in terms of their impact and their value. It had also been emphasized once again that it was important to maintain those meetings in some form. What was important was their content, as well as making them more cost-effective.
- 533. Speaking on behalf of GRULAC**, a Government representative of Colombia said that having listened to the discussion, the amendments proposed by her group and the Africa group appeared to be complementary. Therefore, she proposed a subamendment adding the phrase "taking into account the different experiences of each of the regions, presented during the discussion" to the end of the draft decision as amended by the Africa group. That wording would cover option 3.4, as outlined in the report, which had received support from a number of groups and was similar to the last part of her group's original proposed amendment.
- 534. The Director-General** said that the words "presented during the discussion" were redundant, as regional differences should be taken into account whether or not they had been presented during the discussion.
- 535. Speaking on behalf of GRULAC**, a Government representative of Colombia clarified that it was the specific views of each region on the options set out in the document that should be taken into account.
- 536. The Worker spokesperson** said that the importance of continuing regional meetings should be highlighted and his group stood ready to harmonize the three proposed amendments into one that enjoyed consensus.
- 537. Speaking on behalf of the Africa group**, a Government representative of Morocco said that as the text displaying all the suggested amendments and subamendments had become confusing and, for the sake of clarity, discussions should continue on the basis of the proposal by GRULAC to combine its initial amendment with the amendment proposed by the Africa group.
- 538. Speaking on behalf of the EU and its Member States**, a Government representative of Sweden proposed that in view of the apparent consensus that the outcomes of meetings should be comparable but achieved at a lower cost, the draft decision should read: "The Governing Body requested the Office to prepare for its consideration at its 349th Session (October–November 2023) an updated proposal for the continuation of the regional meetings with comparable outcomes achieved at lower cost, taking into account the views expressed and guidance provided during the discussion."
- 539. The Employer spokesperson** said that the Governing Body should focus on the two tabled amendments submitted by GRULAC and the Africa group and on the proposal to merge the two. Her group could support the latter as it conveyed the need to continue regional meetings, allowed for the flexibility to continue discussions and contained a request to the Office to make proposals based on the views expressed and guidance provided during the current discussion.
- 540. The Worker spokesperson** agreed that the proposal to merge the two initial amendments was the best option but was reluctant to include the words "to lower costs", which could lead to a situation where some constituents no longer attended meetings in the name of lowering costs. "Cost-effective" would be a better formulation. As to the term "comparable outcomes", the Workers' group would be grateful to discuss its meaning in greater detail.

- 541. A Government representative of Mexico** said that the proposal by GRULAC to merge the two initial proposed amendments seemed to be a good basis on which to work. In view of that consideration and the concern expressed by the Workers' group, she suggested a subamendment to replace the words "at lower cost" with the words "in a cost-effective manner", and to end the draft decision with the words "of the regions".
- 542. Speaking on behalf of ASPAG**, a Government representative of Japan said that ASPAG could support the proposal combining the two initial proposed amendments but suggested a further subamendment to remove the words "in their current form".
- 543. The Employer spokesperson** supported the amendment as subamended by the Government representative of Mexico and ASPAG.
- 544. Speaking on behalf of GRULAC** the Government representative of Colombia said that GRULAC could support the amendment as subamended by the Government representative of Mexico and ASPAG. The difference in views and visions expressed by constituents during the discussion should be reflected in the draft decision.
- 545. Speaking on behalf of the EU and its Member States**, the Government representative of Sweden supported the amendment as subamended by the Government representative of Mexico and ASPAG but said that the earlier proposed subamendment to include the words ", taking into account the views discussed and the guidance provided during the discussion" should be included as the final clause of the draft decision.
- 546. The Worker spokesperson** requested an explanation of the precise meaning of "comparable outcomes".
- 547. The Government representative of Morocco** clarified that the Africa group had included the notion of "comparable outcomes" to guard against a drop in standards that could arise from lowering costs.
- 548. The Government representative of Spain** said that the expression "comparable outcomes" appeared in paragraph 31 of document GB.347/INS/11 and, in the context of the document, clearly referred to maintaining the impact and added value of the meetings while reducing costs. The Governing Body should proceed on that understanding, as the draft decision would appear in the document and would therefore be understood in context.
- 549. Speaking on behalf of GRULAC**, the Government representative of Colombia said that GRULAC could support the subamendment proposed by the Government representative of Sweden on behalf of the EU and its Member States. However, she wished to make clear that GRULAC would have preferred the wording it had suggested in its original proposal.
- 550. The Worker spokesperson** said that his group could support the draft decision, as amended.

Decision

- 551. The Governing Body requested the Office to continue to hold regional meetings and to prepare for consideration at its 349th Session (October–November 2023) scenarios allowing comparable outcomes to be achieved in a cost-effective manner, taking into account the different views expressed and guidance provided during the discussion.**

(GB.347/INS/11, paragraph 5, as amended by the Governing Body)

12. Follow-up to the resolutions concerning Myanmar adopted by the International Labour Conference at its 102nd (2013) and 109th (2021) Sessions (GB.347/INS/12)

- 552. A representative of the Director-General** (Regional Director for Asia and the Pacific), reporting on developments since the publication of the Office's document on 22 February 2023, said that violence, including extrajudicial killings, indiscriminate airstrikes, arbitrary detentions, torture, sexual violence, the burning of houses, the burning of people alive, the denial of fair trial rights and other human rights violations committed by the military authorities and its affiliates against the civilian population continued unabated and, in some areas, the situation was becoming worse. The previous week, media outlets had reported that at least 28 people sheltering in a monastery in a border town in Shan State, together with 3 monks, had been executed by the military. Thousands of people continued to be displaced by clashes and insecurity, with the total number of persons displaced since the military takeover standing at around 1.3 million. The military authorities continued to instrumentalize the legal framework to target anyone opposing its rule by unilaterally promulgating laws to suppress dissent. Since the Office document had been prepared, the number of townships in which martial law was imposed had risen from 43 to 47. Trade unionists, labour activists and anyone peacefully opposing the military takeover remained in danger of arbitrary imprisonment. Many activists were in hiding. Furthermore, faced with rising living costs, suppressed wages and greater job insecurity, workers in Myanmar were under significant pressure to make ends meet.
- 553.** On 13 March 2023, the Special Envoy of the UN Secretary-General on Myanmar had met with the UN Security Council to provide an update on the situation in Myanmar, which had seen no improvement since the adoption of Security Council resolution 2669 (2022). On 16 March, the Special Envoy had delivered a briefing to the General Assembly, highlighting the continuous violence and oppression and the growing hardship faced by the people of Myanmar and also urging States to support the 2023 Joint Response Plan for the Rohingya humanitarian crisis.
- 554.** The Permanent Mission of the Republic of the Union of Myanmar to the UN Office and other international organizations in Geneva had sent a letter dated 17 March 2023 to the Office, commenting on the content of the document; however, that letter had not been received until 20 March 2023, just two days prior to the current discussion. Nevertheless, she said that the Office stood by the multiple sources of information that had contributed to the document.
- 555.** Further new developments included the lifting of restrictions on the ILO's main bank account on 16 February 2023 and the extension until 1 September 2023 of the ILO Liaison Officer's multiple-entry visa for Myanmar, which had expired on 2 February 2023. She noted, however, that the ILO account in another bank remained restricted.
- 556. The Employer spokesperson** expressed his group's strong concern about the deteriorating humanitarian situation in Myanmar. Crisis was becoming entrenched: lives and livelihoods continued to be lost and grave violations of fundamental rights and freedoms continued to be committed. The Employers' group was particularly concerned about developments relating to forced labour and freedom of association violations. The group acknowledged the persisting obstacles faced by the ILO Liaison Office in Myanmar (ILO–Yangon) in carrying out its mandate and thanked the staff of that Office for its endeavours to that end in such an uncertain environment. The resolution for a return to democracy and respect for fundamental rights in Myanmar adopted by the International Labour Conference at its 109th Session (2021) and the decisions adopted by the Governing Body at its previous sessions remained relevant. Noting

that the work of the Commission of Inquiry was under way, he welcomed the cooperation and engagement of all those involved and looked forward to receiving the Commission's report well before the 349th Session.

557. In the future, the Governing Body must be guided by a human-centred approach and by its commitment to fundamental rights and principles at work, including its commitment to ensure that freedom of association was respected and upheld once more in workplaces and industries in Myanmar. In addition, ASEAN, of which Myanmar was a Member State, had an increasingly critical role to play in continuing to lead diplomatic efforts with Myanmar with a view to ensuring observance of the norms and standards of the global community. The group supported ASEAN's Five-Point Consensus.
558. The Employer's group joined the call for the military authorities to cease hostilities and violence and for all parties to pursue a peaceful resolution to the crisis. He supported the draft decision.
559. **The Worker spokesperson** expressed thanks to the ILO staff in Myanmar for continuing their work under extremely difficult circumstances. Two years following the takeover by the military authorities, she called for renewed global efforts to restore democracy and reiterated her group's strongest condemnation of the military authorities' continuous indiscriminate attacks and extreme violence against civilians, including trade unionists, children, peaceful protestors and students demanding rights and democracy.
560. Public reports and trade union testimonies clearly indicated that the military authorities were adopting a collective punishment strategy that targeted civilians seen as the "support base" for the civil disobedience movement or alleged to be collaborating with armed resistance groups. Trade union representatives and medical and humanitarian aid workers had reported increased violence and human rights violations against civilians. The extension of the state of emergency in 47 townships would allow the military authorities to continue make arrests without warrant and sentence people to life imprisonment or even death for exercising their freedoms. Trade union and labour leaders had been put on trial and sentenced in closed courts in 2022 where witnesses were selected by the prosecution and due process was not observed.
561. The new Organization Registration Law of November 2022 placed restrictions on the rights, work activities and finances of domestic and international non-governmental organizations in Myanmar and would subject them to significantly closer scrutiny, including through information surveillance. The custodial penalties for violations of the Law were disproportionate and clearly violated the principle of freedom of association. The military authorities continued to criminalize the exercise of freedom of expression and were extending digital surveillance to the civilian population. In the absence of a legal framework on privacy and data protection, the military authorities had introduced new and intrusive requirements for access to digital banking services and requested banks to freeze the mobile wallet accounts of targeted individuals. The Special Rapporteur on the situation of human rights in Myanmar had expressed concern about the steps taken by the military authorities to hold an election, which could not, under current circumstances, be genuinely competitive or inclusive.
562. The ITUC had documented 413 arrests of trade unionists and worker activists for participating in civil disobedience movement protests and the deaths of 101 trade union and worker activists who had been killed by the military authorities or had died since the military takeover. Since the 346th Session of the Governing Body, the General Secretary of the Myanmar Industry, Crafts and Services Trade Union Federation had been sentenced to two years' imprisonment with hard labour and a fine under the Unlawful Association Act; the head of the Confederation of Trade Unions Myanmar (CTUM) Communication Department and the leader of the Industrial Workers' Federation of Myanmar had been sentenced to three years' imprisonment with hard

labour and had been tortured and sexually abused while in police custody; a CTUM central committee member had been sentenced to two years' imprisonment, fined and pressured to resign from his post as a central committee member; the director of a member organization of the Myanmar Labour Alliance had been sentenced to seven years' imprisonment under the Anti-Terrorism Act and a staff member of that same organization was facing an arrest warrant for multiple charges under the Peaceful Assembly and Peaceful Demonstration Law. Other unionists had been driven into hiding after learning of the issuance of arrest warrants against them. Normal trade union work could not take place in townships under a state of emergency, which banned gatherings of more than five persons. At a meeting held in Yangon on 24 February 2023, Ministry of Labour officials pressured the attending trade unions to dissociate from the National Unity Consultative Council, which they accused of being a terrorist organization. Trade unions had faced pressure from the military authorities to organize new leadership elections or face the invalidation or deregistration of their organization. In addition, the military authorities had unilaterally replaced elected trade union representatives in the conciliation and arbitration bodies by inexperienced workers, thereby undermining the credibility of those bodies. Moreover, workers filing complaints to conciliation bodies or employers were often threatened, dismissed or reported to the military authorities. In the garment sector, employers ignored collective agreements and flouted labour laws. Dispute settlement agreements were not implemented. Workplace coordination committees were being formed, with strong interference from employers, to replace trade unions.

- 563. The practice of forced labour in the private sector had persisted under democratic rule in Myanmar but had significantly worsened in the aftermath of the military takeover. There was a clear trend towards the structural use of forced labour by the military authorities and the abuse by employers of the climate of trade union repression to impose exploitative wages and working conditions.
- 564. On behalf of the international trade union movement, the Workers' group called on governments to recognize the National Unity Government and on businesses with links or operations in Myanmar to cut all ties to avoid perpetuating the military regime. The Workers' group supported the draft decision.
- 565. **Speaking on behalf of the EU and its Member States**, a Government representative of Sweden said that Albania, Bosnia and Herzegovina, North Macedonia, the Republic of Moldova, Türkiye, Iceland, Norway and Switzerland aligned themselves with her statement. The EU and its Member States were deeply concerned about the continuing escalation of violence and the evolution towards a protracted conflict with regional implications and again condemned in the strongest terms the ongoing and widespread human and labour rights violations and abuses perpetrated by the military authorities throughout Myanmar. The detention and persecution of trade unionists and workers, as well as the threats and acts of serious violence and torture against them, were of particular concern. He commended the courage of trade unions and labour rights organizations that continued to function under duress. He again urged Myanmar to ensure that workers' and employers' organizations were able to exercise their rights in a climate of freedom and security free from violence, arbitrary arrest and detention. The reported military interventions in industrial disputes that prevented workers from asserting their rights and from stating their demands freely during protests and strikes were worrisome. He also expressed deep concern about the continued cases of forced labour and the abduction of children for the purposes of indoctrination or for use as guides, human shields or porters. He continued to urge Myanmar to uphold fully and without delay its obligations under all ratified Conventions, including the Freedom of Association and Protection of the Right to

Organise Convention, 1948 (No. 87), the Forced Labour Convention, 1930 (No. 29), and the Worst Forms of Child Labour Convention, 1999 (No. 182).

- 566.** The fact that the authorities of Myanmar were making it difficult for the ILO–Yangon staff to carry out their work was deeply regrettable. He praised the ILO’s efforts to deliver technical assistance on development cooperation projects to support Myanmar nevertheless, including an EU-financed project supporting capacity-building for trade unions and employers. He urged the Myanmar authorities to ensure that the Office was able to interact freely with workers’ and employers’ organizations in the country, continued to support the efforts of ASEAN and the UN to find a peaceful solution to the crisis, and reiterated the full support of the EU for the ongoing investigations of the Commission of Inquiry. He supported the draft decision.
- 567. Speaking on behalf of Australia, Canada, New Zealand and the United Kingdom,** a Government representative of Canada said that it was profoundly regrettable that, according to the Office, no demonstrable progress had been made since its report to the Governing Body at its 345th Session (June 2022). The fact that the situation had deteriorated even further, exacerbating an already severe humanitarian and human rights crisis, was of deep concern. She called on the Myanmar military regime to immediately cease violations of international human rights laws, to halt all violence against civilians and to release all those arbitrarily detained. She strongly urged the regime to swiftly and meaningfully implement the ASEAN Five-Point Consensus. She reiterated support for the Special Envoy of the UN Secretary-General on Myanmar, the Special Rapporteur on the situation of human rights in Myanmar and Security Council resolution 2669 (2022). She also urged the regime to uphold its obligations under ILO Conventions Nos 87 and 29, to immediately and fully implement the recommendations of the Committee of Experts on the Application of Conventions and Recommendations and the CAS, and to fully cooperate with the Commission of Inquiry as it conducted its work.
- 568.** She expressed sincere appreciation for the work of the ILO–Yangon staff members and commended their commitment and determination to deliver technical assistance to the social partners in Myanmar. She urged the regime to allow them to continue their important work without interference, intimidation or limitation, including by removing visa and banking restrictions. The regime must engage in meaningful and inclusive dialogue in order to return to the path of democracy. She supported the draft decision.
- 569. A Government representative of Japan** expressed deep concern about the extension of the state of emergency by the Myanmar military and its failure to take positive steps towards achieving political progress. He strongly urged the military to stop the violence, release all detainees and restore Myanmar’s democratic political system. He commended the ILO’s efforts to continue providing technical assistance despite difficulties and asked Myanmar to cease its interference, remove all restrictions on the operations of ILO–Yangon and fully cooperate with the Commission of Inquiry. The Governing Body should closely monitor whether Myanmar was doing the latter. He supported the draft decision.
- 570. A Government representative of the United States** said that she remained deeply concerned about the worsening political, economic and humanitarian crisis in Myanmar. Her Government was outraged by reports that the military regime continued to force civilians, including children, to work in combat and non-combat roles in conflict areas. The regime had maintained its designation of at least 16 labour unions as illegal while pursuing politically motivated criminal charges and violence against trade union leaders and labour rights advocates. She strongly opposed its decision to extend the state of emergency rather than descale its violence and pursue national reconciliation and inclusive dialogue. The regime’s most recent legislative crackdown on civil society frustrated the operations of non-

governmental organizations and prevented the most popular political parties from contesting national elections.

- 571.** Her Government remained committed to supporting the people of Myanmar and, in view of the pressure on trade unions, called for continued support for workers in supply chains in Myanmar and a strong focus on responsible business conduct. She encouraged the military regime to treat ILO–Yangon in the same way as other Myanmar-based UN organizations, including by approving visas for international staff and not impeding financial operations. She welcomed the Director-General’s public call for the immediate and unconditional release of the General Secretary of the Myanmar Industry, Crafts and Services Trade Union Federation and all trade unionists and other persons arbitrarily detained since the military takeover. She also welcomed the fact that the Commission of Inquiry had begun its work and called on the military regime to cooperate with the Commission, including by granting full and unhindered access to Myanmar. She supported the draft decision.
- 572. A representative of the Director-General** (Regional Director for Asia and the Pacific) welcomed the words of appreciation for the colleagues working in ILO–Yangon who, despite numerous challenges, were committed to continuing their support for workers’ and employers’ organizations in Myanmar.
- 573. Another representative of the Director-General** (ILO Liaison Officer for Myanmar) said that he could vouch for the safety and security of all staff members in ILO–Yangon. Unlike at other UN agencies present in Myanmar, there had been no incidents or accidents at the ILO affecting staff safety and security and the ILO had received no criticism on social media for engaging inappropriately with the military authorities in Myanmar. He and his colleagues in ILO–Yangon were grateful to the members of the Governing Body for their words of appreciation and support, in particular in the decision adopted at the 342nd Session (June 2021). ² They would continue to provide technical assistance to the social partners and support the people of Myanmar.

Decision

- 574. In the light of the developments in Myanmar outlined in document GB.347/INS/12 and recalling the resolution for a return to democracy and respect for fundamental rights in Myanmar adopted by the International Labour Conference at its 109th Session (2021), the Governing Body:**
- (a) **recalled the terms of the decision of the June 2022 Governing Body session, which remain valid and relevant in their entirety;**
 - (b) **decided to remain seized of the matter and requested the Director-General to keep it regularly informed of all further developments.**

(GB.347/INS/12, paragraph 26)

² See GB.342/PV, para. 56(g).

13. Follow up report on further developments concerning the Social Dialogue Forum and the implementation by the Government of the Bolivarian Republic of Venezuela of the agreed plan of action to give effect to the recommendations of the Commission of Inquiry in respect of Conventions Nos 26, 87 and 144 (GB.347/INS/13(Rev.1))

- 575. The Government representative of the Bolivarian Republic of Venezuela** (Minister of People's 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 welcomed the attention paid to his country by the Director-General since assuming office and reiterated his Government's commitment to complying with its international obligations, the decisions of the Governing Body and his Government's national policy to strengthen social dialogue with actors in the world of work. The recent third session of the Social Dialogue Forum, held from 30 January to 1 February 2023, had included employers' and workers' organizations and had received valuable technical assistance from the ILO's multidisciplinary team.
- 576.** During the Social Dialogue Forum, progress had continued in improving the country's compliance with 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). There had been constructive dialogue on important labour issues, recognizing that the country was besieged by illegal unilateral coercive measures that had directly disrupted the peace, employment stability and economy of the country and therefore hindered the Government's ability to guarantee the fundamental rights of all its people. Nevertheless, the Social Dialogue Forum had facilitated bipartite and tripartite dialogue meetings dealing with the important issues of freedom of association, minimum wage-fixing machinery and tripartite consultation, as well as issues relating to the particular situations of the employers' and workers' organizations, as requested, to clarify views and take note of issues related to other national public authorities, in order to help facilitate solutions.
- 577.** Various activities involving the Government and the social partners had taken place under the plan of action developed during the second and third sessions of the Social Dialogue Forum. Those included a meeting between the Ministry of People's Power for the Social Process of Labour and the Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS) on land cases with a view to establishing a mechanism to streamline and monitor cases relating to Convention No. 87 and to continue channelling them to the National Land Institute for resolution. To date, three such cases had been settled. The technical body that would decide on the minimum wage-fixing method had been formally established, and a second meeting on the subject had been held at which it had been agreed to work on a proposed method and examine the internal and external factors affecting minimum wage. A meeting was also planned with the Venezuelan Anti-Blockade Observatory to discuss the impact of the unilateral coercive measures on the setting of the minimum wage, as well as other meetings relating to social, economic and labour indicators, with the participation of government experts, employers' and workers' organizations and the ILO.
- 578.** Three technical bipartite meetings had been held with the Confederation of Workers of Venezuela, the Independent Trade Union Alliance Confederation of Workers of Venezuela and FEDECAMARAS on specific allegations of detentions, judicial proceedings or other precautionary measures alleged to relate to the exercise of lawful trade union activities by members of those organizations. It had been agreed to streamline those cases through an

instrument that would facilitate follow-up by the Public Prosecutor's Office and the competent national courts. The Bolivarian Republic of Venezuela respected unconditionally the right to freedom of association; no one in the country had been deprived of liberty for trade union activity. Some trade union leaders had, however, faced criminal prosecution for other reasons. The Government was determining the legal status of several cases, including those of Mr Gabriel José Blanco Flores and Mr Emilio Antonio Negrín Borges, in which the Public Prosecutor's Office had characterized the offences and investigations had been launched, and of Mr Rodney Álvarez, who had received payment of all his labour entitlements following an offer from his place of work.

579. The Government's report form regarding the General Survey on the Labour Administration Convention, 1978 (No. 150), and the Labour Administration Recommendation, 1978 (No. 158), had been sent to the social partners on 24 February 2023 and discussed at a tripartite meeting on 27 February 2023. With regard to the possibility of reincorporating the workers' organizations that had excluded themselves from the Social Dialogue Forum, the Government was open to including all trade union organizations that wished to be involved, provided that they submitted a formal written request and were sincerely committed to the dialogue process and improving the world of work.
580. His Ministry had held a meeting with the National Electoral Council (CNE) and representatives of the trade union organizations at which all participants had committed to continuing to make progress on the CNE's participation in trade union elections. Both he and the CNE authorities had reiterated the Venezuelan State's unconditional commitment to respecting and guaranteeing freedom of association, and the CNE had agreed to draw up a timetable of work, including meetings for interested trade union organizations to address specific issues relating to their elections.
581. The Government of the Bolivarian Republic of Venezuela was committed to continuing to enhance its compliance with Conventions Nos 26, 87 and 144 in law and in practice. It remained open to receiving technical assistance from the ILO, particularly with regard to the representativeness of employers' and workers' organizations, which it had requested several times. In closing, he reiterated that despite his Government's firm belief in full respect for international agreements and its desire to continue to make progress in all areas relating to the world of work, it continued to be subject to more than 928 illegal sanctions and restrictive measures intended to disrupt the country's growth and choke its economy in an effort to undermine the sovereignty of its people. Those illegal unilateral coercive measures contravened the Charter of the UN and had no legal basis, and continued to have a harmful impact on Venezuelan society. The Government was prepared to accept the draft decision in a constructive spirit since it would facilitate further progress, and he hoped that it would be adopted by consensus.
582. **The Employer spokesperson** noted that it had been more than three years since the Governing Body had adopted the recommendations of the Commission of Inquiry. At its last session in November 2022, the Governing Body had recognized the progress that had been made, in spite of the very concerning lack of compliance with the majority of the recommendations. The Governing Body had also requested the Director-General to continue working with the Government and the social partners to achieve the full implementation of Conventions Nos 26, 87 and 144. Nonetheless, in spite of the efforts that had been made since then, the recommendations had yet to be fully implemented. He applauded the Director-General for continuing to communicate freely with the Government and the social partners. The Employers' group took note of the information provided in the follow-up report, including

with regard to the many outstanding issues, including some very sensitive issues relating to Convention No. 87, such as favouritism and persecution.

- 583.** The Government appeared to have taken a few small positive steps. Progress, however, was very slow and had brought only very meagre achievements, in spite of all the efforts of the Governing Body and the Office. Unfortunately, the Employers' expectations, which aligned with the analysis of the Committee of Experts on the Application of Conventions and Recommendations and the reality in the country, had not been met. The Government continued to employ unacceptable practices and was moving in the wrong direction in a number of areas, such as with the Workers' Production Councils, which the Commission of Inquiry had found "could significantly undermine the exercise of freedom of association". Those Councils had wide-ranging powers that undermined the free exercise of freedom of association, even in public enterprises. In spite of that, and the extreme concern expressed during the Governing Body's previous discussion on the matter, the Government had encouraged more Councils to be formed. Rules had been adopted that required the formation of Councils in public and private enterprises, with sanctions for employers and trade unions that hindered their work. That constituted an intolerable level of interference in the exercise of freedom of association and went overtly against the recommendation of the Commission of Inquiry, which had called for them to be eliminated. He questioned the Government's motives in taking such a step; given the Government representative's confirmation of its willingness to implement Convention No. 87 and the Commission of Inquiry's recommendations, it should immediately adopt the necessary measures to comply and eliminate the Councils. Doing the opposite demonstrated defiance, which, he trusted, was not the Government's true intention.
- 584.** A number of cases mentioned in the complaint remained unresolved. In fact, from a list of more than 400, only 3 cases had been resolved in the past year. Another issue was the request for employers' organizations to join the National Register of Trade Union Organizations when the existing norms were totally unsuited to them. Serious criticisms had also been made in reference to the alignment of labour law on workers' organizations with the relevant Conventions.
- 585.** With regard to Convention No. 144, the Employers' group hoped that there could be a timely and relevant discussion of the issues that would arise during the International Labour Conference and the reports to be submitted to the Office. Turning to Convention No. 26, while he noted that the plan of action included the establishment of a technical body for determining methods of fixing the minimum wage and procedures for effective consultation and that the social partners had been invited to meetings on the matter, he stressed that no significant progress had been made and that repeated requests from the social partners to include representatives from ministries with expertise in finance and planning and from technical bodies that could provide statistical data and economic and social and labour-related information had been ignored.
- 586.** In order to seek the best possible outcome for the Bolivarian Republic of Venezuela, efforts to implement the plan of action should be redoubled. It appeared that efforts over the past year had been intensified just prior to the arrival of ILO missions, but had not been followed by significant progress. For that reason, the Employers' group believed that it was essential for the ILO to have a continuous presence in the country, in the form of an expert on social dialogue. It was encouraging to hear the Government's acceptance of that proposal, which would allow the Government and the social partners to make more rapid and efficient progress in implementing the recommendations of the Commission of Inquiry and the tripartite decisions adopted at the Social Dialogue Forum. The expert should have the necessary skills to

ensure that the dialogue process took shape and to lead the Government, employers and workers towards a more prosperous country with greater social justice.

- 587.** While the draft decision contained measures that might be insufficient, if the Government was indeed willing to comply, it also included elements that could foster progress. For that reason, the Employers' group supported the draft decision.
- 588. The Worker spokesperson** took note of the absence of the National Union of Workers of Venezuela (UNETE) and the Confederation of Autonomous Trade Unions (CODESA) from the third in-person session of the Social Dialogue Forum. The Workers' group welcomed the continuation of the Forum and the progress that had been made in the implementation of the three Conventions, although many challenges remained. For example, with regard to Convention No. 144, effort must be made to submit draft reports to the social partners in a timely manner. In terms of Convention No. 26, while she welcomed the number of tripartite meetings and workshops that had taken place, she noted with serious concern that the Bolivarian Republic of Venezuela still had the lowest minimum wage on the continent. The enormous gap between wages and the cost of living was exacerbated by rampant inflation, resulting in hundreds of protests to demand wage increases throughout the country in the first two months of 2023. She urged the Government to accelerate its efforts to address the issue without delay, making the best use of the Office's technical assistance. The establishment of a technical body to establish methods for fixing the minimum wage should not be used as an excuse not to take immediate measures.
- 589.** In terms of freedom of association, the Government seemed more open to consulting with the social partners, although the lack of progress in several cases of detention and judicial proceedings against trade union officials as a consequence of their lawful union activities remained a concern. At least eight cases of union leaders who had been unlawfully arrested had been brought to the attention of the authorities during bipartite meetings. One such case was that of Mr Gabriel José Blanco Flores, an active union official arrested on suspicion of conspiracy under legislation on organized crime and terrorist financing. The trade unions firmly rejected the allegation that Mr Blanco Flores had any involvement with terrorism or conspiracy and denounced the lack of due process in his case. The Workers' group therefore called for his immediate release and for all charges against him to be dropped. Follow-up was also needed on issues relating to the CNE's recognition of union elections, which had left hundreds of organizations without the necessary permits to conduct their activities. Lastly, not enough had been done to settle the question of withheld trade union dues that should be paid to the organizations concerned.
- 590.** The key question was how to achieve sustainable social dialogue. It was therefore imperative to strengthen ILO support for implementing the Commission of Inquiry's recommendations in law and practice. Venezuelan workers and trade unions welcomed the progress that had been achieved so far through the plan of action and were fully committed to participating actively in the process. It was also important, however, for the Government to demonstrate that it was prepared to take ambitious steps, for instance by reviewing the cases of unlawful detention and urgently addressing the need for a substantial minimum wage increase.
- 591.** There was a clear need to institutionalize the ILO's technical assistance on the ground. The Workers' group therefore fully supported the establishment of a more permanent ILO presence in the country, which would streamline the use of resources, improve coordination and help consolidate social dialogue. She thanked the Government representative for his acceptance of that part of the draft decision. While many outstanding issues remained, an

overall positive course of action had been taken, and the Workers' group supported the draft decision.

- 592. Speaking on behalf of the EU and its Member States**, a Government representative of Sweden said that Albania, North Macedonia, Montenegro, Iceland and Switzerland aligned themselves with his statement. He welcomed the sessions of the Social Dialogue Forum held since March 2022 and encouraged the Government of the Bolivarian Republic of Venezuela to institutionalize that body as a key mechanism for the effective implementation of Convention No. 144. It was cause for concern that UNETE and CODESA, which had been invited to the first in-person session of the Forum, had not been invited to the following sessions, and that the social partners had been given insufficient time to study the Government's response to the General Survey on Convention No. 150 and Recommendation No. 158 ahead of the tripartite meeting.
- 593.** He welcomed the establishment of the technical body on the minimum wage-fixing method and encouraged progress in that area to be made in accordance with the established timetable in order to restore workers' purchasing power. The minimum wage should be reviewed regularly. The situation of labour rights in the Bolivarian Republic of Venezuela remained a concern, particularly with regard to freedom of association and collective bargaining. Trade unions and employers' organizations faced continued threats, and it was therefore imperative to guarantee their independence and protection. The independence of the judiciary was also crucial. He called for action on the outstanding allegations of violations of civil liberties and trade union rights, fair reparation for damages and reinstatement in cases of declared innocence. The Government should continue to work with the Office, accept the conclusions of the Commission of Inquiry and fully implement its recommendations.
- 594.** The EU and its Member States continued to fully support the Director-General in his work to ensure the implementation of the Commission of Inquiry's recommendations and full compliance with ratified international labour standards. They also welcomed the discussions on establishing a permanent ILO presence in the Bolivarian Republic of Venezuela and the updates on the plan of action and activities related to the three Conventions planned for the coming year. The EU and its Member States supported the draft decision.
- 595. A Government representative of Cameroon** welcomed the considerable progress made by the Venezuelan Government in line with the recommendations of the Commission of Inquiry. The Government should receive ILO technical assistance in determining the representativeness of employers' and workers' organizations. He supported the draft decision.
- 596. A Government representative of Namibia** said that the steps taken by the Venezuelan Government over the preceding years demonstrated a commitment to tripartism and inclusive social dialogue. He welcomed the proposal to have a permanent ILO presence in the country and the request for technical assistance made by the Venezuelan Government. Namibia supported the draft decision.
- 597. A Government representative of China** expressed appreciation for the efforts made by the Venezuelan Government, including through the Social Dialogue Forum, to comply with the recommendations of the Commission of Inquiry and the decisions of the Governing Body. She encouraged the Venezuelan Government to continue its communication and coordination with the ILO, enhance mutual trust among the tripartite constituents within the framework of social dialogue and effectively protect workers' rights, and she urged the ILO to continue to provide technical assistance in the country. She supported the draft decision.

- 598. A Government representative of the Russian Federation** said that the Venezuelan Government's efforts to promote effective and inclusive social dialogue were welcome and should be further encouraged through ILO technical assistance. He supported the draft decision.
- 599. A Government representative of Cuba** noted that the progress made by the Venezuelan Government reflected its will to comply with its obligations towards the ILO and strengthen social dialogue. He called for the ILO to provide the technical assistance requested by the Venezuelan Government in the interests of building on the results already achieved. He reiterated his Government's position that the present case was political in nature and should not have been dealt with by the Organization; his Government rejected any manipulation of multilateral bodies to interfere in States' internal affairs. The Governing Body's decision should be based on dialogue, although since the Venezuelan Government was prepared to accept the draft decision, his Government would join the consensus.
- 600. A Government representative of Guatemala** said that while his Government appreciated the efforts made so far by the Director-General to ensure that the Government of the Bolivarian Republic of Venezuela complied with the recommendations of the Commission of Inquiry, it urged him to strive for even greater progress. He hoped that the Venezuelan Government would move faster to comply with the commitments made under the updated plan of action to give effect to the recommendations of the Commission of Inquiry. His Government would support any decision that would lead to the quickest possible implementation of those recommendations.
- 601. A Government representative of the Lao People's Democratic Republic**, commending the progress made by the Venezuelan Government, expressed her Government's view that dialogue, cooperation and technical assistance were the best mechanisms for continuing the ILO's work in the country. She supported the draft decision.
- 602. A Government representative of the United States** said that the lack of meaningful progress in implementing the plan of action since its adoption in April 2022 was regrettable. She expressed concern at the lack of available information on wage increases and the persistence of issues that hindered the exercise of freedom of association. The problems relating to meeting practices, such as the lack of agendas, indicated systemic challenges in the social dialogue process that would continue to hamper meaningful progress unless addressed. It would be useful to have more information on the possibility of establishing a permanent ILO presence in the country, including the envisioned mandate, resources and timeline of appointment for the ILO expert on social dialogue. The candidate must be selected in a transparent manner with tripartite support. She supported the draft decision.
- 603. A Government representative of Algeria** expressed satisfaction at the progress made in the Bolivarian Republic of Venezuela, particularly the results of the third Social Dialogue Forum, and the Government's willingness to engage in dialogue. She urged the ILO to step up its technical assistance so that the Government could implement the recommendations resulting from the Social Dialogue Forums. She supported the draft decision.
- 604. A Government representative of Saudi Arabia**, expressing appreciation for the efforts made so far by the Venezuelan Government to implement the Commission of Inquiry's recommendations, recognized the need for constructive social dialogue and encouraged the ILO to continue providing technical assistance to allow the Government to meet its obligations under ratified Conventions.

- 605. A Government representative of the Islamic Republic of Iran** said that the progress made in the Bolivarian Republic of Venezuela demonstrated its Government's genuine commitment to complying with the Commission's recommendations. He trusted that the ILO would continue to provide technical assistance to support that progress. He supported the draft decision.
- 606. A Government representative of Pakistan** welcomed the willingness and commitment of the Venezuelan Government to continue its engagement with national social partners and the ILO. Echoing calls for the provision of the ILO technical assistance requested by the Bolivarian Republic of Venezuela, he expressed support for the draft decision.
- 607. A Government representative of Argentina** recalled that his Government had always maintained that the differences in the Bolivarian Republic of Venezuela should be resolved through inclusive social dialogue. The 2022 and 2023 Social Dialogue Forums had indeed built greater consensus in the country, and ILO technical assistance had been important in improving compliance with Conventions Nos 87 and 144. All parties should continue to promote broad, participative social dialogue, and the ILO should continue to provide technical assistance, especially for the implementation of the plan of action. He supported a decision reached by consensus.
- 608. A Government representative of Niger** noted that the Venezuelan Government had shown considerable political will to tackle the difficulties facing the country. The ILO should continue to provide technical assistance for constructive dialogue. He supported the draft decision.
- 609. A Government representative of Barbados** said that the progress made through social dialogue to address the challenges in the Bolivarian Republic of Venezuela and the technical assistance provided by the Office were welcome, and all parties' willingness to engage was commendable. While much work remained to be done, it seemed that the parties were on the correct path. He supported the draft decision.
- 610. A representative of the Director-General** (Director, International Labour Standards Department), responding to the question from the Government representative of the United States about a permanent ILO presence in the Bolivarian Republic of Venezuela, said that if an agreement was reached on that matter between the ILO and the Venezuelan Government, there was provision in the Programme and Budget proposals for 2024–25 for a social dialogue expert to be appointed in the country.
- 611. A Government representative of the Bolivarian Republic of Venezuela** welcomed the recognition of the progress made through the Social Dialogue Forum and urged the Governments that had failed to recognize that progress and the work undertaken to cease their efforts to smear his country's reputation. His Government intended to continue its commitment to complying with Conventions Nos 26, 87 and 144 and implementing the plan of action. He hoped that the ILO would continue to provide technical assistance to that end. While he was not fully satisfied with the draft decision, he would accept it with a view to improving social dialogue in his country.
- 612. The Employer spokesperson** urged the Government to take positive action to ensure that its words were reflected in its deeds. The recommendations of the Commission of Inquiry needed to be implemented in law and in practice, particularly the elimination of the Workers' Production Councils. He would like the Office to provide more information on the appointment of an ILO expert on social dialogue and a timetable for the action to be taken, which must involve the social partners.
- 613. The Worker spokesperson**, echoing the Employer spokesperson's remarks on translating words into action, said that allowing the trade unions to participate more fully and actively in

the social dialogue process would send an important message of trust. To that end, their leaders and activists must be released from prison.

Decision

614. The Governing Body, on the recommendation of its Officers:

- (a) **took note of the report on the third Social Dialogue Forum held from 30 January to 1 February 2023 while reiterating its call to the Government of the Bolivarian Republic of Venezuela to accept the recommendations of the Commission of Inquiry;**
- (b) **requested the Government to accelerate the implementation of the commitments adopted in the action plan as updated by the Social Dialogue Forum in February 2023, in order to continue achieving concrete results without delay;**
- (c) **requested the Director-General to continue collaborating with the Government and the social partners of the Bolivarian Republic of Venezuela on the full implementation of the recommendations of the Commission of Inquiry and the effective application of Conventions Nos 26, 87 and 144 in law and practice, and to submit to the 349th Session (November 2023) of the Governing Body a further report on any developments concerning the above;**
- (d) **requested the Director-General to engage with the Government so that an ILO expert on social dialogue accompanies and supports, on a continuous basis, the implementation of the action plan.**

(GB.347/INS/13(Rev.1), paragraph 33)

14. Options for measures under article 33 of the ILO Constitution, as well as other measures, to secure compliance by the Government of Belarus with the recommendations of the Commission of Inquiry in respect of Conventions Nos 87 and 98 (GB.347/INS/14(Rev.1))

- 615. A Government representative of Belarus** said that the current discussion had resulted from the groundless anti-Belarusian actions of a number of western States and international trade union organizations, which had increased following the 2020 presidential election. The ILO's criticism of the Belarusian authorities had also increased. Her Government had repeatedly demonstrated that there was no reason to invoke article 33 of the ILO Constitution. Belarus had been a Member of the ILO for more than 70 years and had a developed system of social partnership. The facts presented in document GB.347/INS/14(Rev.1) were distorted; riots in an attempt to seize power were represented as peaceful protests and convicted extremists as trade union activists. Her Government continued to support trade union activity; nobody was above the law. Many of those mentioned in the document, including Mr Aliaksandr Yarashuk and Mr Siarhei Antusevich, had confessed their participation in criminal activities.
- 616.** Opponents of her Government claimed that no progress had been made to implement the recommendations of the 2004 Commission of Inquiry. However, the CAS and the Committee of Experts on the Application of Conventions and Recommendations had concluded that progress had been made. Moreover, in 2017, Belarus had not been included in the list of States requiring an escalation of a complaint.
- 617.** Her Government's active cooperation with various international organizations had led to an improvement in the quality of life of citizens in Belarus. She highlighted her Government's

achievements in the areas of social development, labour, employment, social protection, gender equality and the protection of motherhood and childhood. The citizens of Belarus would not benefit from the suspension of international relations with Belarus by international organizations, and certainly not by other Member States. It was illogical to propose such sanctions and contrary to the spirit and principles of the ILO. Indeed, that sanctions policy had been condemned by the UN Human Rights Council. Recalling the widespread support for the proposed Global Coalition on Social Justice, she asked how the proposal to isolate her Government aligned with the Coalition's objectives.

618. The Governing Body's decision would have a lasting impact on the trajectory of the ILO, leading to peace or to destruction. Approving the imposition of the proposed sanctions would erode the principles of the ILO. She called on the Governing Body to remove the threat of the application of article 33 of the ILO Constitution. She called for a vote on the draft decision and draft resolution.
619. **The Worker spokesperson** said that, after more than two decades of systematic attacks on trade union rights and freedoms, the repression had intensified further. Despite the strong support demonstrated by the Governing Body at its 346th Session for invoking article 33 of the ILO Constitution, the Government of Belarus had still not demonstrated any real commitment to implementing the recommendations of the 2004 Commission of Inquiry. Since the previous Governing Body session, several trade union leaders, including Mr Aliaksandr Yarashuk – a member of the Governing Body – had been convicted and sentenced, and her group remained concerned about their treatment in prison and their health. She called on the Government of Belarus to grant the ILO access to imprisoned trade unionists.
620. The Supreme Court of Belarus planned to hear the appeals of Mr Yarashuk and two of his colleagues immediately following the conclusion of the current Governing Body session. Scheduling the hearing on that date was a clear act of intimidation. She called on the Government of Belarus to respect the right to a fair and public hearing by an independent and impartial tribunal and to provide the ILO with a record of all trials and sentences of the affected trade unionists.
621. In light of the information available, the International Labour Conference must adopt a comprehensive set of measures under article 33 of the ILO Constitution in order to secure compliance by the Government of Belarus with the Commission of Inquiry's recommendations and end the flagrant violations of human and trade union rights in the country. The proposed draft resolution contained a broad range of measures that could be effectively applied.
622. Turning to the text of the draft resolution, she asked whether "international humanitarian law" in subparagraph (b)(ii) should more correctly refer to "international human rights law" or whether a qualifier for the type of law was needed at all. She also requested clarification as to whether the request in subparagraph (c)(v) for a "periodic report" should be included in the draft resolution or the draft decision. Furthermore, she asked whether there was an unwritten understanding that such a periodic report would be submitted on an annual basis, as her group would prefer. Subject to those clarifications, her group supported the draft decision and the draft resolution.
623. **The Employer spokesperson** expressed serious concern that after more than 18 years, the Government of Belarus had still failed to implement the Commission of Inquiry's recommendations. The ILO must act within its mandate, which included ensuring in all Member States the freedoms of association, expression and assembly, freedom from arbitrary arrest and detention and the right to a fair trial. The latest developments described in paragraph 4 of the document were regrettable, as was the lack of meaningful progress made,

despite repeated efforts by the ILO Governing Body and supervisory bodies. The failure of the Government of Belarus to fulfil its constitutional obligations, the severity of the allegations and the Government's lack of effort to implement the recommendations of the Commission of Inquiry had led the Governing Body to its current discussion on which measures could be applied in order to secure the Government's compliance. Her group supported the draft decision and the draft resolution to be submitted to the International Labour Conference. That said, the CAS should discuss the case of Belarus as part of its standard case list, and not as an additional case.

- 624. Speaking on behalf of the EU and its Member States**, a Government representative of Sweden said that Albania, North Macedonia, Montenegro, Ukraine, Iceland, Norway and Switzerland aligned themselves with her statement. She expressed deep regret regarding the lack of meaningful progress by the Government of Belarus to implement 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), and deep concern at the steep deterioration in human and labour rights since the 2020 presidential election. Those concerns had worsened since the Government of Belarus had become involved in the Russian Federation's war of aggression against Ukraine. She called on the Government of Belarus to abandon its efforts to destroy the independent trade union movement, and to engage with the ILO to implement all outstanding recommendations of the ILO supervisory bodies without delay.
- 625.** In view of the close links between the Federation of Trade Unions of Belarus and the Government, her group did not believe the Federation to be representative of Belarusian workers. She expressed deep concern regarding the prison terms imposed on trade union leaders and members, including a member of the Governing Body, and requested the release of all political detainees. The Government of Belarus should repeal several provisions of the criminal court in order to conform with its obligations regarding freedom of association.
- 626.** Having voluntarily joined the ILO and ratified nine of the ILO fundamental Conventions, the Government must now meet its corresponding obligations. Therefore, her group supported the draft decision, the application of article 33 of the ILO Constitution and the draft resolution. She called on all constituents to do likewise.
- 627. Speaking on behalf of the Nordic-Baltic countries Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden**, a Government representative of Iceland expressed serious concern regarding the worsening human rights situation in Belarus, which included the imprisonment of the winner of the Nobel Peace Prize 2022, human rights defender Ales Bialiatski, and other prominent human rights and political figures. Having ratified Convention No. 87, the Government of Belarus had committed to respect for freedom of association, including the right to organize and participate in strikes. Its persecution of those who opposed the Government or the Russian Federation's war of aggression in Ukraine undermined fundamental human rights. The imprisonment of several trade unionists indicated that no positive progress had been made towards the restoration of the democratic and free trade union movement in the country. She therefore supported the draft decision and the draft resolution.
- 628. Speaking on behalf of a group of countries consisting of Australia, Canada, Japan, New Zealand and the United Kingdom**, a Government representative of the United Kingdom said that the failure of the Government of Belarus to implement the recommendations of the 2004 Commission of Inquiry and the worsening situation in the country demonstrated an unacceptable lack of respect for the ILO and its supervisory system. Belarusian workers faced

unprecedented levels of repression, including the sentencing of 12 trade unionists – among them Mr Aliaksandr Yarashuk, a member of the Governing Body. The state-aligned Federation of Trade Unions of Belarus was not representative of Belarusian workers; constituents should review their relations with that entity. Deploring the continued violation of human and labour rights in Belarus, her group called on the Belarusian authorities to immediately implement the recommendations of the ILO's supervisory bodies, in full cooperation with social partners and the ILO, and on the Lukashenko regime to immediately release all trade unionists arbitrarily detained and ensure the free exercise of trade union activities. Her group supported the recommended measures under article 33 of the ILO Constitution, the draft decision and the draft resolution.

- 629. A Government representative of the Russian Federation** said that having carefully studied the proposed options for measures to be implemented under article 33 of the ILO Constitution, he disagreed with the assessment of the situation. Encouraging tripartite constituents to terminate relationships with the Government of Belarus was a politicized recommendation inconsistent with the spirit of the ILO. Such sanctions could lead to problems relating to employment, the payment of wages and the provision of social guarantees for Belarusian workers and would have a negative impact on the standard of living of the citizens of Belarus. The many achievements in that country in terms of sustainable development and social progress could only have been made in the context of a tripartite system of cooperation and social dialogue. Members of the Governing Body should limit their comments to issues relating to the ILO's mandate, rather than further politicizing ILO processes by addressing issues beyond its scope. Such behaviour would limit the transparency and legitimacy of the ILO's work and the decisions of its governing bodies. He called on the Governing Body to reject efforts to politicize the decision regarding the implementation of measures under article 33 of the ILO Constitution.
- 630. A Government representative of China** said that the efforts made by the Government of Belarus to collaborate with the ILO, implement the Commission of Inquiry's recommendations, protect the rights and interests of workers and improve the quality of people's lives should not be disregarded. The ILO should continue to strengthen communication and exchanges with the Government of Belarus and assist it in fulfilling its obligations under Conventions Nos 87 and 98. The ILO supervisory bodies were intended to exert a positive influence on Member States and bound by the principles of objectivity and impartiality.
- 631.** At the same time, it was important to take into account the individual circumstances of Member States when considering issues regarding the implementation of ILO Conventions and the Commission of Inquiry's recommendations. Information provided by governments should be respected and valued and the sovereignty and internal affairs of Member States should not be interfered with. China opposed the politicization of the ILO supervisory bodies and its use as a means to impose sanctions on Member States, which would undermine their credibility and that of the Organization as a whole.
- 632.** China did not support the draft decision and opposed the use of measures under article 33 of the ILO Constitution, which would cause more harm than good. The imposition of sanctions on a Member State would set a negative precedent, equate to the abandonment of dialogue and cooperation and go against the ILO Constitution. In the case of Belarus, sanctions would seriously affect its economic and social development and worsen conditions for its workers.
- 633. A Government representative of the Lao People's Democratic Republic** said that the Government of Belarus had clearly made progress in meeting its obligations under ILO Conventions, complying with previous Governing Body decisions and implementing the

recommendations of the 2004 Commission of Inquiry. The ILO supervisory bodies should achieve their goals, including in Belarus, through genuine dialogue and constructive cooperation with a consenting Member State, by sharing best practices and lessons learned and by providing capacity-building and technical assistance in accordance with specific national needs and priorities. His delegation supported the proposal to conduct a vote on the draft decision at the current session of the Governing Body.

- 634. A Government representative of Cuba** said that the information provided by the Office and the Government representative of Belarus showed that the Government of Belarus was determined to make good on its commitments to the ILO. Negotiation, respectful dialogue, assistance and cooperation should always take precedence over coercive measures. The measures proposed in the document would not further dialogue and cooperation but incite confrontation. Precedents showed that measures imposed on a Member State against its will were doomed to failure. Politicization and punitive measures must be avoided, not least because the latter would damage the Organization, for which engaging in tripartite dialogue and seeking consensus were fundamental principles.
- 635. A Government representative of the United States** said that her Government remained deeply concerned by the continued flagrant refusal of Belarus to implement the recommendations of the 2004 Commission of Inquiry. The situation for trade unionists had deteriorated dramatically, to the point that the Committee of Experts had urged the Government to “abandon its policy of destroying the independent trade union movement and silencing the free voices of workers”. The sentencing of trade union leaders and members, including ILO Governing Body member Aliaksandr Yarashuk, to imprisonment was the most recent example of the Lukashenko regime’s attempts to silence trade union leaders as part of its broader action to suppress democratic opposition, civil society, independent journalists and all other sectors of society in Belarus. Expressing deep concern that the ILO had not been granted access to arrested trade unionists, she called for the immediate and unconditional release of all trade union leaders and members and the more than 1,400 political prisoners unjustly detained for participating in peaceful assemblies or otherwise exercising their fundamental freedoms. Her Government was committed to using all appropriate tools to hold to account those in Belarus repressing fundamental freedoms, including freedom of association. In view of the urgency of the situation, she encouraged all States to consider their relations with Belarus – economic, cultural, sport-related or otherwise – and any changes that could be made to prevent Belarus from taking advantage of those relations to perpetuate violations of workers’ rights. The United States supported the Director-General’s continued call for the immediate and unconditional release of trade union leaders and all others unjustly detained and his continued endeavours to obtain access to detained persons in order to ascertain their conditions of arrest and detention.
- 636.** She fully supported the draft decision, agreeing that the suspension of invitations to ILO meetings, except for those with the sole purpose of securing compliance with the Commission of Inquiry’s recommendations, should be implemented with immediate effect. She also fully supported the measures proposed in the draft resolution to secure compliance by the Belarusian authorities with the international obligations of Belarus under article 33 of the ILO Constitution. Such action was necessary and appropriate. However, she proposed that, instead of “Government” of Belarus, the word “authorities” should be used to refer to the Lukashenko regime.
- 637. A Government representative of Algeria** said that resorting to economic sanctions and other measures under article 33 was unlikely to promote dialogue and consultation, which were key virtues of the Organization. Instead, continued dialogue and negotiation between the ILO, the

Government and the social partners were required to alleviate tensions, improve social issues and work towards compliance with the recommendations of the 2004 Commission of Inquiry within a reasonable time frame. He encouraged the Office to provide technical assistance to the Government of Belarus to that end and, more broadly, to focus on its institutional mandate of promoting social dialogue to restore trust between all parties concerned. Doing so would more effectively protect the rights of workers and employers, who would be directly affected by any sanctions imposed. He therefore encouraged the Governing Body to adopt a joint and measured approach to finding solutions that would strengthen social dialogue without resorting to sanctions or other measures likely to be detrimental to workers and employers.

- 638. A Government representative of Pakistan** said that he noted the engagement by the Government of Belarus with the ILO on the implementation of the Commission of Inquiry's recommendations and previous Governing Body decisions and encouraged it to continue to engage and cooperate with the ILO. He called on all parties to address concerns and complaints amicably through dialogue and in a spirit of tripartite cooperation, including by exploring alternatives to measures under article 33 of the ILO Constitution.
- 639. A Government representative of the Islamic Republic of Iran** said that the adoption of measures under article 33 would put an end to social dialogue and tripartism, areas in which the Government of Belarus had made progress in previous years. Such measures would have a negative impact on workers by depriving them of opportunities for decent work and life. The Governing Body should avoid taking decisions that could complicate the situation and should consider the fact that the Government of Belarus was willing to receive technical assistance with a view to meeting its obligations in order to comply with the recommendations of the Commission of Inquiry. He did not support the draft decision.
- 640. A Government representative of the Russian Federation** reiterated his call on Member States to refrain from politicizing the issue before the Governing Body. He disagreed with the draft decision and proposed, given the differing views expressed, that a vote would be appropriate.
- 641. A Government representative of China** concurred that a vote would be appropriate.
- 642. The Worker spokesperson** said that suggestions that the ILO supervisory bodies were being politicized were difficult to hear. The role of the supervisory system was not only to have standards but to uphold them through monitoring, reporting, dialogue and sometimes exerting pressure, all to ensure that Member States progressed. The current situation was rare but had a precedent: measures under article 33 had been recommended by the Governing Body in 2000 to secure compliance by the Government of Myanmar with the recommendation of the Commission of Inquiry in relation to the Forced Labour Convention, 1930 (No. 29). The current situation was also a matter of serious concern and was not being politicized. In a Member State that imprisoned those with independent voices, dialogue was no longer a viable option. The credibility of the ILO risked being called into question if it did not take the necessary steps provided for by its supervisory system.
- 643. The Employer spokesperson** said that the ILO must remain within its mandate as defined by its Constitution and the scope of its supervisory system. In addition, she recalled that the ILO was an international multilateral organization and a UN agency within which respectful and diplomatic language was appropriate.
- 644. A Government representative of Belarus** thanked those Member States that had expressed their support for her Government. With that support, her Government might be able to withstand forces motivated by geopolitical ambitions and willing to sacrifice the reputation of

the ILO to realize them. The current discussion had shown that opponents to the Government of Belarus had no intention of considering the issue before the Governing Body in a fair and objective manner. Instead, they were pursuing their agenda of exerting economic and political pressure on Belarus and attempting to lend such unlawful actions visibility and legitimacy, and even garner support for them, through the ILO.

645. The primary criticism of her Government related to the prosecution of representatives of so-called independent trade unions. Her Government welcomed trade union activities; however, union members were not exempt from criminal liability. She had been surprised to hear the mention of names of persons who had no connection with trade unions or employers' associations.
646. Expressing concern that the representative of the United States had asserted that the Belarus issue was not being politicized, she re-emphasized that the Government of Belarus had not violated the principles or standards of the ILO. On the contrary, her Government promoted the universal application of ILO principles and standards and had made serious and sustained efforts to ensure social dialogue in Belarus that included representatives not only of the Confederation of Free Trade Unions but also the Belarusian Congress of Democratic Trade Unions, which was not part of the Confederation. Those representatives were afforded the conditions necessary to participate in the tripartite National Council for Labour and Social Issues. A direct contacts mission, which had worked in Minsk in January 2014, had observed the presence of trade union pluralism in Belarus.
647. She called on the Governing Body to consider the matter before it objectively, acknowledge her Government's willingness to cooperate, prevent the politicization of the ILO, reject the groundless accusations levelled at Belarus and prevent the application of measures under article 33 of the ILO Constitution. She reiterated her call for a vote.
648. **The Worker spokesperson** said that discussions on the procedures to be taken before the CAS, as had been necessary in the application of measures under article 33 of the ILO Constitution to ensure compliance by the Government of Myanmar, should take place in a timely manner.
649. **A representative of the Director-General** (Director, International Labour Standards Department) said, in response to the question raised by the Workers' group as to whether the reference in subparagraph (b)(ii) of the draft resolution to international humanitarian law in respect of the principle of non-refoulement was correct, that that principle was indeed not unique to international humanitarian law and was recognized and included in various branches of international law. As such, for absolute accuracy, the word "humanitarian" should be removed from that subparagraph. As to the group's question concerning the periodic report referred to in subparagraph (c)(v), and whether the submission of such a report should be included as part of a decision by the Governing Body, a reference to such a report had been included as part of the resolution concerning the Government of Myanmar, which therefore provided a precedent. The Governing Body would take a decision as to when such a periodic report would be submitted in due course.
650. **The Worker spokesperson** supported the removal of the word "humanitarian" for the sake of clarity.
651. **The Chairperson** said that having consulted with the other Officers of the Governing Body, since there was no consensus on the amended draft decision and several countries had requested a vote on the matter, she had decided to put the revised draft decision to a vote by show of hands. She recalled that at the 346th Session of the Governing Body, the Legal Adviser

had said that although the meeting of the Governing Body was not private and the vote was not a secret ballot, Governing Body members should nonetheless abstain from taking photographs or videos during the voting process and posting them on social media.

- 652. The Clerk of the Governing Body** explained the voting procedure, with reference to the Standing Orders of the Governing Body, noting that no regular Government members were disqualified from voting by reason of arrears in the payment of contributions.

(The decision, as amended, was adopted with 39 votes in favour, 3 votes against and 10 abstentions.)

Decision

- 653. The Governing Body, on the recommendation of its Officers:**

- (a) requested the Director-General to:
 - (i) ensure that no technical cooperation or assistance to the Government of Belarus is considered or undertaken by the Office, except for the purpose of direct assistance to implement immediately the recommendations of the Commission of Inquiry;
 - (ii) take the necessary steps to ensure that no invitation to attend meetings, symposia or seminars organized by the ILO is extended to the Government of Belarus, except for meetings that have the sole purpose of securing immediate and full compliance with the recommendations of the Commission of Inquiry;
- (b) recommended to the International Labour Conference to consider at its 111th Session (2023), the measures under article 33 of the Constitution outlined in the following draft resolution;
- (c) invited the Government of Belarus to submit to the Director-General by 1 May 2023 any relevant information.

(GB.347/INS/14(Rev.1), paragraph 17)

Draft resolution

The General Conference of the International Labour Organization; meeting in Geneva at its 111th Session, 2023;

Considering the proposals by the Governing Body of the International Labour Office, under the ninth item of its agenda, with a view to the adoption, under article 33 of the ILO Constitution, of actions to secure compliance with the recommendations of the Commission of Inquiry established to examine the observance by the Government of Belarus 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);

[Having taken note of the additional information provided by the Government of Belarus ...];

- (a) decides to hold at its future sessions a special sitting of the Committee on the Application of Standards for the purpose of discussing the application of Conventions Nos 87 and 98 by the Government of Belarus and the implementation of the recommendations of the Commission of Inquiry, so long as this Member has not been shown to have fulfilled its obligations;
- (b) invites the Organization's constituents – governments, employers and workers – to:

- (i) review, in the light of the conclusions of the Commission of Inquiry, the relations that they may have with the Government of Belarus and take appropriate measures to ensure that the Government of Belarus cannot take advantage of such relations to perpetuate or extend the violations of workers' rights in respect of freedom of association, and to contribute as far as possible to the implementation of its recommendations, including the creation of a climate promoting freedom of association;
 - (ii) ensure that the principle of non-refoulement is respected in line with international law, given that trade union and human rights defenders are at risk of persecution in Belarus;
 - (iii) report back to the Director-General for transmission to the Governing Body;
- (c) invites the Director-General to:
- (i) inform the international organizations referred to in article 12(1) of the ILO Constitution of the Government of Belarus' failure to comply with recommendations of the Commission of Inquiry, as well as of any developments in the implementation by the Government of Belarus of the recommendations of the Commission of Inquiry;
 - (ii) call on the relevant bodies of these organizations to reconsider, within their terms of reference and in the light of the conclusions of the Commission of Inquiry, any cooperation they may be engaged in with the Government of Belarus and, if appropriate, to cease as soon as possible any activity that could have the effect of directly or indirectly justifying the absence of actions to redress the situation concerning the non-respect of trade union rights in the country;
 - (iii) engage with the UN Special Rapporteur on the situation of human rights in Belarus, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, and the UN Special Rapporteur on the independence of judges and lawyers with a view to ensuring coordinated action on recommendation No. 8 of the Commission of Inquiry concerning the need to guarantee impartiality and independence of the judiciary and justice administration;
 - (iv) engage with the Office of the UN High Commissioner for Refugees (UNHCR) and other relevant agencies and organizations with a request to also support Belarusian independent trade union activists and their families and inform UNHCR country guidelines;
 - (v) submit to the Governing Body a periodic report on the outcome of the measures set out in paragraphs (c)(i), (ii) and (iii) above;
- (d) urges the Government of Belarus to receive as a matter of urgency an ILO tripartite mission with a view to gather information on the implementation of the recommendations of the Commission of Inquiry and subsequent recommendations of the supervisory bodies of the ILO, including a visit to the independent trade union leaders and activists in prison or detention.

15. Report by the Government of Bangladesh on progress made on the implementation of the road map taken to address all outstanding issues mentioned in the article 26 complaint concerning alleged non-observance of Conventions Nos 81, 87 and 98 (GB.347/INS/15(Rev.2))

- 654. A Government representative of Bangladesh**, presenting the report of his Government on progress made (as of 7 February 2023) with the timely implementation of the road map developed in response to the decision made by the Governing Body at its 344th Session (March 2022) contained in the appendix to document GB.347/INS/15(Rev.2), said that his Government had remained steady in its resolve to make progress in the face of challenging external factors.
- 655.** In terms of labour law reform, his Government had completed its amendment of the Bangladesh Labour Rules and Export Processing Zones (EPZ) Labour Rules. The new EPZ Labour Rules had, as of January 2023, been used as part of inspections of 43 factories in EPZs by the Department of Inspection for Factories and Establishments (DIFE). The process of amending the Bangladesh Labour Act, 2006 (as amended in 2018), was under way and included collaboration between the Tripartite Working Group and the ILO in the form of workshops aimed at exploring how the ILO technical note could be used as a tool to align national labour law with selected international labour standards while taking into account the country's national circumstances and stage of development. He wished to recall that progress would not move more quickly than labour law procedure allowed. However, he wished to highlight the presentation of an anti-discrimination bill to the parliament in 2022, which went beyond his Government's commitment in the road map and demonstrated its overarching commitment to positive change.
- 656.** Trade union registration had been digitized and was now done exclusively through the integrated myGov platform. Thanks to the facilitated process and support offered to workers in submitting online registrations, registration rates had increased ninefold in nine years.
- 657.** Measures to strengthen labour inspection and enforcement included ensuring full functionality of the labour inspectorate by filling vacant posts and creating new ones in spite of budgetary constraints; increasing the number of labour inspectors in the DIFE by 50 per cent since 2020; and establishing eight new DIFE field offices. In addition, a training package on labour rules, regulations and Conventions on workers' rights had been prepared for industrial police officials and a yearly strategic inspection plan was being developed with the aim of identifying non-compliance issues in priority sectors. Improvements had been made to the complaints helpline, allowing for over 95 per cent of complaints lodged via the helpline in the last six months of 2022 to be resolved.
- 658.** Regarding cases of anti-union discrimination and unfair labour practices, 50 cases were taken to courts, 41 of which were resolved and 9 remain pending. Eleven out of 12 court cases raised in complaints before the Committee on Freedom of Association had been resolved. Such cases pending before the national courts were resolved, on average, more quickly than cases relating to non-labour issues. His Government was working closely with the ILO and the social partners to monitor and expedite the implementation of the road map.
- 659.** Other measures his Government had taken beyond its commitments under the road map included the successful removal of 100,000 children from hazardous workplaces as part of a nationally funded project, an ongoing feasibility study for a project to eliminate child labour, the establishment of dedicated committees in factories to handle complaints of sexual harassment and gender-based violence, and improvements to safety and security in the ready-made garment industry. As a developing economy with a population of 170 million,

Bangladesh should not be reasonably expected to perform on a par with advanced economies. Indeed, the visible progress made by his Government in implementing the road map and the additional initiatives taken to improve labour conditions in the country deserved the recognition of the Governing Body. The closure of the article 26 complaint at the current session would be fair and just.

- 660. The Employer spokesperson** welcomed the fact that the Government of Bangladesh had reported its progress on the implementation of the road map in a timely manner in line with the decision taken by the Governing Body at its 346th Session. The information provided was comprehensive, the social partners had been consulted on many of the actions taken, and the report by the Government of Bangladesh had been shared with the Tripartite Implementation and Monitoring Committee. She also welcomed the fact that work on amending the Bangladesh EPZ Labour Act, 2019, would start in July 2023 and be finished by June 2025, more than one year ahead of the original deadline of December 2026. She took note of the establishment of labour courts in Narayanganj, Gazipur and Cumilla and of efforts made to make the three newly established labour courts fully functional. She expressed the hope that those developments would lead to the elimination of the backlog of cases at labour courts and allow for justice to be delivered in a timely manner.
- 661.** However, she noted that the Committee of Experts on the Application of Conventions and Recommendations had expressed concern in its 2023 General Report about the fact that some provisions of the Bangladesh EPZ Labour Act, 2019, still needed to be repealed or amended in order to conform to Article 2 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). She trusted that the Government of Bangladesh would amend the Act accordingly, completing its work by its stated deadline of June 2025. She also trusted that the Government of Bangladesh would continue to meet its commitments by reporting to the ILO on its progress in the implementation of the road map, addressing the recommendations made by ILO supervisory bodies and continuing to provide detailed and updated information on serious and urgent Cases Nos 3203 and 3263 prior to the meeting of the Committee on Freedom of Association in June 2023.
- 662.** Lastly, she trusted that the Government of Bangladesh would be able to make substantial progress towards better upholding labour rights and improving workplace safety in the country. She reiterated the Employers' group's commitment to assisting the Government of Bangladesh in implementing the road map and furthering other initiatives. The Employers' group supported the draft decision.
- 663. The Worker spokesperson** expressed his group's disappointment with the progress in Bangladesh, which the most recent report from the Committee of Experts had shown to be too little. They could not say that meaningful progress had been made towards the full, complete and timely implementation of the road map. There were critical gaps in law and practice regarding aspects of the right to freedom of association. Indeed, in November 2022, the Committee on Freedom of Association had designated both open cases to be serious and urgent.
- 664.** Regarding action point 1 on labour law reform, the Bangladesh Labour Rules had been amended, although a full year late, but the amendments had done little to address the repeated concerns of workers. The Committee of Experts had identified seven areas where the Rules still failed to address its previous comments regarding Convention No. 87. As the group had pointed out at the previous Governing Body session, some of the amendments contradicted each other or the Labour Act, and some had further weakened worker protections, such as the amendment reducing maternity benefits. Amendments to the

Bangladesh Labour Act had been due to be adopted by December 2022, but had not been, and the Government had not committed to any definite deadline. The Committee of Experts and the ILO Office in Dhaka had identified clear gaps in the law on a number of occasions, so there was no reason for any further delay.

- 665.** The long-delayed EPZ Labour Rules had been published in October 2022, but had lower legal authority than the EPZ Labour Act, so could not address any of the Experts' observations. A preliminary review of the EPZ Labour Rules had identified a number of issues, including the reduction in retirement benefit calculation for some workers and workers being denied the ability to challenge arbitrary terminations in court. Trade union leaders reported that they did not consider the EPZ Labour Rules to further assist the implementation of Conventions Nos 87 and 98. There was nothing preventing the Government from reviewing the EPZ Labour Act immediately; there was no need to wait until 2025.
- 666.** Regarding action point 2 on trade union registration, although the online registration system was in place, the new electronic process did not address the actual problem of officials refusing to register certain unions, or the many allegations of corruption and favouritism. Workers had also reported that the online portal was difficult to use, frustrating their ability to apply, and that the information on the status of applications was not regularly updated. The Government had also previously noted the pre-application service desk in the Registrar of Trade Unions, but workers had reported that that had become just another hurdle to registration, rather than facilitating the process. They had also reported that Department of Labour officials were delaying the application process, giving management the opportunity to dismiss union activists who apply for registration and drive down the number of workers supporting the formation of the union. Fundamentally, the problems required an amendment to the Labour Act and Rules, as the experts had noted, whether registration was done online or offline. The Government claimed that recently there had been a high number of registrations and a low level of rejections, but scrutiny of the numbers suggested that unions that were not in the favour of the Government had a much higher rate of rejection. It was common, including in the ready-made garment sector to have employers quickly register a yellow union to prevent the independent legitimate union from being able to register. If the high number of new unions were in fact management- or government-dominated, that did not benefit the exercise of freedom of association in the country. In addition, workers and unions had reported that the Registrar continued to accept information provided by employers without further examination, which often manipulated the total number of workers in an enterprise seeking to unionize, which workers are eligible to be in the union, frustrating the ability to register a union.
- 667.** With regard to action point 4 on anti-union discrimination and unfair labour practices, a number of activities had been reported, and although that work was important, it failed to address the root cause of continued violence and anti-union discrimination, resulting in impunity. Some employers who had used violence to prevent unions from forming or to bust existing unions had not suffered consequences. The industrial police were also often willing collaborators, either actively participating or allowing such violence to take place and local gangs or thugs were frequently used as union busters and strike-breakers. Such violations could only be addressed by effective sanctions. As for other non-violent forms of anti-union discrimination, impunity also remained a serious problem. One of the key issues was that only the Government could file unfair dismissal claims, and the cases were often not well handled. The law needed to be changed to allow workers and unions to file unfair labour practice claims directly.

668. Lastly, with regard to action point 3 on labour inspection, the increase in the number of inspectors was important, but there were still very serious problems throughout the country relating to OSH and other violations.
669. In view of the reports from the Committee of Experts and the Committee on Freedom of Association, as well as what they had heard from workers and unions in the country, the Workers' group was not seeing sufficient commitment to the implementation of the road map. Many elements in the road map were the same as commitments made in the ILO Sustainability Compact of 2013. The situation could not go on. The Government of Bangladesh must take full advantage of all the opportunities at its disposal as an ILO Member to address the concerns raised by the article 26 complaint and its road map. Without tangible, full, complete and timely implementation of the road map, the Governing Body would have no option but to call for a Commission of Inquiry. The Workers' group supported the draft decision, but noted that it should be the last extension.
670. **Speaking on behalf of the EU and its Member States**, a Government representative of Sweden said that Albania, Bosnia and Herzegovina, North Macedonia, the Republic of Moldova, Montenegro, Norway and Switzerland aligned themselves with her statement. The EU and its Member States welcomed the submission by Bangladesh of a progress report on the implementation of the road map, its recent efforts to amend the Bangladesh Labour Act and its publication of the EPZ Labour Rules. However, further work was required to ensure independent and free labour inspection. They acknowledge the continuing training of Workers' representatives on the trade union registration process and the ongoing training of labour inspectors. It was vital for the DIFE to have enough labour inspectors.
671. Regrettably, the Government of Bangladesh was yet to take other action following the road map and had only partially implemented relevant labour law reforms. It should accelerate the amendment of the Bangladesh Labour Act. Extensive revision of the Labour Rules was necessary. The Government should accelerate review of the EPZ Labour Act to ensure compliance with Convention No. 87. Remaining obstacles to the unionization of workers and the systematic refusal of workers' rights were a cause for concern. It behoved employers and the Government to guarantee those rights. They welcomed the discussion of the progress report at the Tripartite Implementation and Monitoring Committee prior to its submission, as well as the formation of a tripartite committee to draft a national wage policy.
672. The EU and its Member States reaffirmed their strong commitment to cooperate with Bangladesh, in partnership with the ILO, regarding the National Action Plan on the Labour Sector of Bangladesh (2021–26). That plan and the road map were mutually reinforcing and should both be implemented on time. The Government should ensure the timely delivery and comprehensive implementation of all its commitments. Treatment of the article 26 complaint required further action, necessitating monitoring of progress in implementing the road map. She supported the draft decision.
673. **A Government representative of India** welcomed the sincere implementation of the road map by the Government of Bangladesh. It was encouraging to learn that progress had been made in all four priority areas, including legal and administrative reforms to improve trade union activities, occupational safety, wages, skills development and labour welfare. The Government had demonstrated commitment to ensuring the rights of workers through its adoption of the Occupational Safety and Health Policy and the Domestic Workers' Protection and Welfare Policy. The Government was also working to update its national action plan to implement the National Child Labour Elimination Policy, in consultation with the tripartite constituents and civil society. The ILO and the international community should continue

supporting the Government in its endeavours in order for those reforms to achieve their intended results for beneficiaries. In view of its strong commitment to working closely with the social partners to further promote labour rights in the country, the Government should be given the opportunity to resolve all the issues through the ILO's supervisory mechanism.

- 674. A Government representative of Saudi Arabia** took note of the information provided and called on the ILO to support the positive efforts of the Government of Bangladesh to implement the road map to improve working conditions, and to apply international labour standards, in spite of the challenges of the COVID-19 pandemic. She therefore supported the request from the Government to close the case.
- 675. A Government representative of Algeria** welcomed the progress that had been made in implementing the road map, in particular its pursuit of tripartite discussions concerning the amendment of the Bangladesh Labour Act, the publication of the Bangladesh EPZ Labour Rules, the filling of vacant posts of labour inspectors, the measures taken to set up the legal unit of the DIFE and the formation of more safety committees in factories. She also welcomed the Government's measures to strengthen institutional mechanisms, including the establishment of new labour tribunals and supporting staff, the formation of a committee to draft a national wage policy and the start of its work, the establishment of standard operating procedures for conciliation and arbitration, and for making available training on workers' rights and human rights for industrial police officials.
- 676.** She called on the Office to continue providing technical support to the Government of Bangladesh to help speed up the implementation of the road map and encouraged the Government to take steps to perfect its legal framework and continue cooperating with the Office to complete its implementation of the road map and enable the case to be closed. She supported the draft decision.
- 677. A Government representative of Oman** welcomed the Government of Bangladesh's cooperation with the ILO and with trade unions and supported the reforms that had been made, in particular the launch of inspection campaigns to ensure that the laws and regulations were being complied with. He also welcomed the measures that had contributed to the registration of more workers in trade unions. He supported closing the case against Bangladesh as rapidly as possible, given the efforts made by the Government and the progress that had been made, in spite of the many challenges faced and the impact of the economic crisis on the labour market. The Government of Bangladesh should continue its efforts to protect workers' rights and the ILO should continue to provide technical assistance.
- 678. A Government representative of China** noted that the Government of Bangladesh had taken active steps to implement the road map, enhance social dialogue and overcome the negative impacts of the COVID-19 pandemic. Significant progress had been made in terms of labour law reform, trade union registration, the protection of workers' rights, labour inspection and enforcement, the ratification of international labour Conventions, and the elimination of child labour and forced labour. The progress had been specific and practical, showing the value placed on the application of international labour standards and the positive outcomes of the Government's cooperation with the ILO in technical cooperation and to protect workers' rights. The ILO should continue to provide technical assistance to help the Government realize the targets of the road map, but in light of the progress that had already been made, the case should be closed as soon as possible.
- 679. A Government representative of the United States** noted that the fundamental issues concerning freedom of association, collective bargaining rights and labour inspection had still not been addressed, so urged the Government of Bangladesh to accelerate its implementation

of the road map. With regard to the actions taken to amend labour law, the Committee of Experts had noted that the Government had still not addressed many of its concerns, including most of the changes to the EPZ Labour Act that it had requested, in order to bring it into conformity with Convention No. 87. While the road map had indicated that the amendment of the Bangladesh Labour Act would be completed by December 2022, and the Government had indicated in its previous report that it would be completed by mid-2023, the present report had given no indication of a specific completion date. The amendments needed to be finalized as soon as possible, in line with Conventions Nos 81, 87 and 98.

680. She reaffirmed the importance of independent labour unions to achieving a safe working environment and decent work. Unfortunately, barriers to trade union registration still existed, including a minimum membership requirement, which the Committee of Experts had said constituted a hurdle in large enterprises. Although the Government said it was working to simplify the registration process, trade unions had reported that the new online registration system was cumbersome and difficult to navigate. There was also a requirement to provide official documentation certifying the number of workers in a factory, which was difficult to obtain. No official guidance existed on how unions should determine the number of workers in a factory or establishment.
681. She welcomed the reported increase in the number of labour inspectors. However, no information had been provided on progress to ensure that penalties for violations were being issued effectively or were sufficiently dissuasive, and unions had reported a continued lack of accountability and political influence in the system. The report indicated that training was being provided to prevent anti-union discrimination and violence against workers, but success in that priority area would require the rapid and thorough investigations of alleged cases of violence and harassment by police against workers. Although the Government had indicated that steps had been taken to form a committee to ensure such investigations, concrete results remained to be seen. In the meantime, those exercising their rights to freedom of association continued to report harassment and retaliation by employers with impunity, and denial of rights by Government officials.
682. The continued lack of significant progress merited the appointment of a Commission of Inquiry, but she was prepared to support the draft decision in order to achieve consensus. The United States remained committed to working closely with the Government of Bangladesh and all stakeholders to ensure full respect for workers' rights, and had recently deployed a labour attaché in Dhaka. She looked forward to seeing demonstrable progress on implementation of the road map at the next session of the Governing Body.
683. **A Government representative of Sudan** welcomed the Office's support for the Government of Bangladesh to help it implement the road map to bring it into line with Conventions Nos 87 and 98. It was clear that the Government was making a great deal of effort to make progress in amending its legislation, taking into account the difficult global economic situation. The Government had also demonstrated commitment to engaging in tripartite dialogue and the Governing Body should record its appreciation for that. Efforts had been made to boost the number of labour inspectors and bring down the number of labour law violations, as well as working on providing training to relevant officials. Good faith efforts had been made to resolve disputes, many of which had been settled, as well as working on OSH and to eradicate child labour. Progress appeared to be moving in the right direction in a timely fashion. It would therefore be fair and appropriate to close the case.
684. **A Government representative of the Islamic Republic of Iran** noted that the report demonstrated the Government of Bangladesh's willingness and sincere commitment to

improving the labour situation in the country, specifically through the implementation of Conventions Nos 81, 87 and 98. Commendable progress had been made in the areas of legal reform, trade union registration, labour inspection and enforcement, and addressing anti-union discrimination, unfair labour practices and violence against workers. Progress had also been made through tripartism and social dialogue. Those accomplishments merited due consideration and positive feedback from the Governing Body.

- 685. A Government representative of Cuba** said that it was important for governments to be given the necessary time and space to work with the relevant partners on their national legislation to comply with the obligations and commitments stemming from ratification of ILO instruments. It was also important to consider a country's commitment to working with the Organization. Bangladesh had demonstrated what could be achieved through negotiation, technical assistance and cooperation, which should be taken into account when deciding whether to close the case. Commitment to tripartite dialogue and consensus, both fundamental ILO principles, were also important.
- 686. A Government representative of Morocco** welcomed the progress that had been made in advancing Bangladesh's labour standards and practices, through engagement with social and development partners, as well as with the ILO. The reforms that had been implemented, in spite of the challenges of the COVID-19 pandemic, demonstrated the Government's commitment to aligning with international labour standards. The amendment of the Labour Rules and initiation of the amendment of the Labour Act were noteworthy achievements, and factory inspections in EPZs showed the Government's efforts to implement the amended rules. Another commendable achievement was the increase in the number of trade unions in the ready-made garment sector, as well as the new online application process for trade union registration. Progress had also been made in labour inspection and enforcement, as well as by establishing additional labour courts. The measures taken to strengthen preventive measures and the effective investigation of violence and harassment against workers were also noteworthy. The resolution of 41 out of 50 cases of anti-union discrimination, unfair labour practices and violence against workers demonstrated the Government's commitment to addressing those issues. Overall, the progress that had been made in Bangladesh demonstrated what could be achieved when governments, civil society and development partners worked together towards a common goal. His Government supported closing the case.
- 687. A Government representative of Pakistan** noted the encouraging progress reported in relation to the time-bound road map and the advances that had been made in the four priority areas. The Government of Bangladesh had reaffirmed its continued commitment to providing a better and safer workplace for workers to uphold their labour rights, including collective bargaining, freedom of association and the right to strike. Recognizing the complexity of the challenges, he called on all parties to address concerns and complaints amicably in a spirit of tripartite cooperation. He hoped to see further progress so that the complaint could be closed early.
- 688. A Government representative of Bangladesh** said that he was disheartened to hear that the Workers' group did not see any progress, in spite of the many achievements outlined in the report. Many of their observations were based on outdated and unfounded information. Economies and countries suffered from unpredictable external shocks, more often than internal failures, which meant that painstaking progress could evaporate fast and livelihoods could become uncertain. Labour relations and rights were not exempt from such developments. His Government had charted a course of action not only to respond to the road

map, but also to advance the future of current and future generations, with the aspiration to achieve developed country status by 2041.

- 689.** He reassured the Governing Body that the amended labour law would apply to the EPZs, and the amendment of the EPZ Labour Act was due to begin in July 2023 and would hopefully be completed in the stipulated time. Amendments to both sets of Labour Rules would harmonize any gaps between the respective acts and rules.
- 690.** There had been a rapid increase in the successful registration of trade unions in Bangladesh, from 60 per cent in 2013 to over 85 per cent in 2022. As of the end of February 2023, a total of 9,222 trade unions had been registered, with more than 3 million members. There had been no complaints of discriminatory treatment in registration, let alone on political grounds. In the ready-made garment sector alone, the number of trade unions had increased from 132 in January 2013 to 1,210 in February 2023, with 34 new trade unions registered since the previous report in November 2022. Social protection measures now accounted for 16.75 per cent of the annual budget, which was playing a vital role in reducing poverty. The high allocation of social protection was commensurate with the idea of leaving no one behind, as reflected in the 2030 Agenda. Although every labour rights violation was a concern, the resolution of all but nine cases in a garment industry workforce of 4 million was not insignificant. Such a figure did not justify continuing the complaint against Bangladesh.
- 691.** With regard to the case of Aminul Islam, after a thorough investigation and a trial in the competent court, the case had reached its conclusion. A copy of the judgement had been forwarded to the Committee on Freedom of Association. No issue of unknown complicity had been raised during the trial or during any witness deposition. The Committee's observations in the case seemed to stem from misconceptions of due process in Bangladesh, which the Government could not go beyond.
- 692.** The timeline for the implementation of the road map was until 2026, so for the Workers' group to suggest the formation of a Commission of Inquiry less than halfway through the process suggested a predetermined motivation and was both irrelevant and unhelpful. It was important to see the significant progress that Bangladesh had made in the past decade overall. Comments should be based on measured facts, not on speculation or exaggeration. It was also important to understand that measuring progress in different contexts required adjustments. His Government believed that progress in Bangladesh was visible and worthy of merit, and therefore urged the Governing Body to close the case as soon as possible.

Decision

- 693. Taking note of the report submitted by the Government of Bangladesh on progress made with the implementation of the road map of actions, the Governing Body, on the recommendation of its Officers:**
- (a) requested the Government to report on further progress made in the implementation of the road map of actions to address all the outstanding issues mentioned in the article 26 complaint at its 349th Session (October–November 2023);**
 - (b) decided to defer the decision on further action in respect of the complaint to that session or any subsequent session.**

(GB.347/INS/15(Rev.2), paragraph 8)

16. Report on developments relating to the resolution concerning the Russian Federation's aggression against Ukraine from the perspective of the mandate of the International Labour Organization (GB.347/INS/16)

694. The Governing Body had before it an amended version of the draft decision proposed by a cross-regional group of countries, which had been circulated by the Office to all groups. The group proposed amending the preambular paragraph, to read:

In the light of the developments in Ukraine outlined in document GB.347/INS/16 and the resolution on the Russian Federation's aggression against Ukraine from the perspective of the mandate of the International Labour Organization (ILO) adopted at its 344th Session (March 2022), taking into account the discussions held and the guidance provided during its 347th Session, the Governing Body:

695. The group also proposed adding "and the proposal to open a Country Office in Kyiv" to the end of subparagraph (e).

696. It further proposed adding a new subparagraph (g), to read:

(g) requested the Director-General to continue monitoring the operational capacity of the ILO Decent Work Technical Support Team and Country Office for Eastern Europe and Central Asia to safeguard the technical cooperation or assistance to Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, as well as to secure the well-being and health and safety of ILO staff;

697. Finally, it proposed amending the original subparagraph (g), to read:

(hg) requested that the Director-General continue monitoring the impact on the world of work of the Russian Federation's aggression against Ukraine and report to the Governing Body at its 348th Session (June 2023) on developments in the light of the resolution and the issues raised in this decision, including the ILO's continued engagement with relevant UN bodies involved in monitoring human rights violations and abuses, and the situation of maritime and nuclear workers.

698. The Governing Body also had before it another amended version of the draft decision, proposed by the Government of the Russian Federation, which had also been circulated by the Office to all groups. In it, the Government of the Russian Federation proposed amending subparagraph (b), to read:

(b) reiterated its most profound concern at the ~~continuing aggression by the Russian Federation, aided by the Belarusian Government, against situation in~~ Ukraine and at the impact ~~this aggression~~ it is causing to tripartite constituents – workers, employers and its democratically elected Government – in Ukraine, and to the world of work beyond Ukraine;

699. It proposed adding a new subparagraph (c), to read:

(c) expressed profound concern at the unilateral coercive measures imposed against the Russian Federation, adversely affecting the labour market, as well as the social and economic rights of the Russian citizens, first and foremost workers and employers from small and medium-sized enterprises;

700. It proposed amending subparagraph (d), to read:

(de) urged ~~the Russian Federation again~~ all parties to the conflict to immediately and unconditionally cease ~~its aggression and withdraw its troops from Ukraine~~ armed activities;

701. Finally, it proposed amending subparagraph (h), to read:

(he) requested that the Director-General continue monitoring the impact on the world of work of the ~~Russian Federation's aggression against~~ situation in Ukraine and report to the Governing Body at its 348th Session (June 2023) on developments in the light of the resolution, including the ILO's continued engagement with relevant UN bodies involved in monitoring human rights violations, and the situation of maritime and nuclear workers.

702. A Government representative of the Russian Federation, highlighting his Government's commitment to cooperate with the ILO and its recognition of the importance of social justice and the value of tripartism, said that military and political issues were not part of the ILO's mandate. The Governing Body should be focusing on the recovery from the COVID-19 pandemic and not on its unfounded accusatory campaign against his country. His Government complied with all its obligations resulting from the Conventions it had ratified, including those mentioned in the report. Suspending technical assistance had had a negative impact on the lives and well-being of the citizens of his country, including workers. The amendments he had proposed to the draft decision would negate the efforts to politicize the issue. If they were not accepted by consensus, he called for the draft decision to be put to a vote.

703. Speaking on behalf of a cross-regional group of countries,³ a Government representative of Lithuania said that the unprovoked and unjustified war initiated by the Government of the Russian Federation against Ukraine had had a devastating impact on the world of work at the local and global levels, and had contributed to a worsening global food and energy crisis. His group urged the Russian Federation again to immediately and unconditionally cease its aggression and withdraw its troops from Ukraine, reaffirmed its commitment to the sovereignty, independence, unity and territorial integrity of Ukraine within its internationally recognized borders, and called for enhanced diplomatic efforts to achieve peace. The Government of the Russian Federation must abide by international law and respect the principles enshrined in the ILO Constitution.

704. He expressed his group's deep concern regarding the alleged deprivation of labour rights in regions of Ukraine that were under temporary Russian control. He referred in particular to the situation of the workers in the Zaporizhzhya nuclear power plant, and called for Russian withdrawal from all nuclear facilities within Ukraine's internationally recognized borders. He expressed additional concern regarding the failure of the Government of the Russian Federation to meet its obligations under the Maritime Labour Convention, 2006, as amended (MLC, 2006), and the dire circumstances facing seafarers in that region. He welcomed international efforts to broker safe passage for ships and commended the ILO's efforts to raise awareness of labour rights' violations through cooperation with other UN agencies, relevant trade unions and employers' organizations.

705. His group called for the protection of workers and employers in Ukraine, and of their families. He welcomed: the staged return of ILO staff to Kyiv; the proposed establishment of a country office in Kyiv; the decision to reassign the responsibility for Georgia to the ILO Decent Work Technical Support Team and Country Office for Central and Eastern Europe in Budapest; and the support provided by the ILO to neighbouring countries to reduce the impact of the aggression. He noted that the ILO Decent Work Technical Support Team and Country Office

³ Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Republic of Korea, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States.

for Eastern Europe and Central Asia in Moscow (DWT/CO-Moscow) now served only seven countries. He commended the support provided by the ILO to Ukrainian tripartite constituents and noted that the contribution of the social partners remained vital. He also noted the work done to identify areas for intervention and resource mobilization, and encouraged the Office to step up its efforts to secure funding.

706. His group questioned the suitability and feasibility of maintaining the DWT/CO-Moscow, considering the Government's continued violation of the ILO Constitution. He noted that the lease for the office was due to expire at the end of 2023. He called on the Office to outline how it would ensure the implementation of the telework policy and protect the health and safety of the international staff working in the DWT/CO-Moscow and their families. It was of concern that family members of international staff were not protected under the Convention on the Privileges and Immunities of the Specialized Agencies, in the light of the 2022 amendments to the Russian Federation's law on foreign agents. He asked the Office to provide more information in that regard and encouraged the Office to support international staff members' relocation to another duty station, if requested.
707. His group opposed the amendments proposed by the Russian Federation, and had submitted amendments of its own to the draft decision.
708. **The Employer spokesperson** condemned the unilateral use of armed force and violation of the UN Charter in all circumstances and expressed her group's deep concern about the economic and employment-related consequences of the conflict in Ukraine and in neighbouring and other countries, which were outlined in the report. She reaffirmed her group's solidarity with the people, businesses and workers of Ukraine and the region and its commitment to support all those in need of assistance. Her group called on the Director-General to continue to monitor and safeguard the labour rights of workers and support the sustainability of enterprises in Ukraine and neighbouring countries. Noting the extensive programme of labour law reform being pursued by the Government of Ukraine, and the comments of the Committee of Experts on the Application of Conventions and Recommendations thereon, she expressed concern that the social partners had not been consulted in that process. The Government must guarantee freedom of association and the effective right to collective bargaining, and adequate consultation of the most representative independent workers' and employers' organizations.
709. Referring to paragraphs 4 and 21 of the report, she reiterated that the Office should refrain from carrying out activities or making statements that went beyond the ILO's mandate. Turning to the elements of the report that did fall within its mandate, she commended the support provided to the tripartite constituents in Ukraine and welcomed the proposal to establish a country office in Kyiv, which would help employers to create or rebuild sustainable enterprises and decent work, and build social dialogue. She noted that the DWT/CO-Moscow continued to operate effectively and that employers' organizations supported by that Office were satisfied with the services provided. She commended the duty of care provided towards all staff in the DWT/CO-Moscow and the staff currently working in Ukraine, and expected that the same would be true in the planned office in Kyiv. The Governing Body should refrain from micromanaging the DWT/CO-Moscow.
710. The ILO should provide support in Ukraine to address challenges relating to economic stabilization and job preservation, and to secure the nexus between humanitarian aid and early recovery and development, as requested by the Ukrainian tripartite constituents. The proposed country office in Kyiv would allow the ILO to improve its participation in national and

international coordination mechanisms and to meet the constituents' needs. Her group supported the draft decision proposed by the Office, without amendment.

- 711. The Worker spokesperson** said that the illegal and brutal invasion of Ukraine continued to have a devastating impact on the people of Ukraine and neighbouring countries. All Russian forces should withdraw from Ukrainian territory. Parties should seek to achieve a just and sustainable peace based on international law, and those responsible for war crimes must be brought to justice. As social justice was a key condition for peace, the work of the ILO remained relevant. She commended Ukrainian workers and enterprises for their efforts to maintain the economy, despite the devastating impact of the war, and recognized the enormity of the task ahead to rebuild and recover. Noting that humanitarian assistance had been delivered by national trade union organizations while they also continued to carry out their trade union functions under difficult conditions, she said that it was regrettable that international assistance was not being provided to the Ukrainian social partners to maintain their operations; the war had had an impact on trade union membership and resources. The peace dividend would open up investment opportunities in respect of just transitions.
- 712.** She welcomed the financial support pledged by various Member States for emergency support and to allow Ukraine to maintain public services and jobs, and urged them to deliver on their commitments in a timely manner. She reiterated the need to involve the social partners in reconstruction efforts. She highlighted the relevance of the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), in terms of strengthening peacebuilding and peacekeeping. She asked the Office to reach out to the Governments and other actors involved in the rebuilding initiatives mentioned at the 346th Session of the Governing Body to obtain information on the progress being made. She reiterated her group's concern that support from the World Bank could entail reform of the social benefit and pension systems, and asked whether the Office had engaged with that institution to ensure the application of ILO standards.
- 713.** She welcomed the Office's efforts to work with trade unions in specific sectors. She expressed particular concern regarding the labour rights of workers at the Zaporizhzhya nuclear power plant and of seafarers working in the region. She called for the effective implementation of the Radiation Protection Convention, 1960 (No. 115), and the MLC, 2006. She asked the Office to provide further details on the opportunities for collaboration with relevant international bodies focusing on protective measures concerning seafarers referred to in the report.
- 714.** Expressing her group's full solidarity with Ukraine, she highlighted the problematic issues regarding the ongoing reform of the labour law in the country. Any reform process should include social dialogue and the outcome should not be a reduction in workers' rights. She called on the Ukrainian Government to ensure that its labour law was in line with international labour standards. She noted with concern the increasing budget for active labour market programmes alongside a reduction in unemployment benefits, and called on the Government to consult with social partners to ensure that measures that would promote recovery and resilience were put in place. She expressed the hope that scheduled meetings with tripartite Ukrainian constituents in April 2023 would lead to constructive progress in that regard.
- 715.** She asked the Office to provide more detailed information on the activities of the DWT/CO-Moscow in each country, in particular its work with any independent trade unions still operating in the region. She welcomed the decision to reassign the responsibility for Georgia to the ILO Decent Work Technical Support Team and Country Office for Central and Eastern Europe in Budapest (DWT/CO-Budapest) in response to the request from Georgian trade unions, which she hoped would increase the technical assistance delivered to workers and

social partners in Georgia. She expressed concern regarding the international staff employed in the DWT/CO-Moscow and asked what provision had been made to ensure flexible working arrangements, including remote working. She sought clarification of the minimum staff presence for that Office, and whether that level of staffing compromised its work. In the current circumstances, international staff from that Office should be able to work from their home countries without limitation. She welcomed plans to establish a country office in Kyiv.

- 716.** Her group had been ready to adopt the original draft decision. However, with the exception of the proposed new paragraph (g), which was unnecessary as such reporting was already part of the work of the DWT/CO-Moscow, the amendments proposed by the cross-regional group were aligned with the views of her group. Her group would support it in the interests of reaching consensus. It could not support the amendments proposed by the Government of the Russian Federation.
- 717. Speaking on behalf of the EU and its Member States,** a Government representative of Sweden said that Albania, North Macedonia, Montenegro, Georgia, Iceland, Norway and Republic of Moldova aligned themselves with her statement. The Russian Federation's unprovoked, unjustified and continued aggression against Ukraine was a gross violation of international law and entirely incompatible with the ILO's values and principles. Her group reaffirmed its commitment to the sovereignty, independence, unity and territorial integrity of Ukraine within its internationally recognized borders. The Government of the Russian Federation had not shown any genuine willingness to achieve lasting peace. She reaffirmed the EU's support for President Zelenskyy's formula for peace and its commitment to work actively with Ukraine in implementing his 10 point peace plan. She deplored the ongoing atrocities committed by the Government of the Russian Federation and their impact on Ukraine and its people, the environment and its economy, and on neighbouring countries. She also deplored the labour rights violations resulting from the war of aggression. She highlighted the plight of seafarers in the region and of the workers in Ukraine's nuclear power plants.
- 718.** After outlining the financial support given by the EU and its Member States to Ukraine since the start of the war of aggression, she commended the ILO's work to support the tripartite constituents in Ukraine and other affected countries in the region, the staged return of staff to Kyiv, and the plan to open a country office there. The ILO should continue to cooperate with the wider UN system to ensure a coherent policy response to the aggression across the humanitarian-development-peace nexus. She welcomed the ILO's six priority areas of intervention and encouraged the Office to approach donors to meet funding needs. The ILO should support the social partners in their essential roles on the ground and should continue to cooperate with the International Atomic Energy Agency (IAEA) to ensure the protection of labour rights and a safe and healthy working environment. She welcomed the Director-General's visit to the Republic of Moldova and the decision to reassign the responsibility for Georgia to the DWT/CO-Budapest.
- 719.** She asked whether the funding gap was truly the only challenge faced when operating a subregional office from a country that had breached the UN Charter and started an unlawful war of aggression. She sought clarification regarding: the number and scope of technical advisory missions from the DWT/CO-Moscow to each country in the subregion; whether the Office had consulted the countries in the subregion to determine if their needs were being met; what was being done to protect family members of international staff; and whether the extended telework policy was being effectively applied to international staff from the DWT/CO-Moscow.

720. Her group supported the amendments to the draft decision proposed by the cross-regional group.
721. **A Government representative of Brazil**, expressing solidarity with Ukraine and its people, recalled that the Governing Body should only make decisions that related to the impact of the conflict on the world of work and should avoid politicizing the issue. The ILO should focus on providing unwavering support to the tripartite constituents in Ukraine, enhancing resource mobilization and reinforcing its presence in the country. The draft decision contained elements, particularly in subparagraphs (b) and (c), that went beyond the mandate of the ILO.
722. **A Government representative of China** said that the socio-economic impact of the ongoing conflict continued to spread, which was of serious concern. His Government's position on the Ukraine crisis remained consistent: sovereignty and territorial integrity must be respected, and States must comply with the UN Charter. The legitimate security interests of all States must be taken seriously. Efforts to seek a peaceful end to the conflict must be supported. He welcomed the ongoing operation of the Decent Work Technical Support Team and Country Office for Eastern Europe and Central Asia in Moscow (DWT/CO-Moscow) to provide technical cooperation and assistance in the subregion. The ILO's actions to de-escalate the situation should fall within its mandate and refrain from politicizing its work. He supported the amendments to the draft decision proposed by the Russian Federation.
723. **A Government representative of Ukraine** said that the continuing war in Ukraine was destroying the Ukrainian labour market. As a result of the hostilities, around 8 million persons had left the country and 6 million had become internally displaced persons. In territories temporarily under Russian control, where atrocities had become the norm, the Russian Federation was grossly violating the rights of workers, for example by forcing workers at the Zaporizhzhya power plant to sign labour contracts with the Russian State atomic energy corporation Rosatom and forcing employees to join Russian trade unions. Such violations deserved a decent response from the ILO.
724. After 13 months of full invasion, the draft decision was a surprisingly timid response by the Governing Body and did not provide for an effective reaction to the gross violation of ILO Conventions. She expressed gratitude to Ukraine's partners for their efforts and unity, which were clearly reflected in their statements and their proposed amendments to the draft decision. The continued operation of the DWT/CO-Moscow was deeply disappointing: a country that was itself violating basic labour rights and was under the most significant sanctions in history could not coordinate work in other countries in the region.
725. Despite the war, Ukraine continued to improve its labour legislation, adapting provisions to the conditions of war and implementing three EU directives in line with the legal procedures for preparing legislative initiatives, including those regarding social dialogue. The planned changes to labour legislation were being carried out with involvement of a wide range of stakeholders, including the social partners. Despite the extremely difficult conditions, Ukraine would continue to adhere strictly to the principles of social dialogue. She urged the friends of Ukraine to continue to provide invaluable financial, military, political and psychological support.
726. **A Government representative of the Russian Federation** said the amendments that he had proposed were aimed simply at ensuring a more objective view that reflected both sides of the situation, given that the conclusions of some Governing Body members had strayed from the facts. He requested that the amendments that he had proposed be put to a vote.

- 727. Speaking on behalf of the cross-regional group**, a Government representative of Iceland said that the Russian Federation's invasion of Ukraine flagrantly violated international law and undermined global order, peace and security. Although the representative of the Russian Federation had suggested the Governing Body consider expressing concern regarding the unilateral coercive measures imposed against the Russian Federation and adversely affecting the labour market, his Government alone was responsible for the impact of its brutal, unprovoked war against Ukraine for which the world must hold it to account. She urged all constituents to reject the amendments proposed by the Russian Federation.
- 728. A Government representative of China** expressed support for the motion to put the amendments proposed by the Russian Government to a vote.
- 729. A Representative of the Director-General** (Director, ILO Regional Office for Europe and Central Asia) emphasized that the report focused on support for the ILO's tripartite constituents in Ukraine. The establishment of an office in Kyiv, which must be approved as part of the Programme and Budget for 2024–25, would facilitate enhanced cooperation with the wider UN system and steps to approach donors proactively.
- 730.** The ILO had made 146 technical advisory missions to countries in the subregion between 28 March 2022 and 17 March 2023: 18 to Armenia, 16 to Azerbaijan, 22 to Georgia, 11 to Kazakhstan, 15 to Kyrgyzstan, 6 to Tajikistan, 2 to Turkmenistan and 56 to Uzbekistan. The purpose and scope of those missions had included ILO representation and advocacy at high-level events, the prioritization and implementation of DWCPs, UN Country Team strategic planning meetings, follow-up to the conclusions of CAS cases, support for the elaboration of national employment policies and social protection strategies, preparation of inter-agency project proposals, fundraising activities and capacity-building. A further 164 events had been held in a hybrid or online format.
- 731.** The quality of the services provided by the DWT/CO-Moscow was verified through constant contact with tripartite constituents and feedback through various communication channels, such as the network of National Coordinators, who had expressed high satisfaction with the services provided. Other means of verification included the Director-General's regular meetings with Government representatives at which strong appreciation for the services had been conveyed. Indeed, participants at a recent high-level conference to evaluate the implementation of the DWCP in Uzbekistan had expressed the highest respect for the ILO's work. The Regional Office was in constant contact with the authorities in Tajikistan regarding the implementation of the DWCP and had undertaken a high-level mission to Turkmenistan to develop a road map to combat child labour and forced labour in the cotton harvest. The high number of missions and requests for technical assistance was, in itself, testament to the satisfaction of the constituents. Moreover, the Bureau for Workers' Activities and the Bureau for Employers' Activities received positive feedback on their work with the social partners in the subregion.
- 732.** It appeared that the recovery process outlined in the Lugano Declaration was at too early a stage to consider issues under the ILO's mandate; action in that area continued to prioritize humanitarian aid, budget support for Ukraine and the question of its EU candidacy. The next Ukraine Recovery Conference would be hosted by the United Kingdom in June 2023, and he appealed to the Government representative of the United Kingdom to facilitate the ILO's participation. In relation to the efforts of the World Bank to bring about social protection reform, the Office had provided its own advice to the Government on that matter. The ILO was also making analytical and policy contributions to the social protection and livelihoods section of the second Rapid Damage and Needs Assessment, which was being led by the World Bank

and would be released by the end of March 2023. He hoped to be able to report back to the Governing Body on that work at its June 2023 session. He clarified that some information in the report, such as that contained in paragraph 4, had been included to provide updates on general developments and did not imply that the ILO was responsible for it. In paragraph 21, the intention had been to refer to the parts of the EU acquis that were relevant to the ILO Conventions, one of which was mentioned in Chapter 19 of the acquis.

733. The Office prioritized its duty of care towards the national and international staff of the Decent Work Technical Support Team and Country Office for Central and Eastern Europe and the DWT/CO-Moscow. The Chairperson of the Staff Union had expressed appreciation for the support measures taken by the Office and its security services, particularly concerning operations in Ukraine and with regard to maintaining the operational capacity of the DWT/CO-Moscow. Regular meetings dedicated to the needs of international ILO staff were held at the DWT/CO-Moscow with the Staff Union, the human resources department and management, as well as representatives of other relevant departments; the most recent such meeting had been held on 17 March 2023. Regular briefings by the United Nations Department of Safety and Security (UNDSS) on the security situation were organized for staff, and the continued operation of the DWT/CO-Moscow was so far in line with the latest UNDSS security assessment for Moscow.
734. The DWT/CO-Moscow continued to have sufficient operational capacity to safeguard technical cooperation with all countries in the subregion. Staff members were, however, entitled to telework outside the duty station in a very flexible manner, provided that there was a minimum international staff presence at the DWT/CO-Moscow to ensure the unimpeded delivery of programmatic work. The alignment of the staff's interests with service requirements posed a challenge for management, and work plans were therefore being established that defined time spent in Moscow, on missions, teleworking outside the duty station and on annual leave. While those arrangements sometimes necessitated discussion, no requests for telework outside the duty station had been rejected, and no issues relating to telework had been raised at the latest staff meeting. The presence of the international staff at the DWT/CO-Moscow was important for management reasons and for team morale, in particular for the national staff. The Office had granted professional staff members additional home leave to ensure their well-being.
735. **A representative of the Director-General** (Legal Adviser), noting that concerns had been raised regarding the situation of family members of ILO international staff in the Russian Federation, explained that while ILO staff members generally enjoyed functional immunity from legal proceedings with respect to acts performed or words spoken during the discharge of their functions, that did not extend to their private activities or to family members. However, most, but not all, international ILO staff in the Russian Federation also enjoyed diplomatic immunity under the terms of the 1997 host country agreement, which included exemption from, for example, arrest, detention and search; that immunity did extend to family members. In that sense, the Russian Federation had been generous in its granting of diplomatic privileges to international staff. The Office was examining the situation of the few staff members who had not been granted diplomatic immunity and had received initial indications from the Russian authorities that they would receive diplomatic status.
736. Nevertheless, all ILO staff and their family members had the obligation to respect the laws of the host country at all times, as much in Moscow as in any other duty station. Moreover, immunities did not absolve the Organization from its obligation to cooperate with national authorities in the proper administration of justice. Functional and diplomatic immunities offered only procedural protection in the sense that legal proceedings could not be initiated against them unless the Director-General had first lifted their immunity. In the case of a

dispute, matters had to be resolved through diplomatic means. The Office would always insist on respect for the diplomatic status of those who enjoyed it and would also intervene diplomatically in situations affecting family members not protected by diplomatic immunity to ensure their fair and appropriate treatment.

737. A representative of the Director-General (Officer-in-Charge, Human Resources Development Department) emphasized that the flexible working modalities had been applied at the DWT/CO-Moscow in the most accommodating way possible under the existing rules, the maximum ceiling for teleworking removed altogether and all requests accepted and processed smoothly. Figures on the number of days of telework approved since August 2022 indicated good take-up of those flexible working modalities. The additional home leave granted to international staff members made it easier for them to connect with their families. The three international staff members who had recently joined the DWT/CO-Moscow had been working from remote locations prior to their arrival, constituting an additional form of flexibility. Consultations with the staff concerned, both local and international, were undertaken on a regular basis, and the Office carefully examined any mobility requirements or concerns expressed by the international staff currently serving at the DWT/CO-Moscow.

738. The Government representative of the Russian Federation repeated his call for a vote on his country's draft amendment given the absence of consensus on the issue.

739. The Chairperson said that at the request of the Government representatives of the Russian Federation and China, the draft decision, as amended by the Russian Federation, would be put to a vote by show of hands, in accordance with paragraph 6.1.1 of the Standing Orders of the Governing Body.

(The proposed amendment was rejected with 2 votes in favour, 38 votes against and 9 abstentions.)

740. The Employer spokesperson wished to know whether, in the absence of consensus on the draft decision prepared by the Office, the amendment proposed by the cross-regional group would also need to be put to a vote if it was not withdrawn.

741. A representative of the Director-General (Legal Adviser) clarified that a vote had to be conducted when it became unavoidable; that was, when there was a determination by the Chairperson, in consultation with the Officers of the Governing Body, that there was no consensus or prospect of consensus.

742. The Chairperson said that she wished first to explore whether there was some way in which consensus could be reached.

(The Governing Body resumed consideration of the item following a brief suspension of the sitting.)

743. Speaking on behalf of the cross-regional group, a Government representative of Sweden welcomed the proposal to open an office in Kyiv and asked the Director-General to confirm to the Governing Body that he and his Office would continue to carefully monitor the health and security of the staff of the DWT/CO-Moscow and report back to the Governing Body.

744. The Director-General confirmed that he would continue to undertake such monitoring and that he would also monitor the situation in all ILO operations coordinated from the DWT/CO-Moscow and ensure that any necessary decisions were taken.

745. Speaking on behalf of the cross-regional group, the Government representative of Sweden withdrew the amendments proposed by her group and proposed adding the words "taking into account the discussions held and the guidance provided during its 347th Session" to the first part of the draft decision.

Decision

746. In the light of the developments in Ukraine outlined in document GB.347/INS/16 and the resolution on the Russian Federation's aggression against Ukraine from the perspective of the mandate of the International Labour Organization (ILO) adopted at its 344th Session (March 2022), taking into account the discussions held and the guidance provided during its 347th Session, the Governing Body:

- (a) noted the information provided in the document;
- (b) reiterated its most profound concern at the continuing aggression by the Russian Federation, aided by the Belarusian Government, against Ukraine and at the impact this aggression is causing to tripartite constituents – workers, employers and its democratically elected Government – in Ukraine, and to the world of work beyond Ukraine;
- (c) urged the Russian Federation again to immediately and unconditionally cease its aggression and withdraw its troops from Ukraine;
- (d) urged once again the Russian Federation to meet all the obligations following from its ratification of ILO Conventions, including the Maritime Labour Convention, 2006, as amended (MLC, 2006), in particular in relation to the repatriation of seafarers and access to medical care; the Radiation Protection Convention, 1960 (No. 115), in relation to the exposure of workers to ionizing radiations in the course of their work; and the Forced Labour Convention, 1930 (No. 29) and its accompanying Protocol of 2014;
- (e) reiterated its unwavering support for the tripartite constituents in Ukraine, requested the Director-General to continue responding to constituents' needs in Ukraine and to expand the ILO's resource mobilization efforts, including in forthcoming international donor conferences on recovery and reconstruction, and welcomed the detailed plan for reinforcing the ILO's presence in Ukraine;
- (f) further requested the Director-General to enhance resource mobilization efforts for other affected countries across the subregion of Eastern Europe and Central Asia;
- (g) requested that the Director-General continue monitoring the impact on the world of work of the Russian Federation's aggression against Ukraine and report to the Governing Body at its 348th Session (June 2023) on developments in the light of the resolution, including the ILO's continued engagement with relevant UN bodies involved in monitoring human rights violations, and the situation of maritime and nuclear workers.

(GB.347/INS/16, paragraph 41, as amended by the Governing Body)

17. Reports of the Committee on Freedom of Association

17.1. 401st Report of the Committee on Freedom of Association (GB.347/INS/17/1) and Addendum: Presentation of the Committee on Freedom of Association annual report for the year 2022 (GB.347/INS/17/1(Add.1))

17.2. 402nd Report of the Committee on Freedom of Association (GB.347/INS/17/2)

- 747. The Chairperson of the Committee on Freedom of Association** said that, at its March 2023 session, the Committee had examined 23 cases on their merits, 7 of which had been closed. The details of those cases were set out in the Committee's 401st Report. While the Committee was appreciative of the efforts made by many governments to provide their observations in a timely manner, at the most recent session several late submissions had hampered its work. He drew the attention of the Governments of Afghanistan, Cameroon, the Democratic Republic of the Congo, Haiti and Madagascar to the urgent appeal issued by the Committee for their respective observations with a deadline of 27 April 2023. Information received after the deadline would not be considered by the Committee in the absence of compelling circumstances. The Committee had examined eight cases in which governments had kept it informed of the measures taken to give effect to its recommendations. Seven of those cases had been closed. He highlighted the progress made regarding collective bargaining in Peru.
- 748.** He drew attention to nine serious and urgent cases. The first two cases (Nos 3203 and 3263) concerned allegations of systematic and serious violations of the right to freedom of association in Bangladesh. The Government had provided the Committee with information that had allowed it to gain a better understanding of the case. The court judgment in the case of the abduction, torture and murder of Mr Aminul Islam had confirmed the need for an independent judicial investigation into the alleged involvement of security forces in that case. The Committee had requested the Government to ensure a thorough and independent inquiry into additional allegations of police violence against trade union leaders in both of the above-mentioned cases.
- 749.** The Committee had expressed its concern that the facts of Case No. 3184 indicated a systemic problem impacting freedom of association in China. The Government had consistently failed to provide the detailed information requested by the Committee. The Committee had invited the Government to accept a direct contacts mission and urged it to take steps, with the technical assistance of the Office, to facilitate tripartite dialogue to ensure respect for freedom of association. It was particularly important for workers to be able to form organizations independent of the existing ones.
- 750.** The next two cases (Nos 2761 and 3074) concerned allegations of murders of trade union leaders and members and other acts of anti-union violence in Colombia. Significant action had been taken by the authorities and progress had been reported in respect of investigations into anti-union violence. The Committee had urged the Government to continue its efforts to ensure the investigation and prosecution of anti-union violence and threats and to afford adequate protection to trade union members.

751. Case No. 2609 concerned a climate of impunity surrounding murder, violence and death threats suffered by trade unionists in Guatemala. The Committee, noting the action taken by the Government, had urged it to intensify its efforts.
752. Another serious and urgent case concerned the Philippines (Case No. 3185), where there had been allegations of a deteriorating labour rights situation characterized by violence, murders, harassment and intimidation. The Committee had urged the Government to strengthen its efforts to combat violence against trade unionists and tackle impunity.
753. The final two serious and urgent cases concerned the Bolivarian Republic of Venezuela. In Case No. 2254, concerning allegations from the employers' organization FEDECAMARAS, the Committee had asked the Government to provide detailed information on the specific results of the Social Dialogue Forum. Case No. 3277 concerned the murder of a trade union leader; the detention, persecution, intimidation and harassment of trade unionists; and the dismissal of a trade union leader at a public enterprise. The Committee had urged the Government to ensure that the investigations into the murder of a trade union leader were given priority.
754. The 402nd Report contained information on measures taken by the Government of Belarus to implement the recommendations of the Commission of Inquiry established to examine the observance by the Government of Conventions Nos 87 and 98. The Committee had deplored that, more than 18 years since the adoption of those recommendations, the situation was worsening. The Committee had urged the Government to abandon its policy of destroying the trade union movement; engage with the ILO to implement the outstanding recommendations of the supervisory bodies; and immediately release and drop all charges against the trade union leaders and members arrested for participating in peaceful assemblies, or for exercising their civil liberties and legitimate trade union activities. The Government had also been urged to accept a visit from ILO officials so that they could ascertain the conditions of arrest and detention and the welfare of the persons arrested and named in the report.
755. Turning to the presentation of the Committee on Freedom of Association annual report for the year 2022, he noted that it contained statistical data on the cases before the Committee. The report also noted that two countries, Colombia and Eswatini, had made use of voluntary conciliation measures at the national level with the support of the Office, thus enabling the Committee to suspend consideration of complaints from those two countries for up to six months. The Committee had also proposed three missions and suggested to governments to avail themselves of technical assistance in nine cases with a view to addressing its conclusions and recommendations.
756. He expressed appreciation to those who had contributed to the work of the Committee, including the Member States, regional groups, Committee members, the Office and the Director-General. He hoped that further resources might be considered for the Committee's secretariat.
757. **The Employer Vice-Chairperson of the Committee** said that his group supported the consensus reflected in all three of the reports of the Committee and encouraged the Governing Body to adopt all the draft decisions. He reiterated the call for governments to submit information in accordance with the Committee's deadlines, as late submissions impaired the Office's ability to provide timely drafts to Committee members, which in turn hindered the discussions.
758. Several of the cases examined had been identified as serious and urgent. A common element in those cases was the persistent failure to provide information regarding serious allegations, and investigative and remedial actions. The purpose of the Committee was not to punish or

blame, but to engage in dialogue to promote and protect freedom of association. Its understanding of local situations depended entirely on the information provided by the parties, and appropriate resolution depended on full disclosure by governments.

- 759.** With regard to the ongoing issues relating to the workload of the Committee and the critical importance of continuing to improve its working methods, he drew attention to paragraph 20 of the annual report, on voluntary conciliation. In addition to what was outlined there, the Committee proposed that complainants be reminded that they can request the support of the Office when considering the option to request a delay, pending the use of voluntary conciliation measures. Encouraging governments and the social partners to engage in local conciliation procedures could promote meaningful resolutions without the need of intervention from the Committee.
- 760.** Lastly, the Employer members believed that it was important to remain vigilant that the Committee stayed within its mandate. At its most recent session, cases had been closed appropriately because any remaining issues were outside of its mandate. Doing so did not weaken the Committee, but rather strengthened its work by focusing its energy on fundamental matters and leveraging the best of social dialogue to find consensus approaches to allegations of failures to protect freedom of association.
- 761. The spokesperson for the Worker members of the Committee** said that his group was deeply concerned about the high number of cases in the 401st Report of the Committee relating to allegations of violence, arbitrary arrest and detention, disappearances and even murder on the basis of trade union activity, and in one case employer activity. Such serious violations could create insurmountable obstacles to the exercise of fundamental labour rights, especially when they were committed with impunity or with the complicity of the State. He called for that issue to be addressed by the entire ILO.
- 762.** The Committee had drawn special attention to nine serious and urgent cases, of which he wished to highlight four. In China, trade unionists had been criminalized and the legislation was incompatible with the principles of freedom of association and the right to collective bargaining. In Guatemala, there had been allegations of a climate of impunity surrounding violence against and murders of trade unionists. There were also two serious and urgent cases related to anti-union violence in Bangladesh.
- 763.** He also wished to highlight the cases concerning Hungary, where legislation imposed an extremely high minimum service requirement for strikes in the education sector; Argentina, where there were allegations of informal economy workers being denied the right to organize; and Hong Kong, China, where several trade unionists had been imprisoned.
- 764.** The Committee had examined cases in which it had been bound to repeat previous conclusions and recommendations due to a lack of progress in their implementation by the government involved. The Committee would continue to discuss the most effective ways to enhance dialogue in that regard.
- 765.** Turning to the 402nd Report, he noted that the situation in Belarus had continued to deteriorate. Numerous trade union leaders and activists had been arrested, prosecuted and imprisoned on the basis of their trade union activities. The Government had denied access to visitors, including officials of the ILO, to ascertain the conditions of arrest and detention and the welfare of those imprisoned. The Committee's recommendations also went beyond those serious matters and the Government was called upon to fully implement long-standing requests regarding legislative matters and the establishment of efficient non-judicial dispute resolution mechanisms.

766. The Committee's annual report for the year 2022 provided information on positive developments in some countries and on the use of the new voluntary conciliation procedure. There had been a sharp drop in cases from Latin America, for which the reasons were as yet unclear. He hoped that workers in the region remained able to access the Committee to raise complaints and to benefit from recommendations for their resolution.
767. **Speaking on behalf of the Government group of the Committee**, which consisted of members appointed by the Governments of Argentina, Colombia, France, Japan, Namibia and Sweden, a Government member from France said that the results of the discussions at the Committee's March 2023 session clearly demonstrated its members' common commitment to promoting the principles of freedom of association and collective bargaining and providing guidance for the realization of these rights.
768. She drew the Governing Body's attention to the cases identified as serious and urgent and to the gravity of the situation in Belarus. In some long-standing cases, governments were invited to accept different forms of support through direct contacts missions and technical assistance and she sincerely hoped that those initiatives would be well received. She expressed appreciation of the fact that some governments had agreed to meet and discuss with representatives from the Committee and the Office.
769. The Committee's task was to examine infringements of the principles of freedom of association and the effective recognition of the right to collective bargaining enshrined in the ILO's Constitution and other foundational documents. The objective of the Committee's complaint procedure was not to blame or punish but rather to engage in a constructive tripartite dialogue to promote respect for workers' and employers' rights in law and in practice, taking into account the particularities of different countries. The replies of governments to the allegations made were of central importance to the Committee's work. She strongly encouraged all her Government colleagues to ensure that deadlines were met to avoid hampering the work of the Committee.
770. The Committee's annual report for the year 2022 provided useful information on the Committee's work and the impact of recent procedural adjustments. It was encouraging to see that the voluntary conciliation procedures continued to play a role in preventing or resolving disputes at the national level. The Committee had also discussed a web-based application template that would facilitate the application procedure.
771. **Speaking on behalf of GRULAC**, a Government representative of Colombia noted the ongoing improvements in the Committee's working methods. Ten cases had been closed owing to a lack of new information in the 18 months following the Committee's most recent examination of the case. Her group strongly encouraged the Committee to continue following that procedure.
772. While she noted that the proportion of cases from her region had fallen, she reiterated her group's request to improve the regional balance in cases brought to the Committee.
773. According to the annual report, most of the cases examined by the Committee concerned threats to trade union rights and civil liberties, protection against anti-union discrimination and the violation of collective bargaining rights. Her group therefore encouraged the ILO to continue field activities to strengthen trade union rights. Voluntary conciliation was important for her region and the ILO should continue to provide technical assistance in that regard.
774. Turning to the Committee's 401st Report, she expressed appreciation for the work that gave rise to the closing of seven cases from her region. She reiterated her group's commitment to providing timely and detailed information. It was important that the Committee analysed

allegations received from complainants and established the facts before issuing recommendations and conclusions to governments.

- 775.** Thanking the Director-General for having provided the necessary resources to expand ILO capacity in her region, she expressed the hope that social dialogue experts would be appointed to the Regional Office for Latin America and the Caribbean in the near future. She encouraged the Committee to strictly implement the working methods that had been adopted.
- 776. A Government representative of Bangladesh** said that the recommendations in paragraphs 158 and 196 of the 401st Report of the Committee on Freedom of Association were partly based on outdated information, which the Committee had not reconciled prior to making its observations. A further instance of inadequate analysis concerned the murder of Mr Aminul Islam. No issue of complicity had been raised during the trial; the recommendation to conduct an independent judicial investigation to identify the intellectual authors of the crime indicated the Committee's misconceptions about due process in Bangladesh. Regarding anti-union discrimination, between 2013 and 2022, 50 cases had been taken to court, 41 of which had been resolved. The other nine cases were either pending or at various stages of legal proceedings. The resolution rate of 82 per cent did not justify the continuation of complaints against his Government.
- 777. A Government representative of China,** referring to the complaint presented by the ITUC, said that the parties concerned had been investigated and punished for violations of the law on public security, not for forming or participating in trade union activities. Her Government had been cooperating actively with the Committee since the case had been submitted and had provided detailed information on the persons involved to the secretariat in 2022.
- 778.** As regards the case concerning the Hong Kong Special Administrative Region, the allegations presented by the ITUC and the International Transport Workers' Federation (ITF) were baseless and unfounded. The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China guaranteed the rights and freedoms of the people of that region. Furthermore, the right to participate in trade union activities was protected by the Trade Unions Ordinance (Cap. 332) and was not affected by the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region. Neither the right to organize nor the right to freedom of association had been violated in that region. Consequently, her Government strongly opposed the misrepresentation of law enforcement actions as suppressing trade unions and their leaders.
- 779. A Government representative of the Bolivarian Republic of Venezuela** said that the complaint presented by the IOE and the FEDECAMARAS was included in the report of the Commission of Inquiry with respect to the Bolivarian Republic of Venezuela, for which reason it did not make sense for the Committee on Freedom of Association to continue to pursue the case. Her Government had requested repeatedly that all the information that it had sent to the Commission of Inquiry be made available to the Committee in order to avoid the duplication of procedures and close all cases for which answers had been provided and solutions found.
- 780.** Referring to the complaint presented by the National Union of Workers of Venezuela (UNETE), the Integrated Workers' Union of Ferrominera Orinoco (SINTRAFERROMINERA), the Confederation of Workers of Venezuela (CTV), the Independent Trade Union Alliance Confederation of Workers (CTASI) and the National Federation of Labour Unions of Higher Education of Venezuela (FENASOESV), she expressed regret that the Committee had not looked in depth at the information that her Government had provided. The allegations about workers had been reviewed by the Commission of Inquiry and the Committee of Experts on the Application of Conventions and Recommendations. Her Government had sent responses to

many of the allegations to the Director-General and the International Labour Standards Department; she asked that they be transmitted to the Committee on Freedom of Association without further delay.

- 781. A Government representative of Belarus** said that the 402nd Report of the Committee on Freedom of Association painted a misleading picture of the situation in Belarus. All of the cases alleged to have involved the persecution of trade unions were instances of prosecutions of either infringements of the law or individuals who had sought to topple the legitimate authorities by unconstitutional means. Despite the detailed, up-to-date information that her Government had provided, the Organization was using accusations of persecution as a pretext to introduce punitive measures under article 33 of the ILO Constitution. Belarus, as a sovereign country, was against foreign intervention in its domestic affairs. Constructive dialogue was called for to resolve matters.

Decisions

- 782. The Governing Body** took note of the introduction to the Report of the Committee, contained in paragraphs 1-55, and adopted the recommendations made in paragraphs: 84 (Case No. 3416: Algeria); 97 (Case No. 3431: Angola); 120 (Case No. 3225: Argentina); 139 (Case No. 3360: Argentina); 158 (Case No. 3203: Bangladesh); 196 (Case No. 3263: Bangladesh); 269 (Case No. 3424: Cambodia); 297 (Case No. 3184: China); 322 (Case No. 3406: China (Hong Kong Special Administrative Region)); 362 (Cases Nos 2761 and 3074: Colombia); 384 (Case No. 3329: Colombia); 412 (Case No. 3333: Colombia); 446 (Case No. 3418: Ecuador); 479 (Case No. 2609: Guatemala); 501 (Case No. 3366: Honduras); 548 (Case No. 3426: Hungary); 595 (Case No. 3414: Malaysia); 610 (Case No. 3377: Panama); 638 (Case No. 3322: Peru); 671 (Case No. 3185: Philippines), 697 (Case No. 2254: Bolivarian Republic of Venezuela); 727 (Case No. 3277: Bolivarian Republic of Venezuela) and adopted the 401st Report of its Committee on Freedom of Association as a whole.

(GB.347/INS/17/1)

- 783. The Governing Body** took note of the sixth annual report of the Committee on Freedom of Association which covers the year 2022.

(GB.347/INS/17/1(Add.1), paragraph 4)

- 784. The Governing Body** approved the Committee's recommendations as set out in paragraph 78 of document GB.347/INS/17/2.

(GB.347/INS/17/2, paragraph 78)

18. Report of the Director-General: Regular report (GB.347/INS/18)

- 785. The Worker spokesperson** welcomed the ratifications listed in the report, in particular the six new ratifications of the Violence and Harassment Convention, 2019 (No. 190), which was still relatively recent. She also welcomed Nigeria's ratification of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), within the first year of it becoming one of the fundamental Conventions.

- 786. The Employer spokesperson** also welcomed the ten ratifications listed in the report. In that regard, he asked whether being generally more informed about how different Member States approached the ratification of Conventions could be helpful to other countries. It could be useful to know whether countries always made a thorough pre-ratification assessment of compliance and the changes necessary to ensure compliance, or whether the national social

partners, including representative and independent employers' organizations, had been adequately consulted and their views and needs taken into account. If so, it would be useful to know whether countries had followed the outcomes of those pre-ratification assessments and developed action plans to ensure correct implementation or ratification, and whether they had made sure that they had the necessary capacity to comply with their reporting obligations.

- 787.** Ratification should only occur once correct application could be assured, ideally in a way that accommodated the needs of the tripartite constituents in the country. In that regard, he urged the Office, in its promotional activities on the ILO Conventions, to advise constituents to take a careful and deliberate approach. Ratification should not be rushed. It should occur at the end of a process towards ensuring compliance, not the beginning. It should not be considered a political element or a declaration of intent; it was in fact a treaty under international law that must be complied with. Such an approach to ratification would improve compliance and allow the ILO's supervisory system to be less burdened and better able to focus on more serious cases.

Decision

- 788.** The Governing Body took note of the information contained in document GB.347/INS/18 regarding membership of the Organization, progress in international labour legislation, internal administration and publications and documents.

(GB.347/INS/18, paragraph 15)

18.1. First Supplementary Report: Documents submitted for information only (GB.347/INS/18/1)

Decision

- 789.** The Governing Body took note of the information contained in the following documents:

- Approved symposia, seminars, workshops and similar meetings (GB.347/INS/INF/1);
- Report of the Committee of Experts on the Application of Conventions and Recommendations (Geneva, 28 November–10 December 2022) (GB.347/INS/INF/2);
- Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO (GB.347/INS/INF/3);
- Report on the status of pending representations submitted under article 24 of the ILO Constitution (GB.347/INS/INF/4(Rev.1));
- Report of the meeting of the tripartite committee to consider further improvements to the approved methodology of SDG indicator 8.8.2 on labour rights (Geneva, 21 October 2022) (GB.347/INS/INF/5);
- Update on the ILO's engagement in the Conference of the Parties to the United Nations Framework Convention on Climate Change (GB.347/POL/INF/1);
- Agreements concluded with other international organizations (GB.347/LILS/INF/1);
- Programme and Budget for 2022–23:
 - Position of accounts as at 31 December 2022 (GB.347/PFA/INF/1/1);
 - Collection of contributions from 1 January 2023 to date (GB.347/PFA/INF/1/2);

- Update on the headquarters building renovation project (GB.347/PFA/INF/2);
- Update on the premises for the ILO Regional Office for Africa and Country Office for Côte d'Ivoire, Benin, Burkina Faso, Mali, Niger and Togo in Abidjan (GB.347/PFA/INF/3);
- First progress report on the implementation of the Information Technology Strategy 2022–25 (GB.347/PFA/INF/4);
- External audit plan (GB.347/PFA/INF/5);
- Follow-up to the report of the Chief Internal Auditor for the year ended 31 December 2021 (GB.347/PFA/INF/6);
- Composition and structure of the staff at 31 December 2022 (GB.347/PFA/INF/7);
- Report of the Board of Trustees of the Special Payments Fund (GB.347/PFA/INF/8);
- Decisions of the United Nations General Assembly on the report of the International Civil Service Commission for 2022 (GB.347/PFA/INF/9);
- Decisions of the United Nations General Assembly on the report of the 72nd session of the United Nations Joint Staff Pension Board (2022) (GB.347/PFA/INF/10);
- Matters relating to the Administrative Tribunal of the ILO: Amendments to the Statute of the International Civil Service Commission and update on the review of the jurisdictional set-up of the United Nations common system (GB.347/PFA/INF/11).

(GB.347/INS/18/1, paragraph 3)

18.2. Second Supplementary Report: Appointment of three Assistant Directors-General (GB.347/INS/18/2(Rev.1))

Decision

- 790.** The Governing Body took note of the appointments made by the Director-General after having duly consulted the Officers of the Governing Body and invited Mr Hao, Ms Seppo and Ms Thompson to make and sign the prescribed declaration of loyalty as provided under article 1.4(b) of the ILO Staff Regulations.

(GB.347/INS/18/2(Rev.1), paragraph 4)

(Mr Hao, Ms Seppo and Ms Thompson made and signed the declarations of loyalty.)

18.3. Third Supplementary Report: Report of the committee set up to examine the representation alleging non-observance by France 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) (GB.347/INS/18/3)

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

Decision

- 791.** The Governing Body, on the recommendation of the Committee:

- (a) approved the report contained in document GB.347/INS/18/3;

- (b) requested the Government of France, in the context of the application of Convention No. 98, to take into account the observations made by the Committee in paragraphs 51 and 62 of the report;
- (c) invited the Government to provide information in that respect for examination by the Committee of Experts on the Application of Conventions and Recommendations; and
- (d) decided to make the report publicly available and to close the representation procedure.

(GB.347/INS/18/3, paragraph 66)

18.4. Fourth Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Chile of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (GB.347/INS/18/4)

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

Decision

792. In the light of the conclusions contained in paragraphs 31 to 40 of the report with regard to the matters raised in the representation, the Governing Body, on the recommendation of the Committee:

- (a) approved the report contained in document GB.347/INS/18/4;
- (b) decided to make the report publicly available and to close the representation procedure.

(GB.347/INS/18/4, paragraph 42)

18.5. Fifth Supplementary Report: Report of the tripartite Committee set up to examine the representation alleging non-observance by Chile of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (GB.347/INS/18/5)

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

Decision

793. In the light of the Committee's conclusions and recommendations, the Governing Body:

- (a) approved the report contained in document GB.347/INS/18/5 and, in particular, the conclusion formulated in paragraph 30; and
- (b) decided to make the report publicly available and to close the procedure initiated by the representation made by the Single Central Organization of Chilean Workers.

(GB.347/INS/18/5, paragraph 32)

18.6. Sixth Supplementary Report: Report of the Committee set up to examine the representations alleging non-observance by Peru of the Hours of Work (Industry) Convention, 1919 (No. 1) (GB.347/INS/18/6)

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

Decision

794. In the light of the conclusions set out in paragraphs 23, 24, 29 and 30 of the report with regard to the matters raised in the representation, the Governing Body, on the recommendation of the Committee:

- (a) approved the report contained in document GB.347/INS/18/6;**
- (b) decided to make the report publicly available and to close the procedure resulting from the representations.**

(GB.347/INS/18/6, paragraph 32)

19. Reports of the Officers of the Governing Body

19.1. First report: Representation alleging non-observance by France 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), the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Workers' Representatives Convention, 1971 (No. 135) (GB.347/INS/19/1)

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

Decision

795. In light of the information contained in document GB.347/INS/19/1, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was not receivable.

(GB.347/INS/19/1), paragraph 5)

19.2. Second report: Representation alleging non-observance by Uruguay of the Hours of Work (Industry) Convention, 1919 (No. 1), the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), and the Occupational Safety and Health Convention, 1981 (No. 155) (GB.347/INS/19/2)

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

Decision

- 796.** In the light of the information contained in document GB.347/INS/19/2, 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.347/INS/19/2), paragraph 5)

19.3. Third report: Representation alleging non-observance by Chile of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) (GB.347/INS/19/3)

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

Decision

- 797.** In the light of the information contained in document GB.347/INS/19/3, 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.347/INS/19/3), paragraph 5)

19.4. Fourth report: Representation alleging non-observance by Serbia of the Forced Labour Convention, 1930 (No. 29), the Labour Inspection Convention, 1947 (No. 81), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), the Migration for Employment Convention (Revised), 1949 (No. 97), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Labour Administration Convention, 1978 (No. 150) and the Safety and Health in Construction Convention, 1988 (No. 167) (GB.347/INS/19/4)

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

Decision

- 798.** In the light of the information contained in document GB.347/INS/19/4, and taking into consideration the recommendation of its Officers, the Governing Body decided:
- (a) that the representation was receivable and to set up a tripartite committee to examine it;
 - (b) that considering that the representation concerns issues similar to those raised in another representation, the two cases should be examined jointly by the same tripartite committee;
 - (c) to refer the elements of the representation regarding non-observance of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) to the Committee on Freedom of Association for examination in accordance

with the procedure set out in the Standing Orders on articles 24 and 25 of the ILO Constitution.

(GB.347/INS/19/4), paragraph 6)

19.5. Fifth report: Representation alleging non-observance by Serbia of the Forced Labour Convention, 1930 (No. 29), the Labour Inspection Convention, 1947 (No. 81), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), the Migration for Employment Convention (Revised), 1949 (No. 97), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Labour Administration Convention, 1978 (No. 150), the Occupational Safety and Health Convention, 1981 (No. 155), the Safety and Health in Construction Convention, 1988 (No. 167), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) (GB.347/INS/19/5)

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

Decision

799. In the light of the information contained in document GB.347/INS/19/5, and taking into consideration the recommendation of its Officers, the Governing Body decided:

- (a) that the representation was receivable and to set up a tripartite committee to examine it;
- (b) that considering that the representation concerns issues similar to those raised in another representation, the two cases should be examined jointly by the same tripartite committee;
- (c) to refer the elements of the representation regarding non-observance of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), to the Committee on Freedom of Association for examination in accordance with the procedure set out in the Standing Orders on articles 24 and 25 of the ILO Constitution.

(GB.347/INS/19/5), paragraph 6)

20. Composition, agenda and programme of standing bodies and meetings (GB.347/INS/20)

800. The Employer spokesperson said that his group agreed with the draft decision.

801. The Worker spokesperson said that she would appreciate extending future Governing Body meetings to include an additional day, as the current session had had an excessively heavy agenda, resulting in too many night sittings and had exhausted delegates. It should therefore be noted that the provisional dates contained in Part II of the document could change.

Decision

802. The Governing Body, upon the recommendation of its Officers:

- (a) approved the holding of the Workers' Symposium: New Approaches to Workers' Education for Trade Union Revitalization on 18–20 September 2023;
- (b) authorized the Director-General to issue an invitation to the organizations listed in the appendix to document GB.347/INS/20, it being understood that it would be for the Conference to consider their requests to participate in the work of the committees dealing with the agenda items in which they have stated a special interest, and to inform the organizations concerned that they may nominate one person only for each of the agenda items in respect of which their interest has been recognized;
- (c) endorsed the proposals made in relation to the invitation of intergovernmental and international non-governmental organizations as observers to the other official meetings listed in the appendix to document GB.347/INS/20; and
- (d) took note of the programme of meetings contained in Part II of document GB.347/INS/20, subject to further decision-making of the Governing Body.

(GB.347/INS/20, paragraph 11)

Closing remarks

- 803. The Worker spokesperson** applauded the Chairperson for her excellent work and wished the Director-General well in implementing all of the decisions made by the Governing Body, in addition to the other challenges he faced.
- 804. Speaking on behalf of the Government group**, a Government representative of Germany commended the Chairperson for her prudent leadership during a difficult session with a dense and substantial agenda. She also thanked the social partners and the Office, as well as the interpreters and technicians.
- 805. The Employer spokesperson** echoed the comments made by the previous two speakers.
- 806. The Chairperson**, noting that it would be the last Governing Body meeting over which she would preside until her successor took over at the June session, said that it had been her privilege to moderate the debates on sometimes complex and sensitive issues during the session. She thanked all participants for their good will and collaboration in a task that was not always easy. She also expressed her thanks to the Office, particularly the Official Meetings, Documents and Relations Department, as well as to the two Vice-Chairpersons and their respective groups, for their tenacity, and the Government representatives and the regional groups, for their professionalism. It had been an exhausting session and everybody agreed that something needed to change. Hopefully, creative solutions could be found in order to have more effective sessions in the future.